diction, or is one for which for any reason the prisoner is not amenable to criminal prosecution in another district, the district judge may properly refuse to order his removal. In short, it is for him to decide, in view of the facts of the particular case, whether the ends of justice will be best subserved by granting or refusing the warrant. It is to be observed that the statute does not in terms require that an indictment shall have been found against the offender, or that criminal proceedings in any form shall have been instituted against him, in the district where he has committed an offense against the laws of the United States. The authority to arrest and remove is conferred in broad terms. Cases may arise where the immediate apprehension of an offender, who is a fugitive from justice, is necessary to prevent his escape from the country, and where, although his guilt is clear, proof cannot be presented in time to procure an indictment before he can find refuge in a foreign land. That it is within the constitutional power of congress to authorize the arrest of an offender against the laws of the United States at any place within the United States, and his removal to the place where the offense is triable, cannot be doubted. In exercising the authority given by statute, the officers named have wisely insisted generally that it should be made to appear that criminal proceedings in some form have been instituted against the offender within the district where the offense is triable, and usually that an indictment has been found against him; but Chief Justice Marshall, in Virginia, committed Aaron Burr for trial in Ohio, after a hearing before him as committing magistrate, for an offense committed in another district, although no proceedings had been instituted in Ohio. Burr's Case, 25 Fed. Cas. pp. 201–207. We conclude that the court below properly dismissed the writ, and the order appealed from is therefore affirmed.

EXCELSIOR HEATER CO. v. BATES MACH. CO. et al.

(Circuit Court, N. D. Illinois, N. D. June 3, 1898.)

1. PATENTS FOR INVENTIONS — ANTICIPATION — FEED-WATER HEATER AND PURIFIER.
   Letters patent, No. 400,319, issued March 25, 1889, to Charles E. Ferreira, for improvements in feed-water heaters and purifiers, were not anticipated by letters patent No. 385,769, issued to James Miller, July 10, 1888, since the Ferreira device contains a large steam chamber between the steam pipe and the water contact so as to permit expansion of the steam, which steam chamber is wanting in the Miller device, and is the element that renders the Ferreira device commercially successful.
2. SAME—INFRINGEMENT.
   Said letters patent No. 400,319 are infringed by letters patent No. 542,331, issued July 9, 1895, to P. J. Cookson, for a heater which has a steam chamber extending only half way through the heater, but which otherwise is substantially like the Ferreira device.
3. SAME—SPECIFICATIONS.
   The inventor of a machine which produces new results by means of a hitherto untried feature is entitled to protection therefor, even though the special functions of such feature are not particularly pointed out in his specifications.

This was a suit in equity by the Excelsior Heater Company against the Bates Machine Company and Thomas J. Cookson, for alleged infringement of a patent for improvements in feed-water heaters.

Banning & Banning, for complainant.
Paul A. Staky, for defendants.

GROSSCUP, District Judge. The bill is to restrain infringement of letters patent No. 400,319, issued March 25, 1889, to Charles E. Ferreira, and the patent relates to improvements in feed-water heaters and purifiers. The defendants challenge the validity of the patent, and deny infringement. The object of the so-called invention was to provide for the heating and purifying of water, particularly for water intended for use in steam boilers. The general construction of the water heater is described by the patentee as follows:

"In constructing my improved feed-water heater and purifier, I make a metallic shell of any size desired, according to the capacity of the boiler or boilers with which it is to be used. Inside this shell I form chambers for water and steam by means of suitable partitions; these chambers, of course, being sufficiently tight to hold the water and steam, respectively, and to prevent their mingling together except as desired.

"I introduce the water into the water chamber by pumping, or in any other convenient way, through a pipe entering the shell, preferably from the side, and as near the top as possible. This pipe terminates in a sprinkler inside, preferably enlarged so as to distribute the water in a spray or shower. The inflow of water may be regulated by suitable valves, or in any other convenient way; but I prefer to use an ordinary float or butterfly valve for this purpose.

"Connected with the top of the steam chamber—that is, with the partition separating it from the water chamber—is a pipe passing up and down, or making turns through the water chamber; and the steam passing through this pipe, of course, heats the body of the water surrounding, or in contact with it. There may be only one of these pipes used, or as many as desired. I prefer to use several,—as many as possible,—so as to have numerous inlets for the steam, and to secure the greatest possible heating surface in the water. The upper end of each of these pipes is preferably provided with a horizontal nozzle, so that the water dropping or falling from the sprinkler cannot enter the pipes, and thus create back pressure.

"Passing up from the settling chamber to any height desired in the water chamber is a pipe intended to conduct the heated water into the settling chamber; and a pipe for the introduction of live steam may be connected or enter into this water pipe at any convenient point. I prefer to turn the end of this steam pipe, and run it down in the water pipe a short distance, and to have its end closed by plugging or otherwise, and the sides of its turned-down portion perforated to distribute the steam laterally. By means of this pipe, live steam may be introduced directly into the comparatively small quantity of outflowing water, so as to commingle therewith, and thus superheat it or greatly increase its temperature. In this way the water can be heated to any temperature required before or as it enters the settling chamber; and, the temperature being sufficiently high, of course the impurities or scale-forming matter are immediately precipitated in the settling chamber. I prefer and consider it important to have the live steam thus introduced at a temperature sufficiently high to cause the impurities or scale-forming matter to be rapidly and fully precipitated. I also prefer to have this pipe for the outflow of water at the center, and its upper end about half way between the surface and bottom of the water, so as to draw off the water without scum, oil, or other floating matter, and with as little as possible of the heavier impurities. As will be seen, the impurities which can be precipitated at about 214 degrees Fahrenheit are thus caused to remain in the water chamber, and other impurities requiring a higher temperature to precipitate them are arrested in the settling chamber. The heated water drawn into the settling chamber is also allowed to become more fully purified by the settling or precipitating of the impurities therein before the water rises high enough to enter the suction pipe of the feed pump. The perforations in the lower part of the partition in the lower