

duties of the whole invoice were then added anew, without other changes, and the entry was stamped as reliquidated at that date. *Held*, that this action was not subject to protest, as a new assessment and reliquidation.

This was an appeal by Jacot & Son from a decision of the board of general appraisers in respect to a protest against an alleged reassessment and reliquidation as to certain merchandise imported by that firm.

Everit Brown, for appellants.  
Henry C. Platt, Asst. U. S. Atty.

WHEELER, District Judge. These goods were imported in 1893, and the duties were liquidated and paid. One case of the goods of the same invoice went to a bonded warehouse, and was withdrawn for consumption, under the act of 1894, and the duties on that case were reassessed at a reduced rate, according to the provisions of that act. The duties of the whole invoice were then added anew, but no change was made in any but those upon that case, and the entry was stamped as reliquidated at that date. The importers protest against that as a new assessment and reliquidation of the whole invoice. But nothing whatever was done about the rate or classification of the goods in question, or any but those withdrawn from the bonded warehouse. Neither the adding up of these duties to obtain new totals, nor stamping the invoice as reliquidated, affected them in any way, and there was nothing then in regard to them to protest against. Decision affirmed.

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UNITED STATES v. WATSON et al.

(Circuit Court, S. D. New York. December 9, 1897.)

No. 1,232.

CUSTOMS DUTIES—CLASSIFICATION—PEARL HARDENING.

Pearl hardening, an artificial sulphate of lime, obtained by precipitated carbonate of lime with dilute sulphuric acid, was dutiable, under the act of 1890 as a nonenumerated manufactured article, and not under paragraph 97 as "plaster of Paris, or gypsum ground."

This was an appeal by the United States from a decision of the board of general appraisers in respect to the classification for duty of certain merchandise imported by Watson & Co.

Henry D. Sedgwick, Jr., Asst. U. S. Atty.  
Stephen G. Clarke, for appellees.

WHEELER, District Judge. This importation is pearl hardening. The report of the assistant appraisers shows:

"It is an artificial sulphate of lime obtained by precipitated carbonate of lime with dilute sulphuric acid. The carbonate of lime, from which this article is manufactured, is a by-product obtained in the manufacture of soda ash."

It has been classified under paragraph 97 of the tariff act of 1890 as "plaster of Paris, or gypsum ground." It is not plaster of Paris, or gypsum ground, but a nonenumerated manufactured article, as claimed by the collector. Decision reversed.

UNITED STATES v. WAGNER.

(Circuit Court, S. D. New York. December 9, 1897.)

No. 2,351.

CUSTOMS DUTIES—CLASSIFICATION—LITHOGRAPHIC CIGAR LABELS.

Lithographic cigar labels, printed in various colors, including bronze, were dutiable at 20 cents per pound, under paragraph 308 of the act of 1894, if, reckoning the bronze as two colors, the labels would have less than ten colors, the bronze not being of chief value, nor predominant.

This was an appeal by the United States from a decision of the board of general appraisers in respect to the classification for duty of certain lithographic cigar labels imported by Louis C. Wagner.

Henry D. Sedgwick, Jr., Asst. U. S. Atty.  
Edward Hartley, for defendant.

WHEELER, District Judge. Paragraph 308 of the tariff act of 1894 provides for a duty on—

"Lithographic cigar labels and bands, \* \* \* if printed in less than ten colors, but not including bronze or metal leaf printing, twenty cents per pound; if printed in ten or more colors or in bronze printing, but not including metal leaf printing, thirty cents per pound; if printed, wholly or part, in metal leaf, forty cents per pound."

The evidence shows that in the trade bronze printing is taken as two colors; that in the styles of cigar labels imported, one (2514) was printed in red, blue, and gold bronze; 2,515 in red, black, and gold bronze; 2532C was printed in red, green, and gold bronze; and 2513C in red, blue, and gold bronze; and, reckoning the bronze as two colors, none of them would have ten colors. The bronze does not appear to have been of chief value, nor predominant. Therefore it appears to have been properly assessed at 20 cents per pound. Decision affirmed.

ST. LOUIS CORSET CO. v. WILLIAMSON CORSET & BRACE CO. et al.

(Circuit Court, E. D. Missouri, E. D. December 4, 1897.)

No. 3,902.

PATENTS—CONSTRUCTION OF CLAIMS—INFRINGEMENT—CORSETS.

The McCabe patent, No. 254,992, for an improvement in corsets, consisting of a hip section composed of a stayed body, and a corded overlay extending from the top of the hip section to about the waist line, and then cut away over the hips so as to expose a portion of the section, is old as to both these elements, and, if valid at all, is limited to the special combination employed therein. *Held*, therefore, that the patent was not infringed by a corset which lacks the element of the hip section composed of a stayed body substantially as described in the patent.

This was a suit in equity by the St. Louis Corset Company against the Williamson Corset & Brace Company and others for alleged infringement of a patent for improvements in corsets.

W. C. & J. C. Jones, for complainant.  
Geo. H. Knight, for defendants.