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Highly Important to Inventors.—Proposed Remodelling of the Patent Laws.

The Bill published in other columns, designed to effect such a sweeping change in our present patent system, is the one to which we alluded last week, and it is nearly the same as that introduced into the Senate in June, 1854.

When introduced into the Senate on the 10th inst., mysterious telegraphic despatches were sent to the daily papers, lauding it to the skies, and stating it had met with the unanimous approval of high judicial personages at Washington. Those despatches were no doubt, furnished by parties interested in its passage. We cannot believe that any good jurist acquainted with our present harmonious patent code, would endorse such a bill, either as it respects its provisions or composition. Some interested assignees of certain odious monopolies, no doubt, know something about these despatches. Defeated by bold and open opposition, they entertain hopes of accomplishing their objects in some other way.

Why is such a Bill now presented to the Senate? Neither the public nor inventors have demanded it, therefore it has the appearance of being an excrescence on patent legislation. Is it designed to be an improvement on the present patent system? Not in a single particular would it prove so; but would superimpose a bad, objectionable, system upon a good one. The object of all legislation should be improvement; but the object of this Bill appears to be the very reverse.

Our present patent system is so simple, is now so well understood by inventors and the public, and under the present able administration of Commissioner Mason has worked so admirably that, according to the dictates of our conscience, we must repel every attempt to displace it by such a Bill as this. If carried out into law it would entirely defeat the objects for which the Patent Office was mainly instituted, and convert that establishment into an extravagant and extraordinary judicial court, and a huge printing and publishing warehouse.

Patent laws should be simple and explicit; but this Bill is the very essence of complexity and crudity. The object of patent laws should be to encourage inventions, and give stability, to patents, and protection to both patentees and the public. Under the present patent laws these objects are accomplished; but the new Bill instead of being an improvement, appears to us to be framed to discourage inventors, clog their energies, confuse the business of the Patent Office, worry patentees, and render patents almost valueless. It provides that after a patent has existed but five years, it must become null, unless the patentee can and does pay a new fee of \$100 into the Treasury. And then there are also so many expensive processes provided for patents to go through, such as the *confirming act*, that it appear to us to be instituted for the very purpose of sweating inventors and benefitting agents and lawyers. No inventor could ever find his way through the meandering courses his case would have to go before he got a valid patent, and attorneys could not afford to conduct cases at the expense now paid for preparing applications and obtaining patents. Is this the way to encourage mechanics and farmers, who compose the majority of our inventors, and who, in general, cannot afford to pay for such money-sweating operations? We throw not. Such provisions in a Bill appear to be an attempt, also, to force poor inventors to place their inventions under the patronage of wealthy capitalists, or lose the benefits of them (a ter five years) altogether, if they have been so fortunate as to raise money enough to obtain patents at all.

Hitherto our patent system has been considered the most simple and perfect in the world; it has been a model for England and some other nations, who have recently adopted some of its features. But the new Bill would drag it back to the ages of barbarism, by engrafting upon it worse features than

those embraced in the Prussian or old English system.

But our object in this place is not so much to criticize the Bill as to direct the attention of our legislators and inventors to a careful examination of its contents, and to pass judgment thereon themselves.

Any great and sudden change in established law, especially that which has operated so well as our present patent code, is a dangerous expedient. All able statesmen are well aware of such dangers in legislation. The present patent laws contain so many beautiful features, and are so very simple and explicit, and so many brilliant inventions have been patented and sustained at law under them; and besides, they have been the means of exciting so much latent inventive genius, that we must warn Senators not to lay ruthless and hasty hands upon them. They are far superior in simplicity, fairness, and justness in all those provisions designed to be superseded and abrogated by the New Bill. Such great changes as those contemplated in this Bill, have not been asked for by inventors or the public: they are not required and should not be made.

A Call from Henry L. Ellsworth.

Ex-Commissioner of Patents—H. L. Ellsworth, Esq.—favored us with a call a few days since; the old gentleman looked as hale and hearty as when he presided over the Patent Office twelve or fifteen years ago. He resides at Lafayette, Ind., and states that this year he has planted nearly 4,000 acres of corn on his little farm.

