

therefore of opinion that these goods should have been classed as "manufactures of India rubber not specially enumerated," and charged with a duty of 25 per cent. *ad valorem*.

The issue is found for the plaintiff.

STODDER v. SPALDING.

(Circuit Court, N. D. Illinois. May 26, 1885.)

CUSTOMS DUTIES—WOOL KNIT HOODS.

Certain wool knit hoods held to be dutiable at 30 per cent. *ad valorem*, under act March 3, 1883.

At Law.

Percy L. Shuman and Jo. H. Defrees, Jr., for plaintiff.

Chester M. Dawes, Asst. U. S. Atty., for defendant.

BLODGETT, J., (*orally*.) The plaintiff imported a quantity of wool knit hoods, and the appraisers classed them as "a manufacture of wool not specially enumerated or provided for," and assessed a duty on them of 35 cents per pound, and 40 per cent. *ad valorem*. Heyl, pt. 2, p. 24, cl. 363a. The plaintiff paid this duty under protest, appealed to the secretary of the treasury, and now brings this suit, and contends that the goods were only dutiable at 30 per cent. *ad valorem* under the following paragraph of Schedule N, act of March 3, 1883. Heyl, pt. 2, p. 27, cl. 400:

"Bonnets, hats, and hoods for men, women, and children, composed of chip, grass, palm leaf, willow, or straw, or any other vegetable substance, hair, whalebone, or other material not specially enumerated or provided for in this act, 30 per cent. *ad valorem*."

I think there can be no doubt that the duty on these goods was improperly assessed. Clause 400, just read, specifically describes "hoods for men, women, and children," and provides that the duty upon them shall be 30 per cent. *ad valorem*. This minute description must be held to control as against the general terms used in the clause under which the collector classed them for duty.

The issue is found for the plaintiff.

DEERING v. WINONA HARVESTER WORKS and others.¹

(Circuit Court, D. Minnesota. June Term, 1885.)

PATENTS FOR INVENTIONS—PRACTICE—INFRINGEMENT OF SEVERAL PATENTS—
CONSOLIDATION OF SUITS—EXTENDING TIME TO ANSWER.

D. filed a bill on May 25, 1885, alleging an infringement of two of the patents issued for improvements in grain-binders, both relating to the cord-binding mechanism; and on June 1, 1885, he filed another bill against the same defendants for an infringement of five patents relating to grain-binding and harvesting machines,—all of the devices alleged to be infringed being used in one machine. Defendant on June 18, 1885, moved to consolidate the two suits, and that the time to answer both bills be extended to the first rule-day in September. *Held*, that the motion should be granted.

In Equity.

Banning & Banning, for complainant.

Dyrenforth & Dyrenforth, for defendants.

NELSON, J. The defendants are engaged in manufacturing and selling grain harvesters and binders, both operated conjointly as one machine. The complainant files his bill May 25, 1885, alleging an infringement of two of his patents issued for improvements in grain binders, both relating to the cord-holding mechanism; and on June 10, 1885, he files another bill against the same defendants for an infringement of five patents, relating to grain-binding and harvesting machines. All of the mechanical devices which are alleged to be infringed, are used in one machine. On June 18, 1885, a motion is made by defendant's solicitors that the two suits be consolidated, and, for the purposes of answer, proofs, and hearing, be treated as one and the same suit; also that the time to answer both bills of complaint be extended to the first rule-day in September. The motion is opposed by the complainant's solicitors on the ground (1) that the several alleged infringements of seven different patents could not be joined in the same bill, as it would be on demurrer bad for multifariousness; (2) that the voluminous testimony in the consolidated cases would tend to confusion on the hearing, and seriously inconvenience the court. The charge of multifariousness against a bill counting upon infringements of the seven separate patents embraced in the two bills, would not be sustained. The principles announced in *Nourse v. Allen*, 3 Fisher, Pat. Cas. 63, and followed in *Gillespie v. Cummings*, 3 Sawy. 260, and other cases, permits such joining of separate and distinct causes of action.

The defendants are engaged in the manufacture of harvesting and binding machines, containing mechanism infringing all the patents, if the allegations of the complainant in both bills are true. I think the convenience of the court will be served if the two suits proceed as one, and certainly the labor of the solicitors of both parties will be lightened.

¹ Reported by Robertson Howard, Esq., of the St. Paul bar.