

him in the indictment. If he did, he cannot excuse himself by showing what was his intention, or that he did not intend himself to use the coin he so made for fraudulent purposes, or that they should be so used by others. Nor can he be excused on account of his ignorance of the law—that it did not allow him to do what he did.”

---

GLASGOW and others v. FRITTS.

(Circuit Court, N. D. Illinois. November 10, 1884

PATENTS FOR INVENTIONS—ANTICIPATION—MACHINE FOR PREPARING AND GILDING MOULDINGS—GLASGOW AND FRITTS INVENTIONS.

Patent No. 226,845, issued April 22, 1880, to William Glasgow, for a machine for enameling or preparing mouldings for gilding, was anticipated by the Fritts machine of 1875, invented by defendant, and is void.

In Equity.

*Mr. Dunn* and *Mr. Banning*, for complainant.

*Mr. Stout*, for defendant.

BLODGETT, J. This is a bill to restrain the alleged infringement of patent No. 226,845, issued April 22, 1880, to complainant, for a “machine for enameling or preparing mouldings for gilding,” and for an accounting. The defenses are:

(1) That defendant does not infringe; (2) that the machine covered by complainant's patent was not the sole invention of complainant, but was the invention of the defendant and complainant acting together; (3) that the machine, or the substantial and operative parts thereof, used by defendant, was invented and put in public use by him more than two years prior to the application for a patent by the complainant.

The machine described in the patent is a device for coating mouldings for picture-frames, looking-glasses, and kindred uses, with an enamel made of whiting and glue, as a foundation on which to lay the gilding. The process by means of this device consists in running or pushing the moulding to be coated through a box filled with the enameling or coating composition in a plastic condition, whereby a sufficient amount of the composition to form a coat of enamel adheres to the moulding, and the coating thus taken on is smoothed and compacted by steel or iron templets or forms, which fit over the external surface of the mouldings where they leave the box; and in the patented device these templets are placed both at the place of entrance and of exit, and the machine consists of feed-rollers and pressure-rollers, by which the moulding is fed or forced endwise through the enameling box, and held in proper position for that purpose. The patent contains nine claims, all being for a combination of different members of the machine working together to produce the desired result, and the defendant is charged with the infringement of all

but the third claim. The proof in the case shows that, as early as 1875, the defendant, Fritts, caused a machine to be made and put in use, a model or illustration of which is in evidence in the case, marked "D. H. Fritts machine;" and there can be no doubt, I think, from the proof, that this machine worked successfully in coating what was known as linings for picture-frames, which is the small or inner frame lying next to the picture, and usually of a flat or bevel shape. This machine was so organized as to press or crowd the mouldings endwise through the composition box, and the composition was smoothed and compacted upon the surface of the strip so operated upon by means of a templet of the shape of such lining or strip; that is, the templet was cut so as to fit over the upper cross-section surface of the strip, and in passing through this templet or form the enamel, which adhered was smoothed, and made compact and firm.

There seems, from the proof, to have been two kinds of machines or devices made by Fritts for this purpose, in one of which the lining or strip to be operated upon was forced through the composition box by what is called by the witnesses the "chain-feed," that is, as near as I can understand from the proof, a chain actuated by power was so arranged that by friction contact with the strip it carried or thrust the strip through the composition box. In the other machine, known in the proof as the "D. H. Fritts machine," the motion was imparted to the strip to be operated upon by friction rollers pressing against the under side of the strips, and the strips were held in place by pressure rollers bearing upon the upper side of the strip so as to hold the strip in place and carry it steadily into and through the composition box. From a careful comparison of the "D. H. Fritts machine" of 1875, as illustrated in the model and proof, with the mechanism described in the patent, I can see no substantial difference in the mechanical organization or result of the two devices. The Fritts machine of 1875 imparted the necessary motion to carry the moulding into and through the box by friction rollers, operating upon the under side of the machine. The complainant's machine does the same thing. The Fritts machine of 1875 held the strip to be operated upon with the requisite amount of pressure down upon the friction rollers by pressure rollers, held in place by brackets and adjusted by screws. The complainant's patent provides for a somewhat different arrangement of the pressure rollers, because the complainant seems, at least, to assume that, in coating moulding which had an irregular surface, the pressure rollers should bear upon the different parts of those surfaces so as to secure a steady and even motion through the composition box, while the Fritts machine, being intended to operate mainly upon only a strip having a flat or beveled surface, the pressure rollers were arranged so as to give only one bearing.

I cannot see, however, that there is any patentable difference in the two devices. The patent shows a more complicated machine,