

ritory be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquors or liquors had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise." 26 Stat. 313.

It will be noticed that this act does not in any way forbid the importation of intoxicating liquors; indeed, it deals with such liquors after having been transported into any state. In this connection it is well to compare the provisions of the act of congress extending the police power of the states over nitroglycerin:

"The two preceding sections shall not be so construed as to prevent any state, territory, district, city or town within the United States from regulating or prohibiting the traffic in or transportation of those substances between persons and places lying or being within their respective territorial limits or from prohibiting the introduction thereof into such limits for sale, use or consumption therein." Rev. St. § 4280.

It will also be noted that the act proceeds at once to remedy the mischief it was intended to meet. The regulations of commerce protected the original package. Under this protection, the laws of the state against the sale of intoxicating liquors were evaded, and the laws forbidding the manufacture made nugatory. Congress placed the original package under the state police power. It cautiously went no further. But we are not left to general reasoning. The construction of this act of congress came up in *Re Rahrer*, 140 U. S. 564, 11 Sup. Ct. 865. Of it, the chief justice, delivering the opinion of the court, says:

"Congress did not use terms of permission to the state to act, but simply removed an impediment to the enforcement of the state laws in respect to imported packages in their original condition, created by the absence of a specific utterance on its part. It imparted no power to the state not then possessed, but allowed imported property to fall at once on arrival within the local jurisdiction."

The decisions of the supreme court distinctly declare that before the passage of the Wilson act no state could forbid the importation of intoxicating liquors. This last case declares that the Wilson act gave no new power to the states. All that it did was to remove a protection from the imported package, and place it under state jurisdiction. The liquors in this case without doubt come within the police powers of the state as soon as they become part of the property of the state. The commission of any act done in and about them, under such circumstances, can lawfully be punished. It is no offense on the part of this general agent of the Clyde Line that the liquors were imported as stated.

Let the prisoner be discharged.

UNITED STATES v. MAYFIELD.

(Circuit Court, E. D. Louisiana. December 11, 1893.)

CRIMINAL LAW—CONFESSIONS—CORROBORATION.

A conviction of taking a letter from a letter box, and extracting money therefrom, cannot be sustained, when denied by a plea of not guilty,

upon the mere confession of defendant to a police officer, unsupported by any evidence, that such a letter was deposited in the box, or other corroborative evidence, direct or circumstantial, of the corpus delicti.

Indictment for taking, from a letter depository box, a letter containing money. On motion for a new trial. Granted.

F. Earhart, for the United States.
Morris Marks, for defendant.

BOARMAN, District Judge. The defendant was tried and found guilty, a few days ago, under an indictment, substantially, for feloniously taking a letter from one of the letter depository boxes in this city, containing certain obligations, securities of the United States, in violation of Rev. St. § 5469. Defendant pleaded not guilty, and offered no evidence on the trial. The government relied for a conviction alone on the confessions made by defendant after his arrest to the police officers. It seems that he confessed that he had fished a letter from one of the mail depository boxes with a piece of "wire," and that the letter contained \$10 in United States currency, which he appropriated to himself. The corpus delicti was not shown by any circumstantial or direct evidence, independent of defendant's confession to the effect that he did extract the letter from the mail box. There was no offer of evidence by the government, aside from the confession, to show that such a letter as defendant admitted that he took had ever been placed in the mail box. The letter, as shown by his confession, was destroyed by defendant. No one else seems ever to have seen it at any time.

The defendant made this confession out of court. His plea of not guilty operates in law as a denial of all the charges in the indictment, and puts the government on proof to make out its case on fact and law. The jurisprudence on the matter of extrajudicial confessions, when denied by a plea of not guilty, as in this case, as shown by a large number of cases cited in 3 Amer. & Eng. Enc. Law, p. 447, seems to be substantially uniform to the effect that while such confessions of guilt should be received with great caution, and will not alone justify a conviction, yet, if they should be corroborated by circumstances, they would be sufficient for that purpose. Among the large number of cases cited, there does not seem to be any decisions cited from the Louisiana courts. It may be that the jurisprudence of Louisiana is not in line with the decisions of the many state courts cited herein; yet the court is persuaded by the view uniformly announced in those cases that, before a conviction is justified, the government should be required to establish the corpus delicti by some degree of circumstantial or other evidence independent of the defendant's extrajudicial confessions. No such evidence was offered by the government. The court, at the moment of the trial, was not willing to direct an acquittal of the accused, but is now of the opinion that a new trial should be granted.

MERROW v. SHOEMAKER et al.

(Circuit Court, E. D. Pennsylvania. December 5, 1893.)

No. 13.

1. PATENTS—ANTICIPATION—CROCHETING MACHINES.

An invention of intermittent feeding mechanism, combined with a crocheting machine, to produce an ornamental scalloped border, is not anticipated by sewing machines having intermittent feed mechanism, which could not be made available for the purpose accomplished by the crocheting machine.

2. SAME—ESTOPPEL—INTERFERENCE PROCEEDINGS—STIPULATION.

A stipulation in an interference proceeding that the preliminary statement of one of the parties thereto should be accepted as evidence on the issue of priority, that no additional evidence should be received, and that the matter should be decided upon this evidence alone, without argument, is not an admission by the other party; and the matter having been decided against him, the claim involved stricken out, and a patent issued for what remained, he was not estopped from claiming priority therefor.

3. SAME—INFRINGEMENT.

In a crocheting machine, in which several stitches are to be taken in the same place, a construction which avoids useless horizontal reciprocations of the feed dog during the formation of each group of stitches, without affecting its function of advancing the material after the group is completed, does not avoid infringement.

4. SAME—PARTICULAR PATENT.

The Merrow patent, No. 428,508, for a crocheting and overseaming machine, is not anticipated, and is entitled to a liberal construction.

In Equity. Suit by Joseph M. Merrow against John Shoemaker and others for infringement of a patent. Decree dismissing certain defendants, and for complainant as to others.

Church & Church, for complainant.

Joseph C. Fraley, for defendants.

DALLAS, Circuit Judge. This is a suit in equity brought by Joseph M. Merrow against the several defendants named, for alleged infringement of letters patent No. 428,508, dated May 20, 1890, issued to the complainant, for "crocheting or overseaming machine." The object of the invention, as stated in the specification, "is to produce new and improved ornamental crocheted finish or border by machinery upon fabrics in general, but particularly upon knitted fabrics, which have heretofore been ornamentally finished by hand, * * * by means of the improvements, * * * consisting in new mechanism and new combinations of mechanism." The invention "relates to feeding mechanism, and new and useful combinations therewith." The only claims involved are as follows:

"(1) In a machine of the character specified, the combination of the following mechanisms: A stitch-forming mechanism provided with a thread carrier and a looper, the latter co-operating with the thread carrier to engage the thread on alternately opposite sides of the fabric, and draw loops thereof to or beyond the edge of the fabric, and interloop the ends of said loops, and an intermitting feed mechanism engaging the fabric to advance the latter only after the formation of two or more complete stitches by the stitch-forming mechanism, substantially as described. (2) The combination, in a machine such as described, and with a reciprocating thread-carrying