

ance of the chain. Aside from this improvement, Spaulding has copied in substance the Church invention. The outer rings of his chain have bottoms to them. The legs of a staple pass through holes in the bottoms of these outside rings, and through the intermediate rings, in the manner described in the Church patent. The fact that the ends of the staple are twisted instead of bent over, as in the Church chain, is a mere difference in detail. The first claim of the Church patent is as follows: "In an ornamental chain, the combination of a series of interlocking rows of rings, or units, with connecting devices concealed within such units, and secured therein by their points being clinched, substantially as specified." It is clear that the defendant's device infringes this claim.

The device of Church is new and useful. While the scope of his patent is a narrow one, we do not think it void for want of invention. Decree for complainant.

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### FROST and others v. CHASE.<sup>1</sup>

(Circuit Court, D. Massachusetts. July 9, 1886.)

#### 1. PATENTS FOR INVENTIONS—No. 141,926 CONSTRUED.

Letters patent No. 141,926, of August 19, 1873, to Benjamin J. Greely, for improvements in suspenders, construed, and *held*, that if any invention is to be found in the patent, it is in the form of the pin, which is the subject-matter of the first claim.

#### 2. SAME—INFRINGEMENT.

The question whether there is any invention in the pin described in the Greely patent, in view of the state of the art, not decided, but *held*, that this patent is limited to the form of the pin described, and, when so limited, not infringed by the defendant's construction.

In Equity.

*Livermore & Fish*, for complainant.

*C. C. Morgan*, for defendant.

COLT, J. The defendant is charged with infringement of letters patent No. 141,926, dated August 19, 1873, and granted to Benjamin J. Greely, for improvements in suspenders. The specification states that the object of the invention is to furnish a suspender which can be readily attached to and detached from the waistband of skirts, and adapted to support as many skirts as are usually worn. The patented fastening consists of a transverse loop, through which the suspender runs, so as to allow its length to be adjusted as in an ordinary suspender; also a hook, suspended by its shank under the center of the loop, so as to insure the pull of the garment directly down on

<sup>1</sup> Edited by Charles C. Linthicum, Esq., of the Chicago bar.

the strap. The point of the pin is engaged in a catch, which holds it against the pull of the garment.

There are two claims in the patent: *First*, for the safety-pin; and, *second*, for the combination of the safety-pins with the suspender straps.

If any invention is to be found in the patent, it is in the form of the pin, which is the subject-matter of the first claim. Whether in view of the Stewart diaper-pin, patented August 16, 1870, and the Montleart and Tent pin, patented in England in 1863, there is any invention in the Greely pin, we do not deem it necessary to decide, because we are satisfied that these, and other prior devices, limit Greely to the form of pin described in his patent, and that the defendant does not infringe, because his pin is different. The Greely pin is formed of a single piece of wire. The exception in Fig. 5 of the patent is immaterial. The point of the pin is left exposed. The defendant's safety-pin consists of two pieces of wire connected by a metal plate. One piece of wire forms the loop through which the suspender strap passes, the other forms the pin to which the garment is attached, and both are hinged to the plate, thus producing a double joint in the fastening device, and so allowing the point of the pin to be thrown far outwards, so as easily to permit the attachment of additional skirts. A projecting piece on one side of the metal plate is bent over so as to form a shield completely covering the point of the pin. It is manifest that with such differences of construction between the two pins there can be no infringement. The combination of safety-pins with suspender straps is old. If there is any novelty, therefore, in the second claim, it lies in the shape of the pin. As we think, however, the defendant's pin differs in construction, it follows that the second claim is not infringed.

These conclusions render it unnecessary to consider the other points raised. Bill dismissed.

THE LAURA V. ROSE.<sup>1</sup>

## MASER and others v. THE LAURA V. ROSE.

(District Court, S. D. New York. June 26, 1886.)

## 1. COLLISION—STEAMER AND SCHOONER—CLOSE APPROACH BY STEAMER TO SCHOONER'S COURSE—YAWING—CHANGE OF HELM BY SCHOONER—APPORTIONMENT.

Where a steamer and a schooner were approaching each other, nearly head on, at night, in the Delaware river, and the steamer shaped her course so as to pass within 50 or 75 feet of the port side of the schooner, and when close together the schooner suddenly changed her course, probably to correct previous yawing, and ran into the steamer's side, it was held that the schooner was in fault for her change of course, and that the steamer was also to blame for her imprudent navigation in shaping her course so close to the course of the schooner.

## 2. SAME—DUTY OF STEAMER TO KEEP AWAY BY REASONABLY SAFE MARGIN.

Reasonable prudence, and a due regard for the safety of life and property upon the water, demand that steamers, bound to keep out of the way of sailing vessels, shall, when nothing prevents, keep away by a reasonably safe margin; and that any disregard of this obligation, without excuse, resulting in collision, shall be held a fault, notwithstanding a change of course by the other vessel.

In Admiralty.

*Carpenter & Mosher*, for libelants.*J. Warren Coulston and Goodrich, Deady & Goodrich*, for claimants.

BROWN, J. The libel in this case was filed to recover for the damages sustained by the steam canal-boat *Thomas Carroll*, which was sunk by a collision with the three-masted schooner *Laura V. Rose*, in the Delaware river, near Edgemoor, about 11 p. m., on December 10, 1884. The night was clear, and the available channel about half a mile wide, and without obstruction to either vessel. The *Rose* was light, sailing up river, against the ebb-tide, wing and wing, until a few minutes before the collision, and making about a mile and a half an hour by land. The *Carroll* had a cargo of 210 tons of sand, and was bound down from Philadelphia to Baltimore, making about 4½ miles per hour. She had on her starboard side, as consort, a canal-boat, which projected some 40 feet ahead of the bows of the *Carroll*, and was loaded with some 200 tons of sand.

The libel alleges that as the *Carroll* was coming down the river, at about 11 p. m., the green light of the schooner was seen a little on the steamer's starboard bow, and nearly ahead, from one to two miles distant; that the steamer then starboarded her wheel so as to show her own green light; that afterwards the schooner, crossing the steamer's bow, showed her red light, upon which the steamer's wheel was ported so as to show her red light; that they proceeded in this

<sup>1</sup> Reported by Edward G. Benedict, Esq., of the New York bar.