DECISIONS OF THE COURTS.

United States Circuit Court---Northern District of New York.

PATENT CANNED GREEN CORN.—J. WINSLOW JONES *et al. vs.* G. LEWIS MERRILL AND OSCAR F. SOULE.— SAME *vs.* JOHN H. NOYES *et al.*— SAME *vs.* W. B. OSTRANDER *et al.*

Motions for preliminary injunctions to restrain alleged infringements of etters patent granted to John W. Jones, April 8, 1862, and May 13, 1862, for certain inventions of Isaac Winslow, relating to a new and useful improvement whereby corn in its green state is preserved in hermetically sealed cans. The first of the patents was for the product; the second, for the process

[In equity.—Before WALLACE, J.]

Held:—An adjudication in favor of a patent at final hearing, and after full consideration of elaborate proofs touching the validity of the patent, must be held controlling upon an application for a preliminary injunction, unless cogent evidence is presented in addition to that which was found insufficient upon the final hearing.

While the fact that the defendant has obtained a patent for his process is not controlling in proceedings for an injunction, it is entitled to some weight.

The process covered by the patent of John W. Jones, assignee of Isaac Winslow, May 13, 1862, for preserving corn in its green state, involves three distinct features, each of which is essential to the result: First, separating the kernels from the cob; second, placing them in their natural juices in cans; third, sealing the cans hermetically and subjecting them to heat by water or steam until the kernels are thoroughly cooked.

This patent would not be infringed by a process in which the corn, whether on the ear or removed therefrom, is thoroughly cooked by the direct application of steam before it is canned.

Where it appeared that the defendants subjected their corn to the direct action of steam, or otherwise "cooked" it, before canning it, but heated it again in a steam bath after canning, a preliminary injunction under the Winslow patent was denied, although grave doubts were entertained as to whether that part of the defendants' process which was adopted prior to the canning was anything more than a colorable departure from the patented process.

Where defendants claimed to cook their corn in the ear thoroughly before subjecting it to heat in the sealed cans, but the printed label on their cans, prepared when they had no interest to warp the facts, stated that the corn was "cut from the cob while fresh and sealed at once, and then prepared by an entirely new process," etc.: Held, that in proceedings for an injunction the defendants must be concluded by the statement they thus published to the world.

Where complainants were chargeable with knowledge of defendants' acts, but permitted them to continue their manufacture, and in response to an inquiry as to whether they regard defendants' process to be an infringement, returned an answer that led defendants believe that they did not, an injunction was refused.

It is a general principle of equity jurisprudence that the court will not lend its extraordinary aid, by way of preliminary injunction, to any claimant who has encouraged or acquiesced in an infringement of his right, or unreasonably delayed in prosecuting for its violation.

Compensation for damages accrued and protection from future damages is all such a complainant is entitled to. This provided for by a bond.

[*W. H. Bright, W. H. Clifford*, and *E. W. Fox*, for complainants.
Smith, Markham, & Smith, for Merrill & Soule.
Tower & Joslyn, for Noyes *et al.*
Sedgwick, Kennedy & Tracy, for Ostrander *et al.*

Recent American and Foreign Patents.

Improved Tram Stick.

John R. Byer, Attica, Mich., assignor to himself and Arthur H. Fish, same place.—The object is to improve the means for "tramming" the spindles and stones of grinding mills, and the device consists in a tram stick having an adjustable lever, to the end of which lever the "quill" is attached, and to the other end of which lever is an adjusting screw.

Improved Hose Coupling.

Mark M. Lewis, New York city, assignor to himself and Albert C. Aubery, same place.—This is a hinged two-part tubular coupling, provided with flanges, grove, and rabbet, to enable it to be used independently, or with a middle-ribbed inner coupling.

Improved Railroad Gate.

John H. Eberhart, Sumter, S. C.—This invention consists of a pair of sliding gates meeting together at the middle of the way, which are coupled on each side by a bell crank and rods. There is a slide to be moved by the locomotive to open the gate when the locomotive approaches it, and to be closed by the rear car when the train passes away.

Improved Printing Press.

Calvert B. Cottrell, Westerly, R. I.—This relates to a graduated cam and segmental lever, which take the cylinder while in full speed from the bed, which is also in full speed, and stop it, while the bed continues its motion at full speed. They stop the cylinder, while the bed runs on, and without losing any time whatever on account of the stopping of the cylinder. Air springs are provided whose cylinders are on each end of the bed, while their stationary pistons are in corresponding positions on each end of the frame. These springs take up the momentum that is transferred thereto by the bed at each stoppage, and then retransfer the same at the start of the bed on its return in the opposite direction, thus allowing but little lost motion, and enabling the machine to be run much faster than usual, and with much less than the ordinary motive power.

Improved Car Starter.

