

PATENT INFRINGEMENT CASES.

United States Circuit Court—Eastern District of Pennsylvania, in Equity.

Reeves vs. Keystone Bridge Company, J. H. Linville and others.

This was a suit for infringement of the complainant's patent of June 17, 1862. The patent is for an improvement in the construction of columns, shafts, braces, etc., and the invention consists in the use of three or four wrought iron bars of such shapes and dimensions that, when arranged together in the direction of their length and fastened by rivets or bolts through their flanges, they form a hollow shaft or column.

The respondents admitted the making and using of the column described in the patent, but denied its novelty on the following grounds:

1. That the invention was originally made by Jacob H. Linville and John H. Piper.
2. That it was described in the *Allgemeine Bauzeitung* for September, 1861.
3. That it was illustrated by a drawing in the *Dreyfuss Album* bearing the imprint of 1861.

We regret that our space will not permit us to give the opinion by McKennan, Circuit Judge, in full. Its essential features follow:

It appeared in regard to the first allegation that, on the 14th of January, 1862, a patent was granted to J. H. Linville for an improvement in iron truss bridges, which consists of a post composed of two rolled plates of wrought iron, semi-octagonal in form, secured by rivets passing through its diameter, or by bands shrunk around it, binding the plates firmly to distance pieces interposed between them at suitable distances to spring them apart at the middle, and terminating in cast iron bases and capitals. This was held by the judge to be essentially distinguishable from the complainant's post. It next appeared that in 1865 Linville, in conjunction with Piper, applied for and obtained a patent nominally for improvements in his post of 1862, but, really changing its fundamental organization, and seeking to fix its invention in 1860, and in fact describing and appropriating the distinctive features of Reeves' post, which had been patented three years before. It was shown in evidence that in 1860 Linville and Piper were engaged together in getting up plans for a proposed railroad bridge, and that sketches of various forms of posts, including those described in the patents of 1862 and 1865, were made; that the sketches of the post described in the 1865 patent were preserved for a time, but were lost, and, in fact, that nothing beyond making the sketches was done to embody or carry out the alleged invention until the patent of 1865 was applied for. After an exhaustive consideration of the question whether or not these sketches would carry back the date of the invention to the time when they were made, the Judge held that, whether they are to be considered as an incomplete invention not prosecuted with the required diligence, or as an experiment actually abandoned, they cannot impair the right of Reeves to be treated as the first inventor.

In regard to the second allegation, it was held that a column, constituted as described in the publication referred to, differs from Reeves' column in the necessary elements composing it and in its principles; and respecting the third reference, as it did not appear that the book was published before the patentee's invention, it was held, as evidence, to be altogether inconsequential.

The complainant is entitled to an allowance of the prayers of his bill, and a decree will therefore be entered for a perpetual injunction and an account, with costs.

George Harding and R. C. McMurtrie, Esqs., for the complainant.
C. B. Collier and Theodore Cuyler, Esqs., for respondents.

The Keystone Bridge Company vs. The Phoenix Iron Company.

This was a case of alleged infringements of Linville's and Linville and Piper's patents of 1862 and 1865, referred to in the preceding case.

In the opinion delivered by McKennan, Circuit Judge, his Honor did not deem it necessary to consider the alleged infringements of certain claims, in view of the decision just rendered in the case of Reeves vs. The Keystone Bridge Company, and after pointing out the essential difference between the bars claimed by the complainants and those made by the respondents, dismissed the patent of 1862 from further consideration. In regard to the third claim in the patent of 1865, which is for "the use, for the lower chords of truss frames, of wide and thin rolled bars, with enlarged ends formed by upsetting the iron, when heated, by compression into molds of the required shape," the respondents were proved to have only made round bars which were not employed or adapted to give vertical support to the roadway, which is an important function of the complainant's lower chords and the reason of their peculiar conformation. Further, it is not to be doubted that the patent is limited to the use of the chords in bridge structures. This is distinctly set forth in the specification where it is stated: "We do not claim the upsetting of bars in the manner described, nor any particular mode of performing the operation, but merely the use of chord bars," etc. Thus the exclusive right to make chord bars in any mode is disclaimed. In effect, they declare that any one may lawfully make the bars, and that no encroachment upon their rights is committed until the bars are used by being put into a bridge. Now, the respondents are iron manufacturers, and it was shown that the bridge in question was built by Kellogg & Clark, who obtained the iron for it from the respondents, and that the bottom chords used were like those claimed by the complainants. It was held that this proof of infringement fell far short of fixing any accountability upon the respondents, who made the bars, but did not use them. They only did what they had a legal right to do, and did not thereby assume any responsibility for the wrongful acts, or become involved in the unlawful purposes, of others. Bill dismissed, with costs.

