DECISIONS IN COMMERCIAL LAW.

THE FORT WORTH CITY COMPANY v. THE SMITH BRIDGE CO.—According to the Supreme Court of the United States, corporations have only such powers as are granted and the powers incidental thereto. A corporation created for the purpose of dealing in lands, and to which the powers to purchase, to sub-divide, and to sell, and to make any contract essential to the transaction of its business, are expressly granted, possesses the incidental power to incur liability for building a bridge to secure better facilities for transit to and from the lots or lands which it is its business to acquire and dispose of; where a corporation has power to enter into a contract, and the contract has been fully performed by the other party, and the corporation has had the full benefit thereof, the latter cannot be allowed to say that the power was not properly exercised. A corporation having received benefits at the expense of the other contracting party cannot object that it was not empowered to perform what it promised in return, in the mode in which it promised to perform, and would still remain liable on its contract, otherwise within its lawful powers.

WOLLENSAK v. SARGENT & CO.—The Supreme Court of the United States cannot import into the claims of a patent elements that would operate to so enlarge its scope as to cover an invention not indicated upon its face. Common contrivances for opening and closing apertures at a distance from the hand of the operator have no patentable character. A patentable novelty must be a novelty in the means or mechanical device and not in the use to which the combination is put. Where the claim in a reissue is merely expanded, a delay of two years or more in applying for the reissue invalidates it, unless excused by special circumstances which show it reasonable. The excuse for a delay in applying for a reissue of a patent, that the patentee followed the advice of his solicitor and therefore did not apply within due time, will not do.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY COMPANY v. LOWELL.—The Supreme Court of the United States holds that a railway company does not discharge its entire obligation to the public by a notice in its cars of a certain rule; if it permit the rule to be generally disregarded, and an accident occur, the company cannot rely exclusively upon a breach of its rule. In an action against a railroad company for damages for negligence, proof that the plaintiff violated the regulations of the company, even without the excuse of a cogent necessity, will not as a matter of law debar him from a recovery.

MILLER v. THE EAGLE MANUFACTURING CO.—The Supreme Court of the United States holds that two valid patents for the same invention cannot be granted to the same or to a different party. No patent can issue for an invention actually covered by a former patent, especially to the same patentee, although the terms of the claims may differ; in such case the second patent is void. Where the second patent covers matter described in the prior patent, essentially distinct and inseparable from the invention covered thereby, and claims made thereunder, its validity may be sustained, if for a separate invention. A single invention may include both the machines and the manufacture it creates, and in such cases, if the inventions are really separable, the inventor may be entitled to a monopoly of each. An inventor may make a new improvement on his own invention of a patentable character, for which he may obtain a separate patent. A later patent may be granted, where the invention is clearly distinct from, and independent of, one previously patented. A patentee cannot split up his invention for the purpose of securing additional results, or of extending the life of any or all of its elemental parts. Patents cover the means employed to effect results. A single element or function of a patented invention cannot be made the subject of a separate and subsequent patent. That which infringes a patent, if later, anticipates it if earlier. Where an invention is one of a primary character, and the mechanical functions performed by the machine are, as a whole, entirely new, all subsequent machines which employ substantially the same means to accomplish the same results are infringements, although they contain improvements in mechanism. The interchangeability, or non-interchangeability of the devices of two patents is an important test in determining the question of infringement.

ANGLE v. THE CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY CO.—The Supreme Court of the United States holds that if one maliciously interferes in a contract between two parties and induces one of them to break that contract to the injury of the other, the party injured can maintain an action against the wrong-doer. Where one railroad company by its wrongful conduct induced another railroad company to break its contract with a contractor for its construction, it is liable to him for the damages sustained thereby; *a fortiori* when it not only induces a breach of the contract by the latter company, but also disables it from performance.

FAMOUS SMITH v. THE UNITED STATES.—An Indian cannot in a U. S. Circuit Court be convicted of the murder of another Indian in the Indian territory, according to the Supreme Court of the United States. Upon the trial before the Circuit Court of an indictment for murder committed by an Indian in the Indian country, if no other reasonable inference be drawn from the evidence than that the person murdered was an Indian, defendant is entitled as a matter of law to an acquittal. On the trial for murder committed in the Cherokee Nation by an Indian, where several witnesses swore that the murdered person was a Cherokee Indian, of Indian blood, and recognized as an Indian, and was enrolled and participated in the payment of "bread money" to the Cherokees, and there was no legitimate testimony to the contrary, the United States Circuit Court, before which the trial was, had no jurisdiction.

NAVIGATION RECORDS.

A Washington dispatch says: "The records of the Bureau of Navigation, Treasury Department, show that during the past fiscal year there were built in the United States and officially numbered 538 wooden sailing vessels of 37,718 tons and 308 wooden steam vessels of 44,158 tons. During the same period 3 iron or steel sailing vessels were built of 4,750 tons and 45 iron or steel steam vessels of 47,776 tons. These sailing vessels aggregated 451 in number and 42,460 tons in measure. The steam vessels aggregated 353 in number and measured 91,934 tons. The entire number of vessels built and numbered was 849, the tonnage being 134,394. Unrigged vessels were not included in the above statement."

—The work of construction on the Canada Eastern Railway has been begun, says the St. John *Globe*. The village of Nelson, by this extension, will have direct communication with the rest of civilization. After this link is completed, the extension to Black Brook will be commenced.