

described by reference to the patent? To such rulings assent must be given by force of authority. Adjudged cases and text-books permit the averments of the bill to be in general terms as to the invention, reciting the title of the patent merely, and making profert of the letters patent. This court yields to the weight of authority and established precedents, although it might rule otherwise were the question presented *de novo*. A defendant in equity ought to be informed fully and clearly as to what is the plaintiff's demand, without being compelled to look at the profert and construe conjecturally the letters, so as to give the plaintiff some supposed right which the plaintiff does not specifically aver. How it arises that such departures from ordinary rules of pleading were passed into settled formulas it is useless to discuss; for it must suffice that the plaintiff has pursued established rules, to which this court defers. The demurrer will be overruled, and the defendant ordered to answer to next rule-day, with leave to plaintiffs to file replication forthwith.

LEACH *v.* CHANDLER and others.

(*Circuit Court, D. Indiana.* October 24, 1883.)

PATENT LAW—PRACTICE—MISJOINDER OF CAUSES OF ACTION.

In Equity.

Mr. Leach, for plaintiff.

West & Bond and *Stanton & Scott*, for defendant.

Woods, J. A bill which, under section 4918 of the Revised Statutes, upon proper averment, prays an adjudication concerning conflicting patents, and also alleges an infringement of the plaintiff's patent by the defendant by reason of the manufacture and sale by the latter of articles constructed under his letters, and prays an accounting and damages, is not demurrable for misjoinder of causes of action.

ROYCE and others *v.* FIFIELD and others.

(*Circuit Court, D. Rhode Island.* October 4, 1883.)

PATENTS FOR INVENTIONS—SIGNIFICATION OF THE WORD "JEWELRY"—INFRINGEMENT.

Letters patent No. 10,239, dated November 14, 1882, for an improvement in ornamenting bracelets and *other articles of jewelry*, extended so as to cover *buttons* ornamented by the patented process of the plaintiffs.

In Equity.

O. Lapham and B. F. Thurston, for complainants.

Dexter B. Potter, for defendants.

COLT, J. This bill is founded upon an alleged infringement of re-issued letters patent No. 10,239, dated November 14, 1882, for an improvement in ornamenting bracelets and other articles of jewelry. The improvement consists in covering with a coating of enamel or japan the brass or other cheap metal of which the article is composed; the engraving then "cuts through the enamel or japan slightly into the metal, thus making the lines very distinct and brilliant by reason of their contrast with the black ground, thus forming a pleasing ornament."

The position taken by the defendants is that the patent only covers bracelets and other articles of jewelry, and that consequently it does not include by its terms buttons ornamented in this manner. To adopt this construction would be giving, in our opinion, a very narrow meaning to the claim made by the patent. The improvement relates to ornamenting an article used to adorn the person, and we think a button so ornamented may be said to be an article of jewelry as much as a stud, pin, or ear-ring. To say that an ornamented pin or ear-ring is an article of jewelry, and that an ornamented button is not, is making the difference between what is jewelry and what is not to consist in the mode of fastening the article to the dress, rather than in the essential character of the thing itself. Few would say that pearl or gold buttons were not jewelry. If the signification of the word "jewelry" is not to be strictly limited to articles of personal adornment composed of the precious stones or metals, but is to be extended as it has been to embrace various ornamental but cheap imitations, we see no sound reason why a button made in the manner and for the purpose described in this patent should not be so classified. We are of opinion, therefore, that the defendants are guilty of an infringement.

THE GUIDING STAR.¹

(Circuit Court, S. D. Ohio. October, 1883.)

1. ADMIRALTY JURISDICTION—COMPLETE RELIEF.

The jurisdiction of a court of admiralty, in a proceeding *in rem* against a vessel to enforce liens thereon, is founded upon the maritime nature of the liens sought to be enforced; although, as to any surplus, having acquired jurisdiction, it will proceed upon principles of equity to dispose of the entire fund, awarding it to the owners, or those who may have succeeded to their rights.

2. MARITIME LIENS HAVE PRECEDENCE.

In determining the order of priority among claimants, the first classification is into liens, maritime and non-maritime, the latter being postponed until after the satisfaction of the former.

¹ Reported by J. C. Harper, Esq., of the Cincinnati bar.