C. B. Collier and Theodore Cuyler, Esqs., for complainants.
George Harding and R. C. McMurtrie, Esqs., for respondents.

United States Circuit Court.—Maine.—Miller vs. Androscoggin Pulp Company.

The defendants in this case were charged with an infringement of letters patent for a new and useful improvement in reducing wood to paper pulp, for which letters patent were issued, August 10, 1858, to Henry Voelter, assignor to Alberto Pagenstecher.

The Voelter patent is for an improvement in the art of reducing wood into pulp for use in paper, and also for certain improvements in machinery therefor.

In all the processes used prior to the present invention the wood has been acted upon by the stone in one of two ways: namely, either by causing the surface of the stone to act upon the ends of the fibers, the surface of the stone moving substantially in a plane perpendicular to the fibers of the wood; or, secondly, by acting upon the fibers in such a direction that they were severed diagonally, the surface of the stone moving diagonally across the fibers.

The first plan, in fact, made powder of the wood. The pulp had no practical length, and on trial proved worthless, or nearly so. The second plan was carried out by the use of a stone revolving like an ordinary grindstone, the wood being applied upon the cylindrical surface thereof, with the fibers perpendicular, or nearly so, to planes passing through the axis of the stone and the point or locality where the grinding was performed; and this plan also failed because the fibers were cut off in lines diagonal to their own length, and were consequently too short to make good pulp.

This improvement consists in grinding or rather tearing out the fibers from the bundle of fibers which makes up a piece of wood, by acting upon them by a grinding surface which moves substantially across the fibers and in the same plane with them without cutting or severing the fibers either perpendicularly or diagonally to their length as heretofore. The defense claimed that substantially the same process was shown in other patents. The invention is regarded as one of importance. Judge Shepley held the patent to be valid, and granted an injunction.

NEW BOOKS AND PUBLICATIONS.

THE AMERICAN NEWSPAPER DIRECTORY: Containing Accurate Lists of all the Newspapers and Periodicals published in the United States and Territories, and the Dominion of Canada and British Colonies of North America; together with a Description of the Towns and Cities in which they are Published. New York: Geo. P. Rowell & Co., Publishers and Newspaper Advertising Agents, No. 41 Park Row.

This book is already well known to the public, more especially to advertisers and publishers; and the new edition is corrected up to this date, and contains the full and accurate information claimed for it on the title page. Messrs. Rowell and Co. deserve credit, not only for compiling a trustworthy guide to the newspaper world, but also for the production of so handsomely printed a volume.

THE IMMIGRANT BUILDER; OR, PRACTICAL HINTS TO HANDY MEN: Showing clearly how to Plan and Construct Dwellings, in the Bush, on the Prairie, or elsewhere, Cheaply and Well, with Wood, Earth, or Gravel. Copiously Illustrated. By C. P. Dwyer, Architect, Editor of "Sloan's Architectural Review," Author of the "Economic Builder," etc. Price \$1.50. Philadelphia: Claxton, Remsen, and Haffelfinger.

This book will be useful to thousands who are now pushing their fortunes on the western prairies, and to many of whom the question of a comfortable home is of chief importance, and its absence the greatest hardship. We shall probably make extracts from this volume in a future publication.

FOURTH ANNUAL REPORT ON THE NOXIOUS, BENEFICIAL, AND OTHER INSECTS OF THE STATE OF MISSOURI. By Charles V. Riley, State Entomologist. Regan & Edwards, Public Printers, Jefferson City, Mo.

This is an able and comprehensive report on the above subject, for the year 1871, made to the Missouri Board of Agriculture. It contains about 150 pages, with explanatory illustrations, and is indexed.

THE SIGN PAINTER'S GUIDE. By James T. Gardiner. Published by the Author. Cincinnati.

This little work is written with the view of helping sign painters in acquiring an adequate knowledge of their business, including glass gliding, pearl work, etc. It contains, besides, much general information, many valuable receipts, and instructions for using Callow's patent graining apparatus.

THE SCIENCE OF ÆSTHETICS; OR THE NATURE, KINDS, LAWS, AND USES OF BEAUTY. By Henry N. Day. Published by Charles C. Chatfield & Co., New Haven, Conn.

This treatise on the "general subject of beauty as perfect form" was specially prepared by the author in view of the demand for text books in this department of study. It is an elegant volume of over 400 pages, and is adorned with several fine engravings.

SELECTIONS FROM FAVORITE PRESCRIPTIONS OF LIVING AMERICAN PRACTITIONERS. By Horace Green, M.D., LL.D. New York: John Wiley & Son, 15 Astor Place.

This is a new and excellent edition of a valuable work, to which has been added a carefully prepared toxicological table which exhibits symptoms, antidotes and tests. Published at \$2.50.

