DECISIONS RELATING TO PATENTS.

U. S. Circuit Court.—Southern District of New York.

SNYDER *et al. vs.* BUNNELL *et al.*

BURGLAR ALARM PATENT.

Coxe, J.

Where a person makes and puts on the market an article which of necessity, and to the knowledge of such person, is to be used for the purpose of infringing a patent, such person will be held liable under the doctrine of contributory infringement.

But the doctrine that a party may be held liable as an infringer solely because an article sold by him might be used by the purchaser as one element of a patented combination would be too dangerous to be upheld.

In order to hold a party liable under the doctrine of contributory infringement, there must be proof that what he did was for the purpose and with the intent of aiding infringement. (*Saxe vs. Hammond*, 1 Holmes, 456.)

Bill dismissed.

U. S. Circuit Court.—District of Massachusetts.

UNION PAPER BAG MACHINE COMPANY *et al. vs.* STANDARD PAPER BAG COMPANY *et al.*

PAPER BAG MACHINES.

Decided November 26, 1886.

Colt, J.

Claims 8, 10, and 13 of reissued letters patent No. 8,357, July 30, 1878, for improvements in paper bag machines, by opening the end of a tubular blank and forming the first or diamond fold thereof by means of the conjoint action of two adjacent moving surfaces, these surfaces consisting of two revolving rollers into which the blank is fed, the lower roller drawing the free or lipped end of the blank in one direction, while the other roller, moving in another direction, pulls the other side of the blank by the seam connecting it with the preceding blank, this operation extending the mouth of the bag into a diamond fold shape. *Held* not to be infringed by defendant's machine, which has only one roller and no second divergent moving roller, the fold not being formed by the conjoint action of two diverging moving surfaces.

U. S. Circuit Court.—District of Massachusetts.

BALTIMORE CAR WHEEL COMPANY *et al. vs.* BEMIS *et al.*

Carpenter, J.

This bill alleges that the complainants are the owners of and licensees under certain letters patent for cars and car axle boxes, and that the respondents have falsely and maliciously published statements and written letters to the effect that the complainants have failed in a suit for infringement of said letters patent brought against the respondents; that the axle boxes and gear manufactured by the complainants are infringements of certain other letters patent owned by the respondents, and that suits are about to be brought by the respondents on account of such infringement against the complainants and those who shall purchase and use their axle boxes and gears. The bill further alleges that by reason of the said false statements those who desire to purchase and use the apparatus made and sold by the complainants are deterred from so doing through fear of litigation, and the business of the complainants is thereby injured, and prays for an injunction. To this bill respondents demur.

We think the demurrer is well founded. There is no jurisdiction in a court of equity to enjoin libel on the rights or title of the complainant. We understand this to be the settled law both in England and in this country, in the absence of statutory provisions conferring such jurisdiction. The question is so fully and clearly discussed in the leading decisions that we do no more than cite them. (*Prudential Assur. Co. vs. Knott*, L. R., 10 Ch., 142; *Boston Diatite Co. vs. Florence Manufg. Co.*, 114 Mass., 69; *Kidd vs. Horry*, 28 Fed. Rep., 773.)

U. S. Circuit Court.—Southern District of New York.

OSBORN *vs.* JUDD *et al.*

DESIGN PATENT.

Shipman, J.

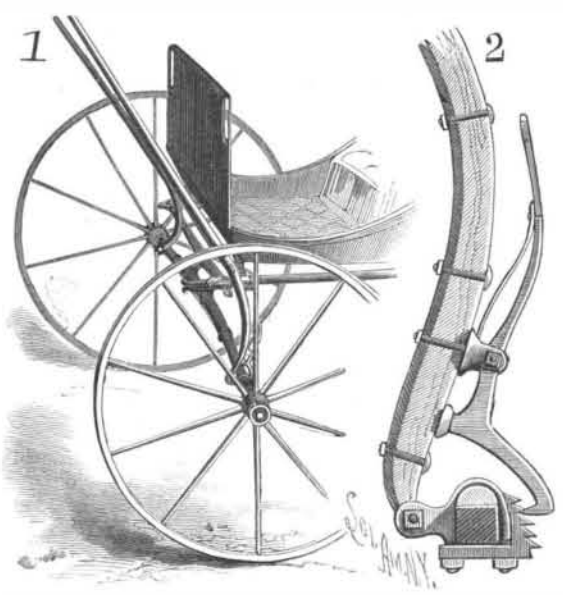
A preliminary injunction will not be granted to restrain the infringement of a "design for a banner rod, consisting of a conventional imitation of a straight twig with the bark and slantingly cut ends," the section which relates to design patents demanding, it may be supposed, the exercise of more genius than is exhibited by it.