In conversation with him upon the subject of the New Patent Bill now before Congress, he expressed himself decidedly opposed to it, stating that he was fearful, if adopted, it would be a broad step towards the breaking up of our whole patent system. He coincided in our opinion, that the existing laws are as good as they can be, with perhaps some minor amendments, and he should be very sorry to see such a bill enacted, as was proposed. The honest old gentleman seemed not only to deprecate the idea of tampering with the present beneficial laws, but to feel sad at the idea of our Congress entertaining a bill which was so apparently concocted by designing parties, to procure the extension of a few monopolies, which they could not otherwise induce Congress to extend, unless by deception.

Like the makers of sugar-coated pills—they seek to hide the taste of the drug, while passing through the Congressional mouth, well knowing that when swallowed, the effect will be the same as if no covering existed.

New Patent Bill

TO AMEND THE SEVERAL ACTS NOW IN FORCE IN RELATION TO THE PATENT OFFICE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents may establish rules for the taking of any affidavits or depositions which may be required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any commissioner to take acknowledgments of special bail and affidavits, appointed by a court of the United States, or any person specially appointed by the Commissioner of Patents, who shall have power to issue subpoenas to compel the attendance of witnesses, which may be sent to any distance not exceeding fifty miles from the place where the witness is required to attend, who shall also be vested with power to administer oaths, to issue attachments, and to punish for contempts, so far as the same shall be necessary to compel the attendance of witnesses, or to preserve order while taking their depositions. And whenever a witness, from whom an ex-parte affidavit is desired, shall refuse or fail to give full testimony on all points suggested to him, interrogatories may be propounded to him, which, together with the answers thereto, may be reduced to writing, and used in place of an affidavit; and if any person in making an affidavit or deposition, as above contemplated, shall wilfully swear falsely, he shall be deemed guilty of perjury, and be punishable accordingly.

[At present there is no law compelling the attendance of witnesses or requiring them to testify. It is undoubtedly proper that some method of employing legal coercion, when required, should be introduced. But we object to giving the Commissioner of Patents, or any of his appointees, such extensive judicial authority as the above section provides. It states that any person appointed by the Com-

missioner, shall have power to issue subpoenas and compel the attendance of witnesses; said person shall also have power to administer oaths, *issue attachments and punish for contempts*. The witness is thus liable to indefinite imprisonment, perhaps without real cause, at the nod of the Commissioner's agent! Such authority is at present only allowed to the learned Judges of our Courts, by whom, even, it is sometimes abused. This power should never be indiscriminately conferred.]

SEC. 2. *And be it further enacted,* That no money deposited after the passage of this act shall be withdrawn or refunded on the failure of an application; but when money has been paid into the office by mistake, or when, for any other reason, money shall have found its way into the office, which in justice and equity ought not to be retained, it shall be the duty of the Commissioner to order the same to be refunded, for which order he shall place his reasons on record.

[The law now provides for the return of \$20 to the inventor, in case his application is rejected, and money paid in by mistake is always refunded. This section repeals the right of withdrawal, but effects no other object.]

SEC. 3. *And be it further enacted,* That the right to file a caveat, or to apply for any patent, design, or re-issue, shall be enjoyed equally by citizens and aliens; and the fee required of aliens shall be the same as required of citizens of the United States: *Provided,* That no patent shall be issued to the citizens or subjects of any country in any territory of which citizens of the United States are not permitted by law to receive patents for their inventions: *And provided, further,* That the three months notice given to any caveat, in pursuance of the requirements of the 12th section of the act of July 4th, 1836, shall be reckoned from the day on which such notice is deposited in the post-office at Washington: *And provided, further,* That the law requiring applications for additional improvements is hereby repealed.

[The above is about the only improvement contained in the whole Bill, but we take exception to the second clause, as being an inexpedient measure.]

