to bring before them, and in a proper case to set at liberty, persons held in confinement contrary to law. The detention of the petitioner is contrary to law, because it is not every alien immigrant arriving by water that can be returned by an inspection officer, but only an alien immigrant determined in the method prescribed by the statute to belong to one of the excluded classes. And when, as in this case, it is shown to the court upon the return to a writ of *habeas corpus* that the order for the return of the immigrant was made without such a determination as the law requires, the conclusion necessarily follows that the officer in making the order exceeded his jurisdiction, and in such case the duty is cast upon the court to grant the discharge prayed for. The importance of the question in this case will, I trust, induce the district attorney to take an appeal from this decision; and, to enable him to do so with effect, entry of the order for discharge will upon his request be delayed a reasonable time.

JUDSON L. THOMSON MANUF'G CO. *v.* HATHAWAY *et al.*

(*Circuit Court, D. Connecticut.* September 17, 1891.)

PATENTS FOR INVENTIONS—INFRINGEMENT.

Letters patent No. 326,357, for an improvement in an arctic buckle, having a tongue hinged between the leaves of a double flexible plate by a cam-shaped hinge-pin entering between the plates, and having its bearings in transverse recesses, closed in front, which has guards across the side edges of the flexible portion of these plates to retain the hinge-pin in its proper bearings in the plates, and also to prevent lateral displacement of the plates, are not infringed by a buckle having the tongue pintle between the top and bottom plates, which are rigidly connected together, with a depressed socket in the lower plate for the reception of the pintle, which is held in place and prevented from sliding by the top plate being squeezed downward, the spring action being obtained by a spring plate fastened within the folds of the base plate, which co-operates with a cam projection from the middle portion of the tongue.

In Equity.

George W. Hey, for plaintiff.

Frederick P. Fish, for defendants.

SHIPMAN, J. This is a bill in equity, which is based upon the alleged infringement of the first claim of letters patent No. 326,357, and of the first and second claims of patent No. 326,355, said patents being respectively for a spring clasp and a clasp plate in an arctic shoe; and of the second and third claims of letters patent No. 336,769,—each one of said patents having been granted to Jacob J. Unbehend. The plaintiff submits to a dismissal of the bill so far as it relates to No. 336,769. The invention which is the subject of No. 326,357, and the claims of the patent, are described in *Thomson* v. *Manufacturing Co.*, 32 Fed. Rep. 791, and 38 Fed. Rep. 602; and the device which is alleged to infringe in this case is described in *Manufacturing Co.* v. *Hatheway*, 41 Fed. Rep.

519. As was stated in 38 Fed. Rep. 602, the invention of the first claim was an improvement upon Unbehend's patent, No. 305,410, which was for a buckle having a tongue hinged between the leaves of a double flexible plate by a cam-shaped hinge-pin entering between the plates and having its bearings in transverse recesses closed in front. The improvement consisted in the addition of guards across the side edges of the flexible portion of these plates to retain the hinge-pin in its proper bearings in the plates, and also to prevent lateral displacement of the plates in relation to each other. As was stated in 41 Fed. Rep. 519, in the plaintiff's buckle a cam-shaped pin enters between the plates and pries them apart when it swings the tongue towards its open position, whereby spring action is imparted to the clasp. In the defendant's buckle the tongue pintle is between top and bottom plates, which are rigidly connected together. A depressed and too large socket is formed in the lower plate for the reception of the pintle, and the substance of the top plate is squeezed or pinched downward, so as to make the socket smaller, fit the pintle, and prevent it from sliding about in the socket. The plates are not pried apart, but spring action is obtained by a spring plate fastened within the folds of the base plate, which co-operates with a cam projection from the middle portion of the tongue. The downwardly extending parts from the top plate the plaintiff considers to be the guards of the patent, which hold the tongue against accidental removal from the socket. The invention of Unbehend, in No. 326,357, was a very narrow one, while the first claim of his patent is broad, and might, if no attention was paid to the history of the invention, be held to include guards in a clasp, the tongue of which is hinged between any two plates, provided the guards are at the edges of the plates, in front and rear of the hinge-pin, and help to retain the pin in proper position. The history of the invention shows that Unbehend's guards guarded a pintle confined between flexible plates giving spring action to the tongue, and prevented the pintle from slipping out when the plates were pried apart. The depressions in the defendants' buckle are for the purpose of making a small or close-fitting socket or bearing for the pintle in plates which are not to be pried apart. They may be called "guards," but they are not the guards of the Unbehend patent, which stand across the edges of flexible plates to prevent the slipping out of the pintle, when the plates are caused, by springing apart, to furnish spring action to the tongue. The improvement in No. 326,355 is described in 41 Fed. Rep. 519, and consists in turning up the edge of the plate and rounding the edges of its flanges, instead of striking upward from the under side of the plate longitudinal concave convex ribs, whose downwardly projecting edges hurt the foot. The improvement seems to me to have been plainly within the scope of mechanical skill, and to have been outside the territory of invention. The bill is dismissed.

