

WHEELER, District Judge. This importation was of waste pieces of cloth, composed of wool, cotton, and rubber, left over from the manufacture of waterproof garments. The wool cannot be profitably separated from the rubber. It was classified by the board of United States appraisers as "waste, not specially provided for," under paragraph 472 of the tariff act of 1890. But paragraph 388 provided for a duty on noils, shoddy, top waste, slubbing waste, roving waste, ring waste, yarn waste, garnetted waste, and all other wastes composed wholly or in part of wool. This waste is composed in part of wool, and falls within this description. It was none the less composed in part of wool because that part was not profitably available. *Robertson v. Perkins*, 129 U. S. 233, 9 Sup. Ct. 279. Decision reversed.

BREDT et al. v. UNITED STATES.

(Circuit Court, S. D. New York, January 15, 1895.)

CUSTOMS DUTIES—CLASSIFICATION—MACHINE BLANKETS—TARIFF ACT OF OCTOBER, 1890.

Thick-woven, endless woolen belts or blankets, for paper or printing machines, held dutiable at 44 cents per pound and 50 per cent. ad valorem, under the provision of paragraph 392 of the tariff act of October 1, 1890, as a manufacture wholly or in part of wool, not specially provided for, and not at 38½ cents per pound and 40 per cent. ad valorem, under the provision of paragraph 393 of said act, for "blankets."

At Law. Review of decision of board of United States general appraisers, under the act of June 10, 1890. Affirmed.

The assistant district attorney contended that the articles in paragraph 393, such as "blankets, hats of wool, and flannels for underwear," were articles of wearing apparel, and the blankets therein specified referred to blankets to be worn or used for the covering of the person, and not to machinery; that machine blankets were not ejusdem generis (*Hollender v. Magone*, 149 U. S. 586, 589, 13 Sup. Ct. 932; *Magone v. Trading Co.*, 6 C. C. A. 407, 57 Fed. 394), and constituted a part of the machinery; that belts or felts for paper or printing machines, as well as blankets, had been provided for eo nomine in the act of March 2, 1867, and in every tariff act since that date, up to the act of 1890, showing they had always been recognized by congress as different articles for duty purposes. Where an article has become known to congress by a legal or statutory definition, as shown by its use in former statutes for revenue purposes, such a legal or statutory definition will control. *De Forest v. Lawrence*, 13 How. 274.

The importers' counsel claimed the word "blankets" was used in its ordinary meaning in paragraph 393, which was broad enough to cover the articles in suit.

Stephen G. Clarke, for plaintiffs.

Wallace Macfarlane, U. S. Atty., and Henry C. Platt, Asst. U. S. Atty.

WHEELER, District Judge. These articles are woven from wool into continuous webs for use in printing presses, as parts of the machinery, and in that art, when so used, are called "blankets." They were assessed under paragraph 392 of the tariff act of 1890, which provided for duties on "all manufactures of every description made wholly or in part of wool," and are claimed to have been dutiable

under paragraph 393, which provided for different duties "on blankets, hats of wool, and flannels for underwear, composed wholly or in part of wool." Blankets, in general, are used as coverings for protection against outer temperature and influences, and, in common speech, would be understood to refer to things so used, and not to these having that special name in those particular machines; and especially would this be so when the term is used in the tariff law among other words expressing other such coverings in pointing out subjects for particular duties. As this word is so used here, it is understood to refer to blankets in this general sense. The word "pins" seems to have been so understood as to exclude hair pins, in *Robertson v. Rosenthal*, 132 U. S. 460, 10 Sup. Ct. 120.

Decision of board affirmed.

GARY, Collector, v. COCKLEY.

(Circuit Court of Appeals, Sixth Circuit. January 8, 1895.)

No. 210.

CUSTOMS DUTIES—STEEL.

Billets of metal produced from iron or its ores, containing 20 per cent. of carbon and smaller percentages, ranging from .002 to .081 of silicon, manganese, phosphorus, and sulphur, which is granular in structure, malleable, and which, at any stage of the process of production, has been cast, by being run into molds, is within the definition of "steel," as given in paragraph 150 of the tariff act of October 1, 1890, and is properly classified as such.

Appeal from the Circuit Court of the United States for the Eastern Division of the Northern District of Ohio.

This was an application by David L. Cockley for a review of the decision of the board of general appraisers concerning certain merchandise imported by him. The circuit court reversed the decision of the board. A motion for a new trial was made and denied. The attorney general appeals.

This is a customs case. On the 22d day of July, 1892, certain merchandise, described as hollow steel billets, was entered at the port of Cleveland, Ohio, from Sandviken, Sweden, by one D. L. Cockley, the appellee, who imported the same for the Shelby Steel-Tube Company. Upon the return of the appraiser, the collector of customs at the port of Cleveland, Marco B. Gary, assessed the duty upon these billets at one and six-tenths cents per pound, classifying them as hollow steel billets. This classification and rate of duty thus assessed was in accordance with paragraph 146 of the tariff law of October 1, 1890. That paragraph provides that "steel ingots, cogged ingots, blooms and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; * * * all descriptions and shapes of dry sand, loam, or iron molded steel castings; sheets and plates not specially provided for in this act; and steel in all forms and shapes not specially provided for in this act, when valued above three cents and not above four cents per pound, shall pay a duty of one and six-tenths cents per pound." The valuation of these billets was fixed by the appraiser at above three cents, and not above four cents, per pound, and this valuation is not disputed.

The protest filed by the importer was in the following words:

"New York, July 28, 1892.

"To Marco B. Gary, Collector of Customs, Cleveland, Ohio: On the 4th day of February, 1892, the undersigned imported from Sandvik, Sweden, fifty
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