SEC. 4. *And be it further enacted,* That instead of the oath heretofore required of the applicant for a patent or design, he shall only be required to swear or affirm that what he has described and claimed in his specification has not been invented or discovered by any other person in this country, or been patented or described in any printed publication in this or any foreign country prior to the invention or discovery by himself, (or "prior to the date of his application," if he chooses to state it in that manner.) As against an applicant who fails to make oath that he verily believes himself the original or first inventor of that for which he seeks a patent, the foreign inventor shall be allowed to show priority of invention, and to obtain a patent accordingly: *Provided,* he shall make application within two years from this date, or within two years from the date of his invention. *And be it further provided,* That no patent for an invention, to any other than to the person who makes oath that he verily believes himself to be the first and true inventor of the thing specified in the application, shall be granted for a longer term than seven years.

[Instead of stimulating our citizens to originate and study out new inventions, the above section encourages Americans to steal improvements from foreign inventors. This is fostering home genius with a vengeance!]

SEC. 5. *And be it further enacted,* That when an interference has been decided in favor of one of the parties thereto, a patent shall be granted accordingly, (unless the successful party shall have a patent previous to the interference,) and the filing of a new application, subsequently to the day of hearing, on the interference shall not prevent the patent from being granted.

SEC. 6. *And be it further enacted,* That from and after the passage of this act, every patent, except such as by this act are limited to seven years, shall be granted for five years. Upon the application of any patentee or assignee of a patent for the extension of a patent so granted, previous to its expiration, and on payment of one hundred dollars to the credit of the Patent Fund, the Commissioner of Patents shall extend such patent for a term of fifteen years, which extended term shall be subject, however, to the conditions and restrictions for the confirmation of such patent, and the proceedings for annulling such patent hereinafter provided in this act. And all patentees and assignees of patents which are now in force, may, after the lapse of five years from the date of the letters patent, avail themselves of the provisions of this act: *Provided,* That the term for which such patents may be extended shall not exceed the term of twenty years from the date of issue of the original letters patent; and in no case shall any such patent be renewed or extended after the expiration of said twenty years. *And provided, further,* That no patent granted under the third section of this act for an invention not original with the pat-

entee, or for a design, nor any registry patent, shall be extended for a second term.

[Under the present law the inventor pays \$30 and receives a patent for 14 years, at the end of which time, by paying \$40 more, he may have it extended for 7 years longer, making 21 years; the applicant for such extension is obliged to show, however, that he has made proper efforts to sell and introduce his invention, and that he has failed to receive a sufficient remuneration for the invention during the first period of the patent.

The law also provides that the said seven years extension shall be for the sole benefit of the inventor, and thus cuts off the assignees of the first patent. If the inventor was deceived or so short sighted as to sell his first patent for too small a sum, the law gives him a fair chance to redeem himself—to obtain some remuneration, at least for his invention. The proposed alteration cuts off the inventor from the benefits of such extension, and transfers them to the rich assignee. It provides that the assignee of any existing patent, and of any patent hereafter granted, may have the same extended to 20 years from its date, on application, and the payment of \$100! What an outrageous provision this is! It deprives every inventor who has assigned a patent during the last 14 years, from the right of obtaining an extension, but gives that right to the assignee. Nearly eleven thousand five hundred patents have been granted during the period just mentioned, embracing many inventions of untold value and extraordinary ingenuity. It is fair to estimate that one-half of these patents have been assigned, and thus, at one fell swoop, nearly six thousand inventors are to be robbed of their right of extension, and it is to be given to patent pedlars and assignees! The passage of such an enactment would be a public villainy. We are informed, and have good reasons to believe, that it is a scheme concocted by the assignees of certain valuable patent rights to obtain the direct extension of monopolies that can be perpetuated in no other way.]

SEC. 7. *And be it further enacted,* That a patent shall not be subject to a writ of attachment or any process of law or equity is sued on any judgment or decree for debt, but shall inure to the benefit solely of the patentee, his heirs, devisees, or distributees. Nothing contained in this section shall be so construed as to affect any process of law or equity as against the products of an invention, a machine constructed under a patent, or the avails of a patented invention.