EDISON ELECTRIC LIGHT CO. *v.* UNITED STATES ELECTRIC LIGHTING CO.

(*Circuit Court, S. D. New York.* 1891.)

1. PATENTS FOR INVENTIONS—ELECTRIC LAMP—INFRINGEMENT.
The first claim of letters patent No. 223,898, issued to Thomas A. Edison, January 27, 1880, for an incandescent electric lamp, in which the leading wires are secured to a carbon filament by cement carbonized *in situ*, is not infringed by a lamp in which the leading wires are connected with the carbon by metal clamps.
2. SAME—PATENTABILITY.
The second claim of said patent, consisting of a combination of carbon filaments with a receiver made entirely of glass, from which the air is exhausted, and conductors passing through the glass, is not invalid for want of patentable novelty.

In Equity. Bill for infringement.

Eaton & Lewis, (*Clarence A. Seward*, *Grosvenor P. Lowrey*, and *Richard N. Dyer*, of counsel,) for complainant.

Kerr & Curtis, (*Samuel A. Duncan*, *Edmund Wetmore*, *Frederic H. Betts*, and *Leonard E. Curtis*, of counsel,) for defendant.

WALLACE, J. Two claims of letters patent No. 223,898, granted Thomas A. Edison, January 27, 1880, for an improvement in electric lamps, are in controversy in this suit. These are claims 1 and 2. It is not asserted for plaintiff that the defendant infringes the other claims of the patent, consequently they will require no attention further than to see whether their terms may assist in defining the meaning of the claims in litigation.

The plaintiff contends that these claims are for fundamental inventions of great merit, and are entitled to a construction by which every incandescent lamp for electric lighting, consisting essentially of a filamentary carbon burner, hermetically sealed in a glass vacuum chamber, is within their terms. The defendant contends that, unless the claims are limited to narrow inventions, not employed by the defendant, they are invalid for want of patentable novelty. The questions of the validity and scope of the patent have been adjudicated in the courts of England and Germany with a diversity of opinion by the judges who have considered them. The specification is a perplexing one. The difficulty lies in its shadowy demarkation of the line between the essential and non-essential features of the invention described. It catalogues a number of discoveries which Mr. Edison has made. It sets forth some of the essential features of the lamp, and then it leaves to be found by inference from generalities what the elements are of the combinations included in the extremely elastic terms of the two important claims. Nevertheless, when a sufficient knowledge of the prior state of the art to which it relates has been acquired, the new departures from old devices which it describes, and which, presumably, the inventor proposed to incorporate into the claims of his patent, are reasonably apparent. The specification states that the object of the invention is "to produce electric lamps giving light by incandescence, which lamps shall have high resistance, so as to allow of the practical subdivision of the electric light." The subdivision of the electric light is the concrete term for the division of the electric current