documents themselves. Doyle v. Spaulding, 19 Fed. 744, 748; Hayes v. Bickelhoupt, 23 Fed. 184; Freese v. Swartchild, 35 Fed. 142; Seymour v. Osborne, 11 Wall. 545; Manufacturing Co. v. Gugenheim, 3 Fish. Pat. Cas. 427, Fed. Cas. No. 10,954. Decree for complainant, in the usual form.

CARY MANUF'G CO. v. DE HAVEN.

(Circuit Court, E. D. New York. January 29, 1896.)

PATENTS—ANTICIPATION—BOX STRAPS.

The Cary patent, No. 403,178, for a box strap having interlocking bosses struck up in it, for more strongly joining the ends, *held* not anticipated, valid, and infringed. 58 Fed. 786, reaffirmed.

This was a suit in equity by the Cary Manufacturing Company against Hugh De Haven for alleged infringement of a patent relating to box straps. A preliminary injunction was heretofore granted (58 Fed. 786), and the case is now on final hearing.

A. G. N. Vermilya, for plaintiff.
Albert Comstock, for defendant.

WHEELER, District Judge. This cause has been before heard on a motion for a preliminary injunction against infringement of the plaintiff's patent, numbered 403,178, for a box strap having interlocking bosses struck up in it, for more strongly joining the ends. Nothing really additional has been brought to this hearing in chief, beyond more elaborate presentation. Prior bands of brass are produced which are ornamented with raised bosses, that might interlock, because they were so struck up in thin metal, uniformly, that they could be put together in that way; but they were never intended to be, and are not shown to have ever been, used in that way, or for such a purpose. They do not show an interlocking box strap, nor any binding strap. One figure of the drawing of the Tweddle patent, for a barrel hoop, shows a single part of a hoop with bosses evenly spaced, which might interlock with others made in the same way on a similar part. But the bosses of that patent are for holding the hoops down on the barrel by their shape, and such interlocking is not any part of the thing patented; nor is it described, or even alluded to, in the specification, or otherwise, in any part of the patent. This falls far short of showing interlocking bosses. These things are understood to be the ones most relied upon to defeat the patent, and they all appear inadequate for that purpose. The conclusion reached is the same as before. Decree for orator.

THE ARGUS.

THE CITY OF ALEXANDRIA.

ALEXANDRE et al. v. THE ARGUS.

(District Court, E. D. Pennsylvania. January 24, 1896.)

1. COLLISION—STEAMER WITH TOW—LIABILITY OF TUG.
   A steamer colliding with a dredge in tow of a tug was held in fault, and compelled to pay the entire damages, the tug not being found within the jurisdiction so as to make her a party. Afterwards the steamer's owners libeled the tug to enforce an alleged right of contribution in respect to the damages so paid. The steamer received no injury by the collision. *Held*, that no lien against the tug arose in favor of the steamer, in her own right, and that, if she had any remedy, it was by way of substitution to the lien which the tow may have had against the tug because of a fault committed by the latter.

2. SAME—TUG AND TOW.
   A tug performing towage services, under a charter which places her movements absolutely under the control of the tow's officer and pilot, is not responsible to the tow for any movements which result in a collision with a third vessel.

This was a libel by Francis Alexandre, owner of the steamship City of Alexandria, against the steam tug Argus, to enforce an alleged lien arising from a collision of the steamer with a dredge in tow of the tug.

Robert D. Benedict, J. Warren Coulston, and Alfred Driver, for the City of Alexandria.

John F. Lewis and Henry R. Edmunds, for the Argus.

George A. Black, for insurance companies.

BUTLER, District Judge. The following statement of facts is adopted:

On September 21, 1886, a libel was filed in the district court of the United States for the Southern district of New York by the Deep Sea Hydraulic Dredging Company, owner of the dredge Queen, against the steamship City of Alexandria and the steam tug Argus, to recover damages for the sinking on September 9, 1886, of the Queen, while in tow of the Argus, by a collision with the City of Alexandria. The libel alleged specific faults contributing to the collision on the part of both vessels.

Process was issued to the marshal, and the marshal made return on the process that he had been unable to find the Argus in his district. The owners of the City of Alexandria appeared and gave bonds for her, and they answered the libel.

The cause was tried on the issues raised by the libel, and the answer of the City of Alexandria and the amended libel and amended answer. On June 17, 1887, the judge made his decision [31 Fed. 427] and on the 11th of October, 1887, the district court made its