[This is a foolish and unjust provision. It is an encouragement to dishonesty, and permits a man to hold patents worth, say, a hundred thousand dollars, and leave his creditors, with their families, to starve.]

SEC. 8. *And be it further enacted,* That the Commissioner of Patents is authorized to restore to their respective applicants, or otherwise dispose of, such of the models belonging to rejected applications as he shall think necessary to be preserved. The same authority is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs, where the design can be sufficiently represented by a drawing. He may also substitute, or require the substitution of, smaller models for any that may now be or may hereafter be deposited in the office, which are larger than can be received or retained with due regard to the convenience of the office.

SEC. 9. *And be it further enacted,* That the limit now fixed to the number of agents who may be authorized to forward models to the Patent Office is hereby removed, and the Commissioner may appoint as many as he may find expedient; and so much of the tenth section of the act approved the 3d of March, 1837, as authorizes the transportation of models to the Patent Office to be chargeable to the Patent Fund, is hereby repealed. The Commissioner of Patents is hereby authorized to employ a clerk to frank such letters and documents as are permitted by law.

[Is each one of the unlimited number of agents to be appointed by the Commissioner entitled to receive a salary? If so, how much? Or are these agents to render their services gratis to the government?]

SEC. 10. *And be it further enacted,* That the Commissioner may require all papers filed in the Patent Office to be correctly, legibly, and briefly written; and for gross misconduct or wilful violation of the rules of the office he may refuse to recognize any person as a patent agent, either generally or in any particular case, but the reasons of the Commissioner for such refusal shall be duly recorded.

[Under the workings of this section, sup-

pose the Commissioner of Patents conceives a dislike to any agent doing business with the Department, and refuses to recognize him, and enters his objections upon record,—what remedy has the agent to recover his dispossessed rights? Is he to be forever stricken from the rolls of the Office? Surely here is law unseasoned with the slightest mixture of justice for the offender.]

SEC. 11. *And be it further enacted*, That from and after the passage of this act, the right of appeal to the chief justice, or to either of the associate justices of the Circuit Court, shall cease, except as to cases which then have been finally acted upon by the Commissioner of Patents, and to which the right of such appeal shall then be complete.

There shall be appointed, in the same manner as is now provided for the appointment of examiners, an examiner-in-chief, with a salary of three thousand dollars per annum, payable out of the Patent Fund; who in all cases during the necessary absence of the Commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal, and of the records, books, papers, machines, models, and all other things belonging to said office, and shall perform the duties of Commissioner during such vacancy; and whose duty it shall be to entertain appeals from the final action of the examiners in the manner which shall be prescribed by the Commissioner. And from his decision an appeal may be taken to the Commissioner in person upon the payment of the sum prescribed in the following section of this act.

[This is the politicians section. Its object, we suppose, is to render the Commissioner's office a *vincere*—a fat berth for some good-for-nothing political hack. It relieves the Commissioners from all active duties and thrusts them up a subordinate officer.]

SEC. 12. *And be it further enacted*, That so much of the laws now in force as fix the rates of the Patent Office fees are hereby repealed, and in their stead the following rates are established:

On filing each caveat, ten dollars.
On filing each specification, with not more than three claims, twenty dollars.

For each additional claim more than three, ten dollars.

On issuing each patent, with not more than three claims, ten dollars.

For each additional claim more than three, ten dollars.

On appeal from Assistant Commissioner to Commissioner, ten dollars.

[There is no such office as "Assistant Commissioner" provided for in this Bill. According to the letter of the law, it should be "Examiner in Chief."]

And when the number of words in any patent shall exceed one thousand, there shall be paid (in addition to the regular fees above prescribed) the sum of twenty-five cents for each one hundred words.

On application for a patent for a design or for a registry patent or for the re-issue of a patent, ten dollars.

On every application for an interference with a patent, or any previous pending application, ten dollars.

On every appeal from the Commissioner, twenty-five dollars.

On filing each disclaimer, ten dollars.

For copying, per hundred words, fifteen cents.