Morbid Impulses.

What is the cause of a person having a feeling as though he had to jump or throw himself down, while standing near the edge of the wall of a high building, or place 40 or 50 feet above the ground? This question is asked of the editor of the *Herald of Health*, and his answer in the journal is as follows: "This feeling is due, we think, to a sudden confusion of mind produced by the new situation in which one finds himself when brought to survey the prospect from a lofty elevation. It is a change in relation to one's surroundings that seems at first to set experience at fault, and the faculties of perception, therefore, are at first disturbed and out of co-ordination. Size, weight, locality, etc., in many persons may require time to adjust themselves to the new conditions. Men who are accustomed to work at great elevations—roofers, painters, etc.—do not as a rule suffer from such morbid sensations, because their faculties have become educated to the relations of altitude."

IMPROVED SHAFT HOLDER.

Pivotally connected to the shafts, at the left hand side of the vehicle, is a bar shaped as clearly shown in the side elevation, Fig. 2. One end of this bar extends forward along the shaft, and is pressed upward



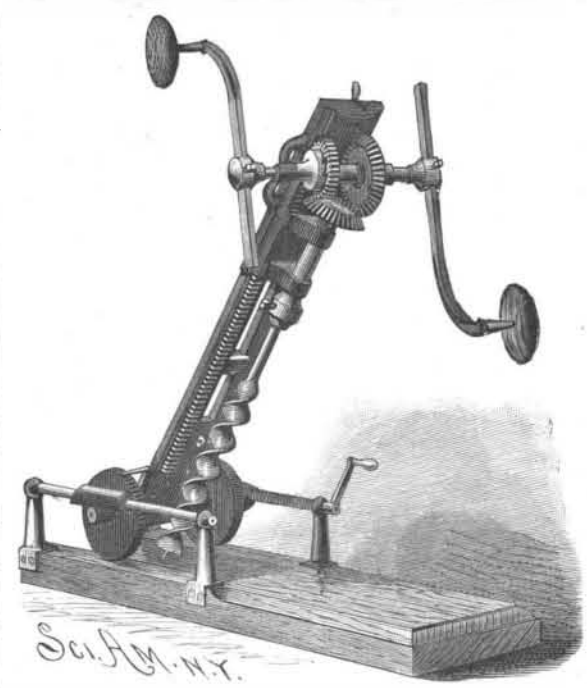
SPENNEBERG'S IMPROVED SHAFT HOLDER.

by a spring, while the other end is formed with a pawl, so that it may engage with a serrated plate secured to the rear side of the axle by the clip bolts. When the shafts are raised to the desired height, they will be caught and held in that position by the pawl engaging with one of the serrations of the plate. They will then be out of the way, and there will be no danger of their being broken. To lower the shafts into position for harnessing the horse, it is only necessary to press upon the outer end of the bar to detach the pawl, when they will come down gradually and without noise. This simple and efficient device will be appreciated by carriage owners, because of its many excellent features.

This invention has been patented by Mr. G. J. Spenneberg. Further particulars can be had from Mr. J. A. Donaldson, of Carrollton, Ky.

IMPROVED BORING MACHINE.

The boring machine illustrated in the accompanying engraving has many admirable features. When once placed in position, it will bore the whole mortise without being moved, thereby doing double the amount of work in the same length of time, and with greater ease to the operator, as the cranks are adjustable for large or small auger, soft or hard wood, and any speed may



DRYDEN'S IMPROVED BORING MACHINE.

be given to the auger. The machine is moved horizontally by means of the side screw, which is cut with two threads to the inch, and thereby forms a gauge. The machine may be adjusted to bore at any required angle. It will bore two or more holes to the same depth, as it has a stop provided for that purpose. The machine is compact, simple in construction, and efficient.

