

out that the stretcher may be provided with any number of stirrups, and the suspension cords arranged in any number of groups; and it is obvious that, when this is done extensively, the triangular suspension practically disappears from the hammock. The claim specifies only those parts which co-operate to effect the triangular suspension. But it cannot include equivalents for these parts, because the hammock of the Travers patent contains equivalent parts which perform the same function in combination. When three or more of the central cords of that hammock are put into the exterior notches of the stretcher, the feature of triangular suspension is introduced, though in a crude and less artistic manner than in the hammock of the complainant's patent. We are of the opinion that the claim is void for want of novelty, unless it can be saved by limiting it to a combination in which the suspension devices are the stirrups of the specification, and in which the stretcher is provided with them as the means for attaching the suspension cords. As the hammock of the defendants does not contain these devices, they are not infringements of the claim. The decree is affirmed, with costs.

---

SMITH v. MAXWELL.

(Circuit Court, N. D. New York. April 12, 1899.)

1. PATENTS—INVENTION—UNITING OLD DEVICES.

In over-check guides for bridles, a closed loop with a friction roller was old, and an open loop without the roller was also old. *Held*, that there was no invention in merely uniting these two devices, so as to form an open loop with a friction roller.

2. SAME—LOOPS FOR BRIDLES.

The Smith patent, No. 315,672, for an improvement in loops for bridles, is void for want of invention.

This was a suit in equity by George L. Smith, individually and as administrator, etc., against Harry B. Maxwell, for alleged infringement of a patent for improvement in bridles.

J. C. Clayton, for complainant.

Milton E. Robinson, for defendant.

COXE, District Judge. This is an equity action founded upon letters patent, No. 315,672, granted April 14, 1885, to George L. Smith for an improvement in loops for bridles. The patentee states that prior to the alleged invention over-check guides for bridles had been "formed with inwardly turned ends separated sufficiently to permit the rein to be inserted edgewise between them, yet not enough to permit the accidental escape of the rein, and closed loops have been provided with a closed loose sleeve or roller. These features, separately considered, are not therefore claimed by me."

The claim is as follows:

"The herein-described guide for check-reins, etc., consisting of uprights A A, having ends b b bent laterally toward each other, connecting-bar B, and loose sleeve or roller C."

On the face of the patent, therefore, what the patentee did was to unite two old features; that is, he united the open loop and the roller of the prior art.

Turning to the record the statements of the patent are verified and all the features of the patented device are shown in the patents to Dennis, Le Blond and Strong, respectively, the first named showing the roller in a closed loop and the other two the open loop without the roller. Any one who places the Dennis roller in the Strong or Le Blond guides, or who makes the Strong or Le Blond opening in the Dennis guide will produce the patented structure. The device is an exceedingly simple one and in view of the fact that both features clearly appear in the prior art it is thought that no patentable novelty can be predicated of their union. Bearing in mind what was well known before it was nothing but the work of the ordinary mechanic to place an antifriction roller in the old guide when greater freedom of movement was required.

The bill is dismissed.

---

MOORE v. MARNELL.

(Circuit Court, N. D. New York. April 7, 1899.)

PATENTS—INVENTION AND INFRINGEMENT—APPARATUS FOR DIGGING TRENCHES.

The Moore patent, No. 524,502, for improvements in hoisting and conveying apparatus used in digging sewer trenches, construed, and held to show patentable invention, and also held infringed.

This was a suit in equity by Thomas F. Moore against Thomas Marnell for alleged infringement of a patent for improvements in apparatus used in digging sewer trenches.

George W. Hey, for complainant.

M. L. McCarthy, for defendant.

COXE, District Judge. This is an equity suit for infringement of letters patent, No. 524,502, granted to the complainant August 14, 1894, for improvements in hoisting and conveying apparatus employed in digging sewer trenches. The first claim only is involved. It is as follows:

"1. In a hoisting and conveying apparatus, the combination with tracks arranged lengthwise of the trench to be excavated, of a conveyer car running upon said tracks and provided with an open base frame and an open raised frame, forming an aperture for the passage of the hoisting bucket, a platform arranged on said raised frame adjacent to said aperture, and guide wheels mounted on the raised frame above said platform, and hoisting and draft cables running over said guide wheels respectively, whereby such cables are supported clear of the operator standing upon said platform, substantially as set forth."

The defenses are the usual ones, anticipation, lack of invention and noninfringement.

It is thought that the claim covers ingenious congeries, constituting a distinct improvement over anything in the prior art. The machine of the patent expedites the work of digging trenches in crowded cities without closing the streets or seriously interrupting