For recording every assignment, agreement, power of attorney, &c., of three hundred words or under, one dollar.

For recording every assignment, &c., over three hundred and under one thousand words, two dollars.

For recording every assignment, if over one thousand words, three dollars.

For copies of drawings, not herein directed to be engraved and printed, the reasonable expense of making the same.

[The existing law exacts \$10 from every man who goes so far as to apply or *pray*, or petition for a patent, the specification of which contains six claims—in other words the government charges \$10 for signifying its refusal to give a patent. This is dear enough in all conscience; but it is proposed, above, to charge \$70 for the same service—which is an increase in the fees of seven hundred per cent! Marvellous improvement, that!]

The fee now charged, if the patent is granted (and the specification contains six claims,) is \$30, and the patent runs for 14 years. If the foregoing rates are established, the expense for a similar patent will be \$210, being an increase again of seven hundred per cent!

But even at this great cost, the patent is not to be regarded as really valid. It must now go through the trick of "confirmation," as provided in the following section, for which a further extortion of \$100, is to be exacted by the government, making a total of \$310 for

official fees—being more than ten times the present rates. To these must be added the private costs of the inventor for employing lawyers to conduct and obtain the "confirmation," examining witnesses, procuring their attendance, and paying their travelling fees. These expenses will swallow up \$1000 or \$2000! Very encouraging, that, for inventors! Exceedingly fostering to genius!

This system of taxing for extra claims, and for an extra number of words in specifications, etc., is the most ridiculous mess of nonsense that we have met with lately. Should it become a law, the Office will not only be turned into the Dutch grocery system of dealing in half-pennies, but it will entail upon it more annoyance and confusion than Job-like patience could ever endure. If the patent fee is too low, increase it, but do not, for mercy's sake, lumber the office with vexations that must certainly attend this attempt at reform.]

SEC. 13. *And be it further enacted*, That upon filing a proper petition and payment of one hundred dollars by any patentee or assignee of a patent, the Commissioner of Patents shall cause notices to be published in like manner as heretofore required in cases of applications for extensions of patents. Every notice of this kind shall state that application has been made by the petitioner to have his patent confirmed, and shall notify all persons opposed to such confirmation that they may appear by a certain day therein fixed, not less than six months from the date of such notice, and make objection thereto. Such objection may be made in like manner as heretofore prescribed in cases of applications for extensions. If no sufficient objection is made or appears, the patent shall be confirmed, and a certificate of such confirmation shall be endorsed thereon; and after such confirmation the patent shall not be liable to be called in question, except by a direct proceeding as hereinafter provided. In prosecutions for infringement after such confirmation the defendant shall not be permitted to show in defence that the patent was invalid. But in cases where justice and equity require delay of such prosecution until a suit to set aside a patent can be determined, the court before which the prosecution for infringement shall be pending shall have power to grant a stay of proceedings for that purpose. And in no case shall a patent be held invalid for the reason that the subject matter thereof was described in a book printed in any other than the English language prior to its invention by the patentee, unless so described as having been patented in some foreign country. Nor shall a description thereof found in any book printed in the English language more than five years prior to the date of any patent affect the validity thereof, unless the thing patented was in public use in this country prior to the date of the invention for which the patent in question was granted. These rules shall also govern the Commissioner of Patents in acting upon questions of patentability pending before him in the Patent Office.

[The existing law requires the question of the validity of a patent to be submitted to the careful deliberation of a judge and jury, belonging to our higher courts. The decision of patent cases is regarded both here and in Great Britain, as among the most important and delicate duties that devolve upon the Judicial authorities.

The above section proposes to remove such decisions from the courts, at one snap, and place them, in effect, in the hands of a single man—the Commissioner. He may be competent, or an imbecile—honest, or bribed! Patents are to be valid or invalid, just as he takes a notion! If a few more sweeping changes of this sort were to be enacted, for other legal branches, our judges and juries would soon become obsolete; their occupation would be gone.]