Anthony A. Jones, Utica, N. Y., assignor to himself and Julius F Chesebrough, same place.—This invention relates to the mode of connecting the foot rod which projects up through the platform of the car with the pawl, rod, and lever which operate the ratchet wheel mounted on the front axle. When the driver applies his foot to the plate on the rod, the horizontal arm of an elbow lever is depressed, thereby causing another rod to carry one or the other of the pawls into engagement with the ratchet. Simultaneously with this engagement, other devices act so that the pressure is thenceforth applied directly to the lever so long as it continues.

Improved Suspension Book Rack.

Frederick F. Hill, Essex, Conn.—This is an improved folding rack for books and ornaments, to be hung against a wall, so constructed that the shelves may be adjusted and secured at any desired distance apart.

Improved Wet and Dry Ore Crusher.

Henry Bolthoff, Central City, Col. Ter., assignor to himself and Charles F. Hendrie, same place.—A hollow cylinder revolves upon truck wheels placed in a frame. The motive power is applied to one of the truck wheel shafts, driving the mill by friction of the truck wheels on the periphery of the two heads, which are connected together by staves. The heads have a flange on the outer rim, and are protected from wear on the inner side by liners. For wet crushing, these staves are made watertight by the insertion of proper packing between them and at the ends, each stave having projecting ribs to help hold the packing and stiffen the stave. Through the center of the cylinder, which is open, is placed a hollow pipe. Through this is fed the ore and water, the pipe having openings for the discharge of the same into the outside of the cylinder. Balls of cast iron are placed inside, and by the motion of the cylinder the ore and balls are brought into contact, and the crushing is done by concussion and abrasion; and when the ore is sufficiently fine to float, it rises to the top of the water and passes out in the form of pulp through registers on either side near the center into hoppers fastened to the stands; thence it passes in pipes to the amalgamating coppers, as used with stamps. For dry crushing, of course the ore, instead of discharging at the centers, discharges around the periphery through interstices between each stave, which are made much narrower than the wet mill stave, to give more discharging capacity, and are so shaped on the inside as to form corrugations, thus preventing packing of ore and balls, and thus aiding free discharge.

Improved Traveling Can.

Antoine Alexis Gervais, Paris, France, assignor to A. Gervais & Co., same place.—This relates to field cans in which are a chamber, having a fire grate or basket, an air channel, and a draft flue.

Improved Corn Sheller.

Hiram C. Creekmore and John W. McMillan, Salado, Tex.—This is a combination, with an inclined box, open on one side, of a cylinder or roller, to which saws and strips or bars are applied as means whereby the husks are stripped from the ears of corn, and the kernels removed as the ear passes through the box.

Improved Buckle Loop.

Frederick A. Neider, Madison, Ind.—This relates to an improved loop and buckle for carriage back stays and curtains, and consists of a flanged buckle-fastening plate tacked to the curtain or back stay, in connection with a sliding box fastened by the flanges and held in position by the buckles.

Improved Ventilator Cap.

Henry A. Gouge, New York city.—The base of the cap is secured to the upper end of the ventilator flue. The body of the cap is made of the same shape as the lower part, but larger, and is so arranged that its lower part may overlap the upper end of the lower part. The part is connected with, and supported from, the base part by bars. To the bars are secured the deflector, which is made in the form of two low pyramids, placed base to base. To the upper edge of the base part is attached the edge of a plate, which projects downward and outward until in line with the lower edge of the body, at which point it is bent inward and upward at an acute angle, thus forming an angular cornice around the top of the base. It is claimed that, no matter from what direction the wind blows, it not only cannot enter the flue, but actually induces an upward draft through the flue.

Improved Detachable Link for Chains.

Charles H. Gillingham and Albert L. Gillingham, Griggsville, Ill.—This detachable link for spur wheel chains will enable links to be quickly attached and detached, to lengthen and shorten the chain or to replace a broken or worn link with a new one. The invention consists in the body and a crosshead key, secured to each other detachably by a pin.

Improved Waterproofing Compound for Leather.

James Clunan, Brooklyn, N. Y.—This is a compound of paraffin, tallow, and resin, which are melted together, and with which the leather is impregnated.

Improved Traverse Motion.

Charles L. Noe, Bergen Point, N. J.—A master wheel, with two half circular cog rims in different planes, is arranged in combination with a train for turning a screw for working a traverse guide. In the train there are two pinions for transmitting the motion from the master wheel alternately in different directions, one taking it from one of the cog rims and the other taking it from the other rim. One of these pinions transmits the motion direct, while the other transmits it through the first pinion, so that one causes the screw to turn one way and the other turns it the other way, this producing a continuous traverse of the guide forward and backward. The invention is applicable for bobbin winders for sewing machines, reels for fishing rods, and other spool or bobbin winding apparatus.

Improved Sad Iron.

