

lever mechanism supports and guides the rearward extension of the locking-bolt. The so-called slot on either side of the hammer in defendant's breech-piece is a mere passageway. The only slot in defendant's gun in which the locking-bolt is guided and supported lies in front of the hammer slot, and the hammer slot is not central of it, in the sense of the patent. For these reasons we find no infringement of the patent in defendant's gun No. 2, and it follows that the decree of the circuit court must be affirmed. The decree of the circuit court is affirmed, with the costs of this court to the appellee.

CHANDLER ADJUSTABLE CHAIR & DESK CO. v. HEYWOOD BROS. & WAKEFIELD CO.

(Circuit Court, D. Massachusetts. December 5, 1898.)

No. 1,032.

1. DESIGN PATENTS—CONSTRUCTION OF STATUTE—ARTICLE HAVING MOVABLE PARTS.

Rev. St. § 4929, cannot be so narrowly construed and limited as not to apply to a design for an article of manufacture, nor authorize a patent therefor, merely because such article has movable parts.

2. SAME—DESIGN FOR FURNITURE SUPPORT.

The Hill design patent, No. 27,272, for a design for a furniture support, held valid on demurrer.

This was a suit in equity by the Chandler Adjustable Chair & Desk Company against the Heywood Bros. & Wakefield Company for infringement of a patent.

Edward S. Beach and Richard P. Elliott, for complainant.

Frederick L. Emery, for defendant.

BROWN, District Judge. An inspection of the drawings and specification of design patent No. 27,272, dated June 29, 1897, to Frederick W. Hill, assignor to the complainant, for a design for a furniture support, satisfies me that it claims and defines one design only. Though the furniture support shown and described consists of two members, these members are related and dependent; and, though the configuration of each of these members is separately described, it is apparent that the parts must be assembled in order to display the design, shape, or configuration of the article of manufacture.

The broad proposition advanced by the defendant, that section 4929 of the Revised Statutes was not intended to apply to structures having movable parts, is not supported by the citation of any judicial decision; and, though certain rulings of the patent office (*Ex parte Tallman*, 82 O. G. 337; *Ex parte Adams*, 84 O. G. 311; *Ex parte Smith*, 81 O. G. 969; *Ex parte Brower* [1873] C. D. 151) are presented to support this proposition, I am of the opinion that such a construction of the statute calls for an unwarranted and unreasonable limitation of the terms "manufacture" and "any article of manufacture," and leads to absurd and unjust results. For example, such a construction would

defeat claims like those in *Burton v. Town of Greenville*, 3 Fed. 642, and *Britton v. Manufacturing Co.*, 61 Fed. 94.

To the objection of the defendant that the parts have no necessary, single, infallible, and fixed relation to each other, it is sufficient to say that the complainant describes and shows in his drawing a single and definite arrangement of parts. Therefore, even upon the narrowest construction of his patent, he is *prima facie* entitled to the design, configuration, or shape resulting from that special arrangement of parts exhibited in the drawing.

Demurrer overruled, with costs; defendant to answer within 20 days.

THE G. R. BOOTH.

(Circuit Court of Appeals, Second Circuit. December 14, 1898.)

No. 91.

SHIPPING—LIABILITY OF CARRIER FOR DAMAGE TO CARGO—CONSTRUCTION OF BILL OF LADING.

A clause in a bill of lading exempting the carrier from liability for loss or damage "occasioned by causes beyond his control," following the enumeration of a large number of specific causes, including perils of the sea, fire, accidents of navigation, and others of like nature, which would be covered by such clause if given a broad construction, must be restricted in meaning to causes of the same general nature as those particularized. As so construed, such clause does not relieve the carrier from liability for damage occasioned while the vessel was in port and being unladen, by the explosion of certain detonators forming a part of the cargo, which made a hole in the side of the ship, through which the sea water entered and injured the goods, where the detonators were shipped and handled in the usual way, and the explosion was an unusual, and even unprecedented, occurrence.

Appeal from the District Court of the United States for the Southern District of New York.

This was a suit in admiralty by the American Sugar-Refining Company against the steamship *G. R. Booth* for damages for injury to cargo while the ship was discharging in port, caused by the explosion of certain detonators, which constituted a part of her cargo, tearing a hole in the side of the ship, through which the sea water entered and damaged libellant's sugar. Libellant appealed from a decree dismissing its libel. The supreme court, in answer to questions certified by this court, held that the damage was not occasioned by a peril of the sea, nor by an accident of navigation, within the meaning of the bill of lading. 19 Sup. Ct. 9.

Harrington Putnam, for appellant.

J. Parker Kirlin, for appellee.

Before WALLACE, LACOMBE, and SHIPMAN, Circuit Judges.

WALLACE, Circuit Judge. The supreme court having answered the questions heretofore certified by this court adversely to the contention of the appellee, the cause is now here for final disposition; and the primary question is whether the steamship is liable