spring of 1867 to the spring of 1877. He says they were making the cog handle until they got in the new shop in 1868; after that they used the long smooth ferrules. He had never seen a smooth ferrule prior to that.

The evidence, taken altogether, is not sufficient to establish an anticipation of Donoughe's invention by Andrews. The preponderance is rather against the use of a smooth ferrule by him prior to 1868. The rule is well settled that an anticipation, in order to defeat a patent, must be clearly made out. A patent raises a presumption of priority, which can only be overcome by clear proof.

Some reference was made on the argument to the supposed part which George B. Hubbard took in making the invention. I have examined the testimony on that subject, and do not see that it materially affects the originality of Donoughe, or his title to the invention.

There may be some question whether what Donoughe did was patentable, but I am inclined to think it was. The complete handle, with all its parts and their arrangement, when it was finished, was certainly a very useful thing, and was a great improvement on former handles. As a whole, I think it showed invention, and that it was patentable.

I have examined the objections raised to the complainant's title. It does not seem to me to be well founded. The complainant has an assignment of the patent from the administrator of his father, the patentee, dated November 22, 1881. That certainly gives him the title, unless a better is shown. No better is shown. The assignment itself, it is true, states that the patent was set off to the widow of the patentee under the exemption laws; but, in the same sentence, it says that she, in her life-time, assigned it to the complainant, and the assignment itself, dated in 1872, was produced and proved. The alleged transfer by the complainant of the right for Pennsylvania to Fiske, in 1876, is met by proof of a retransfer by Fiske to the complainant in May, 1881, with an assignment and transfer of all damages, money, and right accrued in consequence of any infringement.

A decree will be entered for the complainant, with a reference to a master to ascertain the profits and damages sought by the bill, according to the prayer of the same.

MORRIS *v.* KEMPSHALL MANUF'G CO. and others.[1]

(*Circuit Court, D. Connecticut.* 1886.)

PATENTS FOR INVENTIONS—SASH FASTENERS.

Letters patent No. 212,487, of February 18, 1879, to John B. Morris, for an improvement in sash fasteners, *held* limited by the prior art to the specific construction it describes, and not infringed by fasteners made under letters patent No. 284,506, of September 4, 1883.

In Equity.

Samuel D. Cozzens, for plaintiff.

Charles E. Mitchell, for defendants.

SHIPMAN, J. This is a bill in equity to restrain the defendants from the alleged infringement of letters patent, No. 212,487, dated February 18, 1879, to the plaintiff, for an improvement in fasteners for meeting rails of sashes. The plaintiff had received a patent, (No. 205,568,) dated July 2, 1878, for a sash-fastener, of which the following general description was given by the plaintiff's expert:

"The mechanism described in this patent consists of a latch-bar, swinging on a vertical pivot on a plate for attaching it to the upper rail of the lower sash, the said swinging latch-bar having a gravitating catch, and the plate or notch or shoulder with which said catch engages, to hold the bar in its locked condition; the latch-bar having also a vertical lip on its outer end, engaging in the rear of a curved spur or hook fixed to the upper surface of the bottom rail of the upper sash, beneath which spur the latch-bar engages to prevent the sash being raised, while the hook or lip on the extremity of the latch-bar engages behind the spur on the upper sash in order to prevent the forcing of the sashes apart horizontally."

The patent of 1879 was an improvement upon the patent of 1878 in three particulars, which are described by the patentee in his specification as follows:

"The improvement hereinafter described is designed to enable the latch-bar to be securely set or fastened in the unlocked or locked position, at will, and to be usable with sashes of various sizes. My improvement further comprises a construction of latch-bar and supporting-plate which secures the arrest of the bar at the extremities of its stroke or swing, without the use or necessity of any projection from the general level of the plate top. My improvement further comprises a construction of latch-bar and of the engaging spur or hook whereby the heel of the bar is duly supported without necessitating the use of a hard core in moulding the said hook."

The first part of the improvement was effected by a base-plate, elevated so high above the lower sash that the hinged pendant could not strike against it, but would fall into the locking notch upon the front edge of the plate, and also into a sloping jog on its right side, which receives and retains the pendant when the latch-bar is in the open position. The second part was effected by making another bevel-jog

[1]Edited by Charles C. Linthicum, Esq., of the Chicago bar.