

LEMAIRE FEEDER CO., LIMITED, V. CADWALADER, COLLECTOR.

*Circuit Court, E. D. Pennsylvania.*

October 15, 1889.

CUSTOMS DUTIES—CLASSIFICATION—HOOKS FOR CARDING-MACHINES.

Iron hooks, used in the manufacture of feeders for wicker cards in a carding-machine, sharpened after being set in the cylinder, but first hammered up in the iron and then struck in a die, and known to the trade as hooks, and not as iron forgings, are a manufactured article, within the meaning of the tariff act, and liable to duty under paragraph 216, Tariff Index, (New.)

At Law.

This was a suit brought by the Lemaire Feeder Company, Limited, to recover certain customs duties alleged to have been improperly exacted in an importation of iron hooks used in the construction of carding-machines. They were returned as manufactures of metal, and the duty assessed under paragraph 216, Tariff Index, (New,) Schedule C, in accordance with the Treasury Decisions 6798, 7668, and 8323; and the plaintiff protested that they were dutiable as forgings of iron at two and a half cents per pound under paragraph 167, *Id.* But, upon the trial, witnesses called upon his behalf testified that the article was not known in trade as an iron forging; that it was first hammered out of the iron, and afterwards pressed in a die, and subsequently sharpened, after being placed in a carding-machine by a finishing process; and that they were sold under the name of "hooks."

*Frank P. Pritchard*, for plaintiff.

*William Wilkins Carr*, Asst. U. S. Atty., and *John R. Read*, U. S. Atty., for defendant.

By direction of the court, (BUTLER, J.) plaintiff suffered a nonsuit.