

It is shown that prior to the date of the Wood patent the side lugs, *c* and *c*¹, and the central lug, *d*, had been in use, and the sole had been secured to the shoe by a pin passing through a lug projecting from the upper part or back of the sole into the shoe. The invention must then consist of the combination of the side lugs, *c* and *c*¹, the recess, *X*, the central lug, *d*, on the back of the sole projecting through the opening in part *a* of the shoe in the recess, *X*, the pin, *i*, passing through a hole in that part of the lug, *d*, which extends into the recess, *X*, and bearing against the inner side of part *a* of the shoe.

In the Christy brake-shoe, the side lugs, *c* and *c*¹, and the central lug, *d*, are present. But the recess, *X*, the part, *a*, of the shoe, with its orifice through which the lug, *d*, passes, and against which the pin, *i*, bears, are absent. The central lug is inclosed between two lugs extending upon either side from the frame of the shoe, and the sole is secured to the shoe by means of a curved pin, which passes longitudinally through the frame, the central lugs, and the two lugs which inclose and confine the central lug. This arrangement has many advantages over the Wood device. The pin is less likely to work loose and drop out from the motion of the car, the sole is more firmly and securely fastened to the shoe, and can be attached and detached by sliding it laterally on or off the shoe without moving back the brake-beam, which is not the case with the Wood device.

For these reasons we must hold that the Christy patent is for a different combination of parts from the Wood patent, and that its use is not an infringement of the latter.

The entry in each case will be, bill dismissed, with costs.

HALL and others v. STERN and others.

(Circuit Court, S. D. New York. October, 1882.)

PATENT LAW—INFRINGEMENT

The accomplishment, by a patented article, of the same result as that produced by another patent, is not such an anticipation as will make it an infringement, unless the result is produced by the same means, and in substantially the same way.

Edmund Wetmore, for orators.

Delos McCurdy, for defendants.

WHEELER, J. This cause depends upon the validity of letters patent No. 182,633, dated September 26, 1876, and issued to Pierre Leopold Brot, assignee of Ludger Tiburce Berton, for a compound mirror, consisting of a main mirror with side mirrors hinged within the frame of the main mirror on each side, and opening outward, so as when opened to present opposite reflecting surfaces at angle to the main reflecting surface, and so as to fold one over the other within the main frame and present outwardly only the covered backs of the outer mirrors. The defense is want of patentable novelty, in view of letters patent No. 62,526, dated March 5, antedated February 20, 1867, and issued to Robert H. Brown for an improved toilet-glass, and now owned by the defendants; letters patent No. 112,474, dated March 7, 1871, and issued to Richard Mason for an improvement in back-reflecting mirrors; and letters patent No. 132,633, dated October 29, 1872, and issued to John Vickery for an improvement in toilet-glasses. The object of all these inventions is to show different views of the person at the same time by direct and repeated reflections. Brown's is much more like the orators' than either of the others. The principal difference between them is that Brown's has only the two side mirrors hinged to a frame somewhat like the frame to the orators' main mirror. Mason's is a combination of hinged frames, levers, and cords for adjusting the mirrors from a stationary case. Vickery's is an attachment of toilet-glasses to the sides of the usual mirror to swing into various angles to it. Neither of the two latter is like the orators', except in the result produced. Brown's is not the equivalent of the orators'. Different views of the person can be obtained at the same time by Brown's two mirrors, but not so many, nor from so many different points of view, as can be by the orators' combination of three mirrors. It is said that the orators' patent includes Brown's invention without disclaiming it, and that, therefore, a material part of the invention, covered by the orators' patent, was patented before and avoided the patent. This objection to the patent does not appear to be well founded. The combination or arrangement of two mirrors is not the same as of three, and is not included in that of three any more than the arrangement of one would be the same as, or included in, that of two. The accomplishment of the same result is not an anticipation, unless it is done by the same means in substantially the same way. Obtaining different views of the person at the same time by mirrors was not new to any of these inventors. Brown invented a method of doing it by his arrangement of two mirrors, and, so far as appears now, he was enti-

tled to a patent upon his particular means of accomplishing so much as he did accomplish. So of Mason and Vickery. Berton took different means from either, and accomplished a more extensive result. His patent for his new method appears to be valid. The infringement appears to be an exact imitation of the orators' patented mirror, and no question has been made about that.

Let a decree be entered for the orator according to the prayer of the bill, with costs.

WILLIAMS and others v. THEOBALD and others.

(District Court, D. California. January, 1883.)

CHARTER-PARTY—DETENTION—LIABILITY OF CHARTERER.

Where the voyage described in the charter-party was a voyage "to San Francisco, or as near thereto as the vessel can safely get," and the cargo was to be delivered "along-side of any craft, steamer, floating depot, wharf, or pier, as may be directed by the consignees," and the consignees named a wharf to which, by reason of its crowded state, the vessel could not enter for a time greater than that within which, by other provisions in the charter-party, the discharge was to be effected after it had been commenced, *held*, that the charterer was liable for the detention.

In Admiralty.

Milton Andros, for libelants.

Edward J. Pringle, for respondents.

HOFFMAN, J. The libel in this cause was promoted by Thomas Williams and others, owners of the British ship *Cambrian Princess*, against the charterers of the ship, to recover demurrage consequent on the delay, occasioned by the fault of the latter, in discharging the cargo of the vessel at San Francisco.

By the terms of the charter-party the vessel was to be laden with coals at Sydney, New South Wales, "and being so laden shall therewith proceed to San Francisco, or so near thereto as she can safely get."

Having arrived at San Francisco, the cargo was to be delivered "along-side any craft, steamer, floating depot, wharf, or pier, * * * as may be directed by the consignees, to whom written notice is to be given of the vessel being ready to discharge." "The cargo is to be unloaded at the average rate of not less than 100 tons per working day, weather permitting, but, when required by the consignees, such