

whereof the meeting faces of the spoke bar and hub are slightly separated, combined with clamp bolts, G, whereby said hub is clamped upon the shaft," the question would be different. The argument that, in the case of the patent in suit, contact at the meeting ends is merely to complete and strengthen the rim, and that such contact is functionless in holding the pulley on the shaft, would seem to eliminate from each claim that factor expressed by the words "when the meeting ends of the rim are in contact."

The foregoing are merely my individual impressions from the record as it comes before us on this appeal. The order of the court is that the rehearing be denied.

AMERICAN CARPET-LINING CO. v. BEALE et al. (two cases).¹

(Circuit Court, D. Massachusetts. July, 1880.)

PATENTS—INVENTION—MACHINES FOR SEWING PARALLEL SEAMS.

The Canfield patent, No. 86,057, for an improvement in sewing machines for sewing parallel seams, considered on motion for preliminary injunction, and held valid and infringed.

These were two suits brought by the American Carpet-Lining Company against Joseph H. Beale and others; the first being upon letters patent No. 74,328, issued February 11, 1858 (reissue No. 3,247, dated December 29, 1868), for machines for sewing carpet linings; and the second upon letters patent No. 86,057, issued January 19, 1869, to Felix P. Canfield and Joel F. Fales, as assignee of said Canfield, for an improvement in sewing machines for sewing parallel seams. The causes were heard on motions for preliminary injunction.

J. E. Maynadier, for complainant.

W. M. Parker, for defendants.

LOWELL, Circuit Judge. In the former of these suits, which is brought on the Fales patent, there seems to be a fair question whether Fales was truly the inventor of the improvement, or whether it was made by Canfield. In the second, which is brought on the Canfield patent, there is no such defense, nor any defense, except that the patent is void on its face, for not clearly distinguishing between what is new and what is old. The point here taken is that, if Fales invented what is described in his patent, the specification of Canfield should have disclaimed it in terms. But the only objection taken to Fales' patent is that Canfield was the inventor. If so, the Fales patent is void; and Canfield truly says that he invented the whole improvement, if he does say so. If Canfield did not make the invention, the Fales patent is valid, and an injunction should issue on that. As a matter of combination, I think the Canfield patent can be sustained, even if Fales did invent a part of the new mode of

¹ This case has been heretofore reported in 5 Ban. & A. 529, and is now published in this series, so as to include therein all circuit and district court cases elsewhere reported which have been inadvertently omitted from the Federal Reporter or the Federal Cases.

operation, because what Canfield claims is one entire combination. Judge Blatchford has granted an injunction in a suit on this patent. There is no denial of infringement of the Canfield patent, except in argument, and a general denial in the answer. The evidence on both sides describes a machine which infringes Canfield. My conclusion is that a preliminary injunction should not be granted in the first-named suit, and that one should be granted in the second; and it is so ordered.

SOUTHERN LOG CART & SUPPLY CO. v. LAWRENCE et al.

(Circuit Court of Appeals, Fifth Circuit. April 19, 1898.)

No. 675.

1. MARITIME LIENS—ADMIRALTY JURISDICTION.

A flatboat, with a pile driver and its engine erected thereon, which is mainly used in constructing bulkheads for the erection of channel lights, and which is also employed in transporting materials used in the work (being towed by a tug for this purpose), is to be classed as a "vessel" within the maritime jurisdiction, and subject to maritime liens.

2. SAME—SEAMEN'S WAGES.

Persons employed upon such a boat, who assist in moving her about, and who also work the pile driver and are engaged in constructing the bulkhead, are to be regarded as rendering maritime services, so as to give them a lien on the vessel for their wages.

Appeal from the District Court of the United States for the Southern District of Alabama.

This was a libel in rem by Millard T. Lawrence and others against an unnamed flatboat or pile driver of which the Southern Log Cart & Supply Company were claimants, to recover a balance of wages due for services rendered on the said boat. The district court held that the boat was a "vessel" capable of becoming the subject of a maritime lien, and that the services rendered by the libelants were maritime services, and accordingly rendered a decree in their favor. The opinion of the district judge, which contains a full statement of the facts, is reported in 84 Fed. 200.

Harry T. Smith, for appellant.

J. Ralston Burgett, W. D. McKinstry, and Leslie B. Sheldon, for appellees.

Before PARDEE and McCORMICK, Circuit Judges, and SWAYNE, District Judge.

PER CURIAM. For the reasons given by the learned district judge, and found in the transcript, the decree appealed from is affirmed.