The History of a Great Enterprise.—In eighteen hundred and fifty-four, the original incorporators of the WILSON SEWING MACHINE COMPANY embarked in the manufacture of Sewing Machines, and from that time to the present, their time, talent, energy and capital have been employed in making First Class Sewing Machines, with varied success attending their efforts. It being their constant aim to produce a Shuttle or Lock-Stitch Machine that should be simple to handle, durable as steel and iron could make it, with unlimited capacity, unexcelled by any other machine, regardless of name or price, and withal to confine the price within the reach of all classes of people; and success has crowned their efforts in the production of the celebrated WILSON UNDER-FEED SHUTTLE SEWING MACHINES, which combine all the Elegance, Simplicity, Durability and Strength possible for any sewing machine to attain, and they are the First and Only First Class moderate priced machines put in the market. Salesroom, 707 Broadway, New York; also for sale in all other Cities in the United States.

Facts for the Ladies.—Mrs. John Bogert, Jersey City, N. J., bought a Wheeler & Wilson Lock-Stitch Sewing Machine, and earned enough to pay for it in five weeks, stitching linen coats. See the new Improvements and Woods' Lock-Stitch Ripper.

Burnett's Cologne Water wins for itself a favorite place on the dressing table.

Business and Personal.

The Charge for Insertion under this head is One Dollar a Line. If the Notices exceed Four Lines. One Dollar and a Half per Line will be charged.

Dry Steam, dries green lumber in 2 days; tobacco, in 3 hours; and is the best House Furnace. H. G. Bulkley, Patentee, Cleveland, Ohio.

The paper that meets the eye of manufacturers throughout the United States—Boston Bulletin, \$4 00 a year. Advertisements 17c. a line.

Situation wanted as Assayer, for any or all branches, or as Analytical Chemist. Address S. P. C., 60 W. 22nd street, New York.

Dederick's Self-tightening Crank Box, 79 Beach St., New York.

Cutlery Grindstones, equal to the best foreign, made by Worthington & Sons, North Amherst, Ohio.

\$15,000.—I will give this for the right of a GOOD "Clothes Washer." Send drawings and stamp to J. C. Miller, Pittsburg, Pa.

Bliss' Gate and Door Spring is unequalled. Send \$1.00 for prepaid samples. Agents wanted. J. Bliss, Cleveland, Ohio.

For the best Foot Power Jig Saw, address Goodnow & Wightman, 23 Cornhill, Boston, Mass.

Manufacturers of lamps, burners, lamp goods, illuminating oils and gasoline, please correspond with T. Tully & Co., Springfield, Ill.

Steel Measuring Tapes Manufactured and for Sale by W. H. Paine, Greenpoint, N. Y. (Send for Circular.)

An experienced Patternmaker, has a good knowledge of Draughting, used to Steam Engine, Mill, and House Work, wants a situation as Foreman. Address Lock Box 59, Corry, Pa.

Patent Right for Sale—A cheap and novel "Measuring Canister." Address S. E. S., Lock Box 62, Washington, D. C.

Hexagon Iron—superior quality for screws, &c., 9 16 in. 09½, ¾ in. 09, 11-16 in. 09, ¾ in. 08½, ¾ in. 08, 1 in. 08, per lb. The above is price per bundle; single bars 2 cts. higher. Goodnow & Wightman, 23 Cornhill, Boston, Mass.

Glass Work for Inventors. T. Degnan, 115 Milk St., Boston, Ms.

For land fire engines, address Rumsey & Co., Seneca Falls, N. Y.

Small second hand or new Upright or Horizontal Boiler, requiring no Brick Work, wanted for Engine 6x6 Cyl., for cash. C. Kratz, Evansville, Ind.

T. Shaw's Steam Gauges, Ridge av. & Wood st., Phila., Pa.

If you want a perfect motor, buy the Baxter Steam Engine.

Brown's Coal-yard Quarry & Contractors' Apparatus for hoisting and conveying material by iron cable. W. D. Andrews & Bro., 414 Water st., N. Y. Mining, Wrecking, Pumping, Drainage, or Irrigating Machinery, for sale or rent. See advertisement, Andrews' Patent, inside page.

For Tri-nitro-glycerin, insulated wire, exploders, with pamphlet, as used in the Hoosac Tunnel, send to Geo. M. Mowbray, North Adams, Mass.

All kinds of Presses and Dies. Bliss & Williams, successors to Mays & Bliss, 113 to 123 Plymouth St., Brooklyn. Send for Catalogue.

For Steam Fire Engines, address R. J. Gould, Newark, N. J. Presses, Dies, and Tinners' Tools. Coner & Mays, late Mays & Bliss, 4 to 8 Water st., opposite Fulton Ferry, Brooklyn, N. Y.

