

by the highest court of the state of which respondent is a citizen. With a full appreciation of liberty of speech, the independence of the bar, and the dignity and self-respect of this court, I can see no other alternative than to enter judgment in this action disbaring defendant from any longer practicing in this court as attorney at law and solicitor in chancery; and it is so ordered.

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UNITED STATES v. MARSHALL FIELD & CO, et al,  
(Circuit Court of Appeals, Seventh Circuit. January 3, 1898.)

No. 410.

**CUSTOMS DUTIES—CLASSIFICATION—MANUFACTURES OF PASTE.**

Articles in the form of buttons having a metal shank and back, and set with a cluster of imitation diamonds, commercially known as paste, the paste being the component material of chief value, and the articles not being commercially known as buttons nor as jewelry, were dutiable under paragraph 351 of the act of 1894, as "manufactures of \* \* \* paste or of which paste is the component material of chief value," and not as "buttons of glass," under paragraph 317.

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

This was an appeal by Marshall Field & Co. from a decision of the board of general appraisers reversing the decision of the collector of customs at the port of Chicago in respect to the classification for duty of certain imported merchandise. The circuit court affirmed the classification adopted by the board of general appraisers, and the United States thereupon appealed to this court.

John C. Black, U. S. Atty., and Oliver E. Pugin, Asst. U. S. Atty.  
J. M. Barnes, for appellees.

Before WOODS, JENKINS, and SHOWALTER, Circuit Judges.

**PER CURIAM.** The question here is of the proper rate of duty on articles of merchandise imported in October, 1895, by Marshall Field & Co. The articles were each in the form of buttons having a metal shank and back and set with a cluster of imitation diamonds. The collector of customs at Chicago classified them as "buttons of glass," dutiable at 35 per cent. ad valorem, under paragraph 317 of the act of August 27, 1894, but the importers, insisting that the classification should be with "manufactures of paste or of which paste is the component material of chief value," dutiable at 25 per cent. ad valorem, appealed to the board of general appraisers at New York. That board, on the evidence adduced, found the merchandise in question to be in the form of buttons with metal shanks, and to consist, in addition to the shank and metal back, of clusters of imitation diamonds commercially known as paste; that the paste was the component material of chief value; that the articles were not known commercially as buttons nor as jewelry; and that, on the principles enunciated by the board in another case mentioned in the

finding, the claim of the protestants, that the merchandise was dutiable as a manufacture of which paste is the component material of chief value, should be sustained. This decision the court below affirmed, and a careful consideration of the evidence and of the briefs convinces us that the ruling is right. The decree is therefore affirmed.

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JOHNSON ELECTRIC SERVICE CO. V. POWERS REGULATOR CO.

(Circuit Court of Appeals, Seventh Circuit. January 3, 1898.)

No. 426.

1. PATENTS—INTERPRETATION—INFRINGEMENT.

In a patent for a heat regulator, the diagrams showed, and the specifications described, a bar designed to expand and contract with changes of temperature, and the patentee stated that the valves were actuated "by the direct utilization of the mechanical effects of the expansion or contraction of the substances of which the thermostat is composed." The claims included, as elements of the combination, "a thermostat and a double valve operated directly thereby," and "a thermostat whose free portion is moved by a change of temperature in the surrounding medium." *Held*, that the patent was not infringed by a device in which the thermostatic power was furnished by confined rhigolene, which changes from a liquid to a gaseous form, and back again, with variations of temperature.

2. SAME—TEMPERATURE REGULATORS.

The Johnson patent, No. 314,027, for an improvement in "thermo-pneumatic temperature regulators," construed, and *held* not infringed.

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

This was a suit in equity by the Johnson Electric Service Company against the Powers Regulator Company for alleged infringement of a patent. The circuit court found that there was no infringement, and dismissed the bill for want of equity. See 81 Fed. 626, for the opinion of the circuit court, which contains a full description of the two devices. From this decree the complainant has appealed.

Robert S. Taylor, for appellant.

C. C. Linthicum and C. K. Offield, for appellee.

Before WOODS and JENKINS, Circuit Judges, and BUNN, District Judge.

PER CURIAM. We concur in the opinion and conclusion of the court below, as reported in 81 Fed. 626, that letters patent of the United States No. 314,027, for improvements in thermo-pneumatic temperature regulators, had not been infringed by the appellee. The chief criticism of that opinion by counsel here has been that it is founded upon a mistaken definition or misconception of what constitutes a thermostat. We do not perceive that there was such a misconception, and, if there were, it was not the turning point of the dispute. By force of the specification and drawings of the patent and the concluding terms of each of the claims, of which infringement is alleged, the invention is limited to certain peculiarities of construction and result-