It is manufactured solely by Mr. George W. Dryden, of 23 Glen Street, Worcester, Mass., and may be seen at the Worcester (Mass.) Industrial Exhibition.

New Treatment for Phthisis.

A new method of treating phthisis has been proposed, but apparently as yet but slightly tried, by Professor Kremianski, who read a paper on the subject at the recent Moscow Medical Congress, which provoked a good deal of discussion. The idea is based, first, on the fatal effect of the most dilute solution of aniline on Koch's bacillus, and, secondly, on the fact that aniline seems to be but slightly, if at all, poisonous to the human body. Professor Kremianski proposes to introduce aniline into the lungs, and, indeed, the circulation generally, by inhalation, so that the phthisis bacilli would be bathed in a very dilute solution of aniline, wherever they may be. This, he thinks, would kill them, and render even pulmonary cavities free from bacilli, so bringing them into the condition of healthy granulating ulcers, which may be expected to cicatrize. A committee has been appointed, including Professors Subbotin and Ostroumoff, who expressed themselves at the meeting as strongly opposed to the plan, for the purpose of observing Professor Kremianski's proposed experiments in one of the Moscow hospitals.

Two cases in which the aniline treatment had been successfully tried were detailed. A lad of eighteen, who had undoubted phthisis, was ordered a four drop dose of aniline (but took by mistake three times the proper quantity) combined with nux vomica, mint water, and antifebrin, his diet being good, including dried meat, kvas, and oranges. He was also given inhalations of atomized aniline. A remarkable change took place almost immediately, all the rales disappearing; his temperature, respiration, and pulse becoming normal. His skin, however, assumed a slightly blue tinge; but whether this was as permanent as the cure is represented to have been is not stated.

The second case was a complicated one, there being tubercular peritonitis and meningitis, together with typhoid fever, present at the same time as pulmonary phthisis. Aniline inhalations, washing out the pulmonary cavities with corrosive sublimate and antifebrin, were employed, together with a special acid diet, as in the other case. Here, too, the results are said to have been remarkably good, the bacilli disappearing from the sputum, and the patient regaining his health entirely. No mention is made in the abstract published by the *Vrach* of any change of color in this patient's skin.

Among the various replies that were made to Professor Kremianski, Dr. Zakrzhevski, of Helsingfors, remarked that, admitting the facts as stated, still there was nothing to show that the aniline had been the cause of the cures. He himself had had surprisingly good results in phthisical cases, the disease becoming completely arrested by simply giving increased nourishment and prescribing antipyrin.—*Lancet.*

Manufacture of Carbon.

The following item, says a correspondent in the *Electrical World*, I have picked up, and it ought to be of interest:

"The manufacture of carbons for electric lights has become an important business. At a trial in Cleveland for alleged infringement of patent, a witness testified that of 150,000 carbons burned daily in the United States, 100,000 are manufactured in Cleveland, where there are 20 furnaces. The carbons are made chiefly of the residuum of oil after it has been refined, but the deposit about natural gas wells is also coming into use. The material is ground to a powder, a little pitch is added, and the substance is then placed in moulds. These are packed in boxes and the latter placed in a furnace, where they are subjected to the most intense heat. The capacity of an ordinary furnace is 45,000 carbons. Through the use of a movable furnace roof, the patent on which forms the subject of contention, two furnaces are constructed side by side, and while the carbons in one are being burned the other is loaded with boxes of moulds. Under this system two men load a furnace in one day, the carbons are thoroughly burned in five days, and the cooling process continues only 24 hours."

A Remarkable Dog Story.

John Templeton is a blacksmith who owns a fine specimen of the English mastiff. Recently Mr. Templeton was working at his forge, putting a new steel in a pick. The new steel was slightly burned in the heating, and, instead of welding, flew in half a dozen pieces. One piece struck the blacksmith just above the right eye with such force as to fasten itself in firmly. The blacksmith staggered and fell backward. How long he was unconscious he does not know, but when he revived the dog lay almost in the middle of the shop crying almost like a human being, and rubbing his jaws in the dust of the floor. The piece of steel that had struck Mr. Templeton lay a short distance from the dog. The faithful brute had seized the hot steel with his teeth and drawn it from the frontal bone of Mr. Templeton's head. The dog's mouth was found to be badly burned.—*Albany Journal.*