constitution is produced by the declaration that the constitution is supreme." Mr. Justice MILLER, in *Henderson* v. *Mayor*, 92 U. S. 259, on this question says:

"It is clear, from the nature of our complex form of government, that whenever the statute of a state invades the domain of legislation which belongs exclusively to the congress of the United States, it is void, no matter under what class of powers it may fall, or how closely allied to powers conceded to belong to the states."

I conclude that the police power of a state cannot be held to embrace a subject confided exclusively to congress by the constitution of the United States. If the subject-matter of state legislation is included in the exclusive grant of commercial power to congress, then the state enactment is void, even if it passed in the exercise of the police power of the state. The authorities in support of this are numerous, and from them I cite *Railroad Co.* v. *Husen*, 95 U. S. 465; *Crutcher* v. *Kentucky*, 141 U. S. 47, 11 Sup. Ct. Rep. 851; *Leisy* v. *Hardin*, 135 U. S. 108, 10 Sup. Ct. Rep. 681.

Other questions are submitted by counsel for petitioner, but, holding as I do on the matters I have mentioned, I do not find it necessary to pass upon them.

For the reasons that I have given I conclude that the act of the general assembly of the state of North Carolina entitled "An act to protect seed buyers in North Carolina," being chapter 331 of the Acts for the year 1891, is inoperative and void, and that the petitioner is in custody in violation of the constitution of the United States. I therefore order that he be discharged from custody.

STRAUSKY *et al.* *v.* ERHARDT, Collector.

(Circuit Court, S. D. New York. November 17, 1892.)

1. CUSTOMS DUTIES—ACT OF MARCH 3, 1883—HOLLOW WARE.
Blue and white kitchen utensils, consisting of pots, kettles, saucepans, coffeepots, and similar ware, made of sheet steel, and glazed or enameled, *held* not to be dutiable as "hollow ware, coated, glazed, or tinned," under Schedule C, par. 201, at 3 cents per pound, but dutiable at 45 per cent. *ad valorem*, as "manufacturers' articles or wares * * * composed wholly or in part of iron, steel, etc.," under Schedule C, par. 216, of the act of March 3, 1883.

2. SAME.
"Hollow ware" means cast-iron ware, in the act of 1883.

At Law. Motion for a direction of a verdict. Granted.

Maurice Strausky & Co. imported into the port of New York, in January, February, and March, 1890, certain steel kitchen utensils, hollow in form, glazed or enameled, blue and white, which he put upon the market, in his trade circulars, as "Strausky's Steel Ware." The collector classified them under Schedule C of the act of March 3, 1883, as manufactures of steel, etc., (paragraph 216,) and assessed duties

thereon at 45 per centum *ad valorem*. The importers protested and brought suit claiming the merchandise to be dutiable at 3 cents per pound as "hollow ware," under the same schedule and act, (paragraph 201.) The testimony of wholesale dealers was to the effect that, in the trade, the term "hollow ware" was restricted to cast-iron utensils, and did not cover the articles in suit. At the close of the testimony, Asst. U. S. Atty. Henry C. Platt moved for a direction of a verdict for the defendant on the following grounds: (1) That congress had defined the tariff meaning of the term "hollow ware," in the first act in which the words had been used, viz., the act of March 2, 1861, where it was associated (paragraph 44) solely with castings of iron; and in the act of June 30, 1864, (paragraph 352,) the same association was made of hollow ware with cast-iron articles exclusively. (2) That the evidence established the fact that the trade meaning of the term corresponded with the congressional definition. (3) That the rulings of the treasury department had always been in conformity with such interpretation of the term.

W. Wickham Smith, for plaintiffs.

Edward Mitchell, U. S. Atty., and *Henry C. Platt*, Asst. U. S. Atty., for defendant.

LACOMBE, Circuit Judge, (*orally.*) Upon examination of the prior acts, I am satisfied that congress was of the understanding that "hollow ware" meant vessels of this general kind, which we have here, made of cast iron. For the reason, therefore, that there seems to have been a congressional meaning given to the words "hollow ware," and embodied in statutes before the passage of the act of 1883, I assume that congress intended to use the words with the same meaning in the later act that it did in the prior act. Verdict directed in favor of the defendant.

CARPENTER STRAW-SEWING MACH. CO. *v.* SEARLE *et al.*

(*Circuit Court, S. D. New York.* November 15, 1892.)

1. PATENTS FOR INVENTIONS — REISSUE — NEW ELEMENT — STRAW-BRAID SEWING MACHINE.
   Reissued letters patent No. 10,600, granted May 26, 1885, to the Carpenter Straw-Sewing Machine Company, as assignee of Mary P. C. Hooper, upon original letters patent dated January 4, 1876, for improvements in straw-braid sewing machines, are void as to the amended fifth claim, wherein a new element, viz., a lip, is added to the combination claimed.

2. SAME—REISSUE—WHAT CONSTITUTES "THE SAME INVENTION."
   For a reissue to be valid as covering "the same invention" as that in the original, within the meaning of Rev. St. § 4916, the patentee must have described and intended to secure in the original the invention of the reissue.

3. SAME—BROADENING OF CLAIM—LACHES.
   Where a claim in reissued letters patent covers a combination to which a new element has been added, it is in legal contemplation "broadened," and is invalid when it covers machines used for long years by innocent parties, without infringe-