

Case No. 17,860. WINANS v. DENMEAD.

[9 Leg. Int. 74;¹ 4 Am. Law J. (N. S.) 498.]

Circuit Court, D. Maryland.

1852.²

This was an action on a patent for a coal car. The plaintiff by his patent declared the principle of his invention to be the making

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of the car body in the lower part in the form of a frustrum of a cone, that form securing an equal pressure of the load in all parts, and by its diminishing proportions allowing it to pass through the track frame, so as to lower the centre of gravity.

The defendants had made car bodies in the form of a frustrum of an octagonal pyramid, and they were alleged to have thereby infringed the patent of the plaintiff, as the pyramid acted on the same principle with, though not altogether as well, as the cone.

J. H. B. Latrobe, for plaintiff.

J. Mason Campbell, for defendants.

THE COURT [GLENN, District Judge] decided, after a full argument, that the plaintiff had by his patent restricted himself to the particular form of ear body there described, and was consequently not entitled to recover.

{On appeal to the supreme court, this decision was reversed. 15 How. (56 U. S.) 330.}

¹ {Reprinted from 9 Leg. Int. 74, by permission.}

² {Reversed in 15 How. (56 U. S.) 330.}