SEC. 14. *And be it further enacted*, That within one year from the date of such confirmation a direct proceeding may be instituted to set aside the patent in the manner hereinafter provided; after the end of which time the patent shall not be avoided except for fraud, or for other causes which would enable a court of equity to set aside the judgment or decree of a court of law or equity. And no proceedings impeaching any patent for fraud or other defect shall be allowed after two years from the discovery of such fraud or other defect.

SEC. 15. *And be it further enacted*, That within one year from the date of the confirmation of any patent as above contemplated, or at any time during the life of any other patent not so confirmed, any person may file a bill of equity in any of the circuit courts of the United States where the patentee or his assignee resides, to annul such patent. The plaintiff in such suit shall notify the Commissioner of Patents of the commencement of such suit, and shall pay into the Patent Office the sum of fifty dollars, and thereupon the Commissioner shall cause notice to be published in like manner as here-

before prescribed in cases of applications for confirmation of patents.

Any person may make himself a party to such suit as plaintiff, and any person interested in sustaining such patent may make himself defendant, by notifying the clerk of the court of that fact, after which he shall be entitled to be treated as a party in all respects; but the court may make and enforce such orders and regulations as will prevent delays by reason of the death of any party, or for any other cause; and may make rules for taking depositions as well as in regard to all other points of practice and procedure not otherwise regulated by law; and if upon the trial of the cause the court shall be satisfied that any person who is a plaintiff in such proceeding is acting in collusion with any person interested in the letters patent, the court may in its decree order that the cause be dismissed, without prejudice to the right of any other person to file a subsequent bill to repeal the same letters patent.

SEC. 16. *And be it further enacted*, That the mode of serving the defendant with process may also be fixed by the court, and if the defendant cannot with proper diligence be found in the United States, the notice published by the Commissioner of Patents, as aforesaid, shall be deemed a sufficient service; and if the defendant, when served with process in either of the modes above contemplated, shall fail to appear, default may be entered against him, and a decree rendered accordingly. The party filing the bill shall be liable, in the first instance, for all his costs of suit, but these may be collected by him from the defendant, if successful; and the court may make such order in respect to other costs as justice and equity may require. Any case of this kind may be taken to the Supreme Court of the United States by either party, on appeal, at any time within one year from the final decision in the circuit court, in such manner as the Supreme or circuit court shall prescribe. If the decision in the circuit court is not appealed from, as above provided, it shall be final; and such decision, or the decision of the Supreme Court, annulling or confirming such patent, shall be forever conclusive as to the validity of the patent.

[The present laws for testing the validity of patents in our courts are plain, simple, and, in general, highly effective. Under their operation every patent that is really valid is fully sustained; on the other hand, invalid patents are effectually silenced, though not utterly destroyed or annulled.

Let us take an example:—The holder of a patent sues some person in New York for infringement. The Judge and jury decide that the patent is invalid, for the reason that the thing patented was old—that the patentee was not the true inventor, &c.; therefore the defendant is not liable for any damages, and none are awarded. Such decision only affects that particular trial, and does not annul the patent. The holder has the right to go into Pennsylvania and bring suit against some other individual for infringement. The result, of course, will be the same; and so with every subsequent suit. By no lapse of time does an invalid or a fraudulent patent become an honest one.

The existing law, although it affords the citizen ample opportunity for defence against an invalid patent, does not permit the citizen to bring separate action, or employ the *Scire Facias* against the patent, for the purpose of annulling it. In this respect the law is thought by some persons, to be defective.

Sections 14, 15, and 16, above, are intended to permit any person, on payment of \$50 to the government, to attack a patent at his own expense; and if invalidity can be proved, cause the grant to be annulled. In this respect it is an imperfect approach to the "Scire Facias." But the evils entailed by the above provisions are far greater than that which they remove, for they render invalid patents valid, by the lapse of one year's time, and destroy the criminality of a fraud after the expiration of two years! Far preferable is the present simple law to any such hood-winking legislation.]

SEC. 17. *And be it further enacted*, That the salary of the Commissioner of Patents shall be the sum of five thousand dollars per annum, and the salary of the chief clerk shall be the same as that of a principal examiner.