In the Wakefield Earth Closet are combined Health, Cleanliness and Comfort. Send to 36 Dey St., New York, for descriptive pamphlet.

Best and Cheapest—The Jones Scale Works, Binghamton, N. Y.

If you want to know all about the Baxter Engine, address Wm. D. Russell, office of the Baxter Steam Engine Co., 18 Park Place, N. Y.

Hoisting and Pumping Engines (Locomotive principle); best and simplest, from 6 to 40 H. P. J. S. Mundy, 7 R. R. Av., Newark, N. J.

Dickinson's Patent Shaped Diamond Carbon Points and Adjustable Holder for dressing emery wheels, grindstones, etc. See Scientific American, July 24 and Nov. 20, 1869. 61 Nassau st., New York.

Peck's Patent Drop Press. For circulars address the sole manufacturers, Milo, Peck & Co., New Haven, Ct.

T. Shaw's Blast Gauges, Ridge av. & Wood st., Phila., Pa.

Callow's New Patent Mode of Graining Wood, Makes Painters grain all woods first class who never grained before; Likewise makes Grainers lightning fast who thumbed it out before. Address, with stamp, J. J. Callow, Cleveland, Ohio.

The most economical Engine, from 2 to 10 H. P., is the Baxter.

Wanted—A Purchasing Agent in every city and county, to supply Nye's fine Sperm Sewing Machine Oil. Put up in Bottles, Cans, and Barrels, by W. F. Nye, New Bedford, Mass.

Presses, Dies & all can tools. Ferracute Mch Wks, Bridgeton, N. J. Also 2-Spindle axial Drills, for Castors, Screw and Trunk Pulleys, &c.

The Patna Brand of Page's Patent Lacing is the best. Orders promptly filled by the Page Belting Co., No. 1 Federal St., Boston.

Absolutely the best protection against Fire—Babcock Extinguisher. F. W. Farwell, Secretary, 407 Broadway, New York.

Over 800 different style Pumps for Tanners, Paper Makers, Fire Purposes, etc. Send for Catalogue. Rumsey & Co., Seneca Falls, N. Y.

The Baxter Steam Engine is safe, and pays no extra Insurance.

Self acting Screen makes 6 grades Coal, ores, &c. A State right at a bargain. Geo. Lord, 232 Arch Street, Philadelphia, Pa.

Important.—Scale in Steam Boilers—We will Remove and prevent Scale in any Steam Boiler or make no charge. Geo. W. Lord, 232 Arch Street, Philadelphia, Pa.

"Anti Lamina" will clean and keep clean Steam Boilers. No injury to iron. Five years' use. J. J. Allen, Philadelphia, Pa.

Williamson's Road Steamer and Steam Plow, with Rubber Tires. Address D. S. Williamson, 32 Broadway, N. Y., or Box 1809.

Boiler and Pipe Covering manufactured by the Chalmers Spence Non-Conductor Co. In use in the principal mills and factories. Claims—Economy, Safety, and Durability. Offices and Manufactories, foot E. 9th street, New York, and 1202 N. 2d street, St. Louis, Mo.

Derricks built by R. H. Allen & Co., New York and Brooklyn.

For the best Recording Steam and Indicating Gauges, address The Recording Steam Gauge Co., 91 Liberty Street, New York.

For Solid Wrought-iron Beams, etc., see advertisement. Address Union Iron Mills, Pittsburg, Pa., for lithograph, etc.

Belting as is Belting—Best Philadelphia Oak Tanned. C. W. Arny, 301 and 303 Cherry Street, Philadelphia, Pa.

Boynton's Lightning Saws. The genuine \$500 challenge. Will cut five times as fast as an ax. A 6 foot cross cut and buck saw, \$6. E. M. Boynton, 80 Beekman Street, New York, Sole Proprietor.

Hydraulic Jacks and Presses, New or Second Hand, Bought and sold, send for circular to E. Lyon, 470 Grand Street, New York.

Shive's Patent Watchman's Time Detector—the most unerring detector extant. Price \$15. Shive Governor Co., 12th and Buttonwood Sts., Philadelphia, Pa.

T. Shaw's Hydraulic Gauges, Ridge av. & Wood st., Phila., Pa.

Kemmer's Patent Oil Frescoing—great improvement for frescoing Ceilings and Walls. Office, No. 4 Warren St., New York. Factory, East Newark, N. J.

Better than the Best—Davis' Patent Recording Steam Gauge Simple and Cheap. New York Steam Gauge Co., 46 Cortlandt St., N. Y.

To Ascertain where there will be a demand for new Machinery, mechanics, or manufacturers' supplies, see Manufacturing News of United States in Boston Commercial Bulletin. Terms \$4.00 a year.