

concentric apartments, — an inner one, containing the article to be frozen ; one eccentric to this, containing the freezing mixture, provided with some contrivance for agitation ; one, again, outside of this, filled with a non-conductor of heat, as powdered charcoal, gypsum, or cotton wool ; and sometimes one between them for holding water." Tit. "Freezing," 7 Amer. Encyclo. 474.

Here the principle and substance of the appellee's claim are set forth as belonging to the general domain of knowledge and science. It is known that Lord Bacon applied snow to poultry to preserve it. He said the process succeeded "excellently well." The experiment was made in his old age, imprudently, and brought on his last illness.

Examined by the light of these considerations, we think this patent was void on its face, and that the court might have stopped short at that instrument, and without looking beyond it into the answers and testimony, *sua sponte*, if the objection were not taken by counsel, well have adjudged in favor of the defendant.

These views render it unnecessary to consider the exceptions to the master's report.

*The decree of the Circuit Court is reversed ; and the cause will be remanded, with directions to dismiss the bill.*

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PIPER v. MOON ET AL.

MR. JUSTICE SWAYNE delivered the opinion of the court.

The appellant's bill in this case is founded upon the same patent as the bill of the appellee in *Brown et al. v. Piper*, above reported.

In this case the court below dismissed the bill, and the complainant appealed to this court. What was said in the case referred to disposes of this.

*The decree of the Circuit Court is affirmed.*