[The Commissioner's salary is at present \$3,000. The proposed increase of the Chief Clerk's salary would give the latter \$2,500.]

SEC. 18. *And be it further enacted*, That the Commissioner of Patents be, and he is hereby, authorized to contract, for a term not exceeding four years, for a sufficient number of copies of the descriptions, specifications, and accompanying drawings of the current patents, as they are ordered to issue, as will supply the

office for all purpose of reference, and for certified copies which are now by law furnished by the Patent Office and for distribution, not exceeding four thousand copies of each patent: *Provided*, the entire cost thereof shall not exceed ten cents per copy.

[The number of patents granted this year will be not far from 2,500. The above law proposes to authorize the Commissioner to disburse \$400 for printing each patent, or one million dollars a year! Under the existing law the Commissioner publishes annually a neat, compact volume, containing a brief description of the salient points of all new inventions, with a small engraving of each. The total expense is only a few thousand dollars, and it generally answers all the wants of the inventors or the public.]

SEC. 19. *And be it further enacted*, That the Commissioner of Patents shall distribute to each and every circuit court of the United States a copy of his annual report, on which the seal of the Patent Office shall be impressed, and in the absence of certified copies of the claims, specifications, and drawings of, and patent, such annual report containing the claims and drawings of such patent, which shall be held to be competent evidence of the subject-matter of said letters patent in all cases in which the original letters patent could be evidence; and certified copies of any printed patent shall be furnished to any applicant therefor, at the rate of fifty cents per copy, and have the same effect in law as written copies, as provided in the fourth section of the act entitled "An act to promote the progress of the useful arts, and to repeal all acts and parts of acts heretofore made for that purpose," approved fourth July, 1836.

SEC. 20. *And be it further enacted*, That all copies of the records or other papers of the office, shall be executed in the Patent Office, under the direction and supervision of the Commissioner of Patents, and no official original paper shall be taken from the office for that purpose.

SEC. 21. *And be it further enacted*, That any person who may have contrived and constructed a new mold, matrix, or pattern, or any form for an article of manufacture or commodity, which may itself be used as such matrix, mold, or pattern for a casting, or which may in any other manner be copied from in such a way that the copyist can derive a direct and evident advantage from the labor, skill, or ingenuity of the maker or contriver, may, by having the same registered in the manner herein-after provided, obtain a registry patent therefor. Application for such patent must be made to the Commissioner in the usual way. The oath must state that the applicant himself, or by his agent, did devise and construct the article or commodity which is the subject of the patent he is seeking; and all the other regulations and provisions which now apply to the obtaining or protection of patents for inventions shall apply to applications under this section, as far as in their nature they may be deemed applicable, and so far as they are not inconsistent with the provisions of this act.

[This is very obscure. Does it mean that any person can patent a common cog wheel pattern, or a candle mold, and prevent any one from thereafter making them? or is it intended to patent any *new form* of any article?]

SEC. 22. *And be it further enacted*, That no suit shall be brought for the infringement of any registry patent, unless the word "registered," with the date of such registry, be conspicuously cast upon or attached to the article so registered, and all copies thereof made by the patentee or his assignee. And no person shall be held to have infringed such patent unless he shall have used the article registered as a mold, matrix, or pattern, by means of which to manufacture a like article, or unless in some other way he shall have derived a sensible advantage to himself by copying from the article so registered or some portion thereof. And any person who shall attach the word "registered" to any article for which a registry patent shall not have been granted, shall be subject to the same penalty as in the case of any other patent.

SEC. 23. *And be it further enacted*, That the fifth and sixth sections of the act approved August 29th, 1842, entitled "An act in addition to an act to promote the progress of the useful arts and to repeal all acts and parts of acts heretofore made for that purpose," are hereby so amended that the penalties therein provided shall not exceed one hundred dollars, nor be less than five dollars for each offence; nor shall the aggregate amount of such penalties incurred in any one year exceed the sum of two thousand dollars; nor shall any action to recover any such