Henry R. Robbins, Baltimore, Md.—This invention consists in a simple and ingenious device for the attachment of a handle to a sad iron, whereby it can be readily and easily detached from one iron and attached to another, thus making one handle answer for a number of irons.

Improved Steam Rock Drill.

Joseph C. Githens, New York city.—In describing this invention, on page 122 of our current volume, the following description of an essential part of the apparatus was omitted, owing to an error in the printed copy of the letters patent: The valve-shifting piston is made with hollow ends, a solid center and side ports, and is provided with a sliding band, made with ports at a greater distance apart longitudinally than the small holes or ports in combination with the cap of the steam chest, the sliding valve, the ports opening into the cylinder, and the piston.

Improved Screw Propeller.

Lewis C. Cary and George F. Cary, Portland, Me.—This is a combination of a hollow watertight protecting rim with the blades of a propeller. The protecting rim is constructed of a flat band, an oval band, and the stiffening rim. The object of the bands is to make the ring watertight and buoyant.

Improved Sleeve Button.

Jacob G. Missimer, Trenton, N. J.—The shank is bent at right angles to form a foot. In the outer side of the foot is formed a wide dovetailed groove, to receive a bar, which is made twice the length of the foot. The end of the bar and the foot are pushed through the button hole, which allows the shank to pass into the said button hole. The bar is then pushed forward and locked by a spring catch. To detach the button, a finger is inserted beneath the cuff, and the bar is pushed back, and the foot and bar are drawn out of the button hole.

Improved Gang Plow.

David A. Manuel, Napa, Cal.—The crank axle of the rear supporting wheel swings in a sleeve of the main beam. Both supporting wheels are applied by their crank axles in such a manner to the main beam that they run parallel to the line of draft. Two plows are firmly attached by clips to the main beam between the supporting wheels, and are adjustable thereon to different widths. A thimble is swiveled to an extension of the rear crank arm, and travels in forward or backward direction on a screw sleeve, producing thereby the raising or lowering of the rear wheel by the swinging of the crank axle in the socket sleeve of the main beam, and the setting of the plows to any required depth. A hand lever moves the rear shaft, and lowers or raises thereby the crank axle and wheels, so as to regulate the working of the plows. The direction of the draft beam may, by adjusting nuts and brace, be changed slightly from the line of draft, and thereby the plows thrown to or from the land, as desired. The pole is secured into a tongue socket of the draft beam, and set at the front end to such hight that the weight is taken off from the horses' necks.

Improved Cultivator Frame.

William M. Coston, Quitman, Mo.—This cultivator frame is so constructed that the seat support can be turned over forward, leaving the rear part of the frame wholly unobstructed, so that the machine can be used as a riding or walking cultivator, as desired.

Improved Electro-Magnetic Engine.

Charles A. Hussey, New York city.—This is an improved electro-magnetic engine for running sewing machines and other light machinery, by which the induction currents of the magnets and sparks at the commutator are entirely avoided, and a more perfect utilization of the battery current is produced. The essential features are the stationary magnets having radial arms with T-shaped ends, arranged in alternating position, so that the pole ends of one face the intermediate space between the pole ends of the other; the outer stationary magnets having widening pole ends of T shape at right angles to the arms; the central revolving magnet provided with widening pole ends of double T shape at right angles to the radial arms of the same, and the stationary and revolving magnets having radial arms and widening pole ends whose face width is somewhat larger than the distance between two adjoining pole extremities, so as to lap on the pole ends across the intermediate space.

Improved Paper Pulp Engine.

Alvin Gardner, Windsor, Canada.—A box of six sides has a tapering recess or well formed in its middle part, into which is fitted a tapering ring. In grooves in the face of the tapering ring are secured knives, which are set at an angle. In the cavity of the tapering ring is placed a beveled wheel, to the face of which are attached other inclined knives. To the top of the wheel is attached a scraper, by which the pulp is pushed outward toward the walls of the box. In using the engine, the wheel is raised, the rags to be cut are placed beneath it in the cavity of the ring, and the wheel is lowered upon them. As the wheel is revolved the rags are cut by the knives, the inclination of the said knives preventing the cut from being made short, and tending to produce a pulp with a longer fiber. The inclination of the arms tends to draw the pulp down through the wheel. The scraper enables the engine to be run more slowly, while at the same time producing a proper circulation of the pulp.

Improved Bilge Water Valve for Ships.

Joseph W. Hughes, Newburyport, Mass.—Stops are arranged between the timbers to hold the water in the bilge, and self-closing valves are applied to the stops to open and let the water in freely when the ship's sides rise, and close and retain it when they fall.

Improved Shutter Worker.

Jacob D. Hughson, Prairie City, Ill.—The invention consists of an elbow lever pivoted on the window sill inside of the lower sash, with its second joint arranged below the stop and above the sill, and connected by a link with a T-shaped lever. Said lever at one end is pivoted to the sill, and at the other is connected to the lower end of the blind, all in such manner that the blind can be opened and closed readily by merely swinging the first mentioned lever forward and backward. There are stops on a stop plate combined with this lever, so as to hold it for fastening the blind open or closed.

Fertilizer Distributer, Planter, and Cultivator.

Bolivar Scofield, Cartersville, Ga.—To the sand board and sway bar, between the frames, is secured a box, from which two spouts lead down nearly to the ground, the forward spout being intended to conduct the fertilizer to the ground, and the rear spout to conduct the seed to the ground. The front and rear sides of the box have semicircular notches formed in them to receive barrels designed to distribute guano or other fine fertilizer, and to distribute seed. Holes in the barrels may be partially covered to regulate the discharge, and the said barrels are rotated by suitable mechanism. The driver, by operating a lever with his foot, can adjust the three plows to work at any desired depth in the ground, or can raise them entirely away from the ground, as may be desired, and a harrow can be raised from the ground by and with the opening plow. The harrow removes lumps, clods, and rubbish, the opening plow opens a furrow to receive the fertilizer and seed, the fertilizer is deposited in the furrow through the spout close in the rear of the plow, the fertilizer is covered, and the furrow is partially filled by the covering plows. The seed is then deposited through the spout, and covered by a weighted plate.

Improved Bee Hive.

Samuel Hixson, West Newton, Pa.—This is a box hive having a moth trap in connection with the bee entrance. The bee entrance is on the under side of the removable trap, which is grooved on its under edge. The entrance of the moth miller is resisted by the bees, and she is driven to take refuge in one of the grooves, where she lays her eggs, and escapes from the open end of the groove. The worms that hatch from the eggs are easily kept from the bee entrance, and go the other way to gain an entrance to the hive, and, reaching the ends of the grooves, they drop off and fall to the ground.

Improved Colter Attachment.

John S. Johnson, Rockford, Ill.—This consists of devices to attach a revolving colter so that it can be readily adjusted as to hight, to the width of the furrow, and to the line of draft.

Improved Locomotive Engine.

Thomas T. V. Smith, Yarmouth, N. S.—This is a modification of the present ordinary locomotive, so as to admit the use of a wider fire box, to enable broad gage boilers with wide fire boxes to be readily and cheaply altered to the narrow gage, and to admit the use of large locomotives on much narrower gages and cheaper railroads than is now practicable. It is proposed to do away with the ordinary truck in front, supporting the engine by the driving wheels, which are placed so far forward as to clear the fire box, and to introduce a second outside frame running back to the rear of the tender, resting in front on the inner frame, and working upon it with a truck center. The whole is, in fact, a composite carriage, of which the engine forms the front truck and the tender the hind truck. One feature in the invention is that the overhanging weight of the fire box rests on the outside frame, being free to work horizontally, to allow for the lateral play in passing curves.

Improved Mechanical Movement.

Philip Bellinger, Paoli, Ind.—The invention consists of alternately acting handle levers and treadles, which are applied to a double crank shaft with balance wheel, and also to a second crank shaft turning in pivoted bearings, with an equalizing attachment. The object is to change rotary reciprocating into rotary motion.

Improved Raftsman's Boot Calk.

Rufus D. Guilford, St. Charles, Mich.—This calk is formed from rectangular pieces of sheet steel, struck up in suitable dies, whereby its corners are bent down to form spurs. The calk is secured to a boot or shoe sole by means of a screw.

Improved Rubber Drawers for Invalids.

Maria Bradley, New York city, N. Y.—This invention consists in rubber drawers for invalids, formed of a body open at the sides, and a tube formed integral with the drawers. The tube is made of such a length that it can be led from the invalid to a vessel placed at the side or beneath the bed, to receive the urine as it flows out through said tube.

Improved Stop Motion for Steam Engines.

Thomas Evans, South Manchester, Conn.—This consists of an auxiliary steam cylinder, connected with the main steam pipe, and provided with a weighted valve, and a piston whose rod is connected with the cross head and an air valve of the condenser for interrupting the action of the main steam cylinder on the opening of the cylinder valve.

Improved Packing for Stuffing Boxes.

Richard Greenalch, Greenbush, assignor to himself and William Buchanan, Yonkers, N. Y.—This invention consists of rubber steam packing cut in long pieces shaped transversely to pack around the rod and fill the space between the rod and the box nicely, so that they receive the pressure of the gland in their lengthwise direction instead of crosswise, as commonly arranged.

Improved Chain Pump.

William Wehres, Evansville, Ind.—This fits to the barrel, and is also readily repaired by unscrewing the swivel connection with the chain. It is made of rubber and attached to a central bolt, to be held between a disk of the same and a binding swivel screwing thereon, the bolt and swivel turning readily in a swivel at the other end of the bucket. The pump barrel has a longitudinal water drop groove.