

**BUTTE CITY ST. RY. CO. v. PACIFIC CABLE RY. CO.**  
 (Circuit Court of Appeals, Ninth Circuit. February 5, 1894.)

No. 120.

**1. PATENTS—INVENTION—CABLE RAILWAYS.**

In view of the prior art, there was no invention in simply placing the gripping device of a cable railway upon a "dummy" car, and attaching the latter to one of the carrying cars. 55 Fed. 760, reversed.

**2. SAME.**

The Hallidie patent, No. 182,663, for an improvement in street cable railways, is void for want of invention. 55 Fed. 760, reversed.

Appeal from the Circuit Court of the United States for the District of Montana.

In Equity. Bill by the Pacific Cable Railway Company against the Butte City Street Railway Company for infringement of letters patent No. 182,663, granted September 26, 1876, to Andrew J. Hallidie, for an improvement in cable railways. The patent was sustained by the court below, and infringement declared. 55 Fed. 760. Defendant appeals. Reversed.

Warren Olney, (Geo. H. Knight, on the brief,) for appellant.  
 Wm. F. Booth, for appellee.

Before McKENNA and GILBERT, Circuit Judges, and ROSS, District Judge.

McKENNA, Circuit Judge. This is an action for an infringement of patent for an improvement in street cable railways, issued to Andrew J. Hallidie, September 26, 1876, and assigned to appellee. The patent recites that the "invention relates to that class of street railways in which the cars are propelled along the track by means of an endless rope or chain;" but such railroads are now very familiar, and need no long description. The inventor says:

"This system of propelling railway cars has long been used upon uniform planes. Sometimes these planes were inclined, and sometimes they were horizontal; but previous to my invention it was never made available for long lines of railway which passed over changing levels, or for propelling the cars over steep inclines, in the length of a road which was operated by horse or other power at either end of the line, so that the same car could proceed from one system of propulsion to the other without trouble or delay. My invention is intended to accomplish this object by providing a separate truck or car, which I call a 'dummy' for supporting and carrying the gripping device, and which will be a permanent part of the road, while the car to be propelled is simply connected by a coupling with this car or dummy, so that it can be disconnected and run upon another track without disarranging any of the mechanism connected with the gripper."

The appellant (respondent in the court below) urges, among other defenses, that the patent is void for want of invention, and that it has been anticipated. The infringement of the patent consists solely of placing the gripping device on a "dummy" car, and attaching the latter to one of the carrying cars. In view of the state of the art, as disclosed by the evidence and in common knowledge, we do not think this involved invention.

Judgment and decree reversed, and cause remanded, with directions to dismiss the bill.

## APPLETON MANUF'G CO. v. STAR MANUF'G CO. et al.

(Circuit Court of Appeals, Seventh Circuit. February 9, 1894.)

## No. 94.

## PATENTS FOR INVENTIONS—PATENTABILITY—CORN HUSKERS.

Letters patent No. 290,571, issued Dec. 18, 1883, to S. P. Goddard for an improvement in the method of reducing corn in the stalk and separating the kernels, consisting of a cutter with feed rollers in front, a beater or thresher, a revolving screen or separator, and a shaking screen under it, all mounted in one frame, and so geared that the parts are driven by a single band wheel, are void for want of invention, since the device consists merely in the application to a new use of old and well-known devices. 51 Fed. 284, affirmed.

Appeal from the Circuit Court of the United States for the Northern District of Illinois.

Bill by the Appleton Manufacturing Company against the Star Manufacturing Company, Delos Dunton, and H. G. Sawyer to restrain infringement of a patent. Defendants obtained a decree. 51 Fed. 284. Complainant appeals.

The suit was by the appellant against the appellees for an accounting and to enjoin infringement of letters patent No. 290,571, issued December 18, 1883, to S. P. Goddard, for "improvements in methods of reducing corn in the stalk and separating the kernels," of which the specification and claims are as follows: "My invention has relation to a new and useful method of reducing and separating corn from the stalk, husk, and cob, and at the same time the stalk, husk, and cob are cut up or comminuted, and ready for use as stock food,—ensilage; or, in this fine condition, it may be plowed into the soil as a fertilizer without any further treatment; and to these ends the novelty consists in the method hereinafter described, and particularly set forth in the claims. In carrying out my invention, the result is accomplished by means of the devices shown in the accompanying drawings; but I do not wish to be understood as limiting myself to the means shown, as any mechanism which will produce the same result may be used. Fig. 1 is a longitudinal, vertical section of a machine adapted to carry out my invention, and Fig. 2 is a side elevation of the same. A is a feed trough, supported at one end by legs, one of which is shown at B. C, C', are the feed rollers, the upper one, C, being corrugated, and both driven by the ordinary gears. D is the cutter bar, rigidly secured to the base, and E is the cutters or knives secured to the cylinder, F, so that the latter rotates the material as it is fed by the rollers, C, C', when forced over the cutter bar, D, and the knives, E, cut it into suitable lengths, and the cut pieces fall on the incline, G, and are thence fed to the toothed cylinders, H, H', which thoroughly break up the pieces and discharge them into the inclined rotating screen, I. The grain corn then falls through said screen, while the stalks, cobs, and husks pass out the lower end of the screen onto the incline, K, and thence to the floor or ground. L is a shaking screen having inclined screen bottom, M, and, as the grain corn and chaff or refuse fall into it from the rotating screen, the shaking motion sifts all the dirt or foreign matter through, while the clean grain is carried forward and discharged through the opening, N, into a box or bin placed there to receive it. It will thus be seen that, as the stalks and ears with the husks on are fed to the cutters, they cut the stalks, and also the ears, husks, and cobs, into small disks. This in the first place practically shells the corn, in addition to cutting the cobs, husks, and stalks, and as the pieces of cob pass between the toothed cylinders, H, H', what few remaining grains may be attached are separated by the threshing operation of said cylinders. The knife cylinder, F, is mounted on a shaft, O, one end of which is provided with a band or fly wheel, P, and on the other end is a small gear, Q, giving motion, through the idler, R, to the gear, S, secured to the upper feed roller, C. The shaft of this feed roller has a vertical play in the slot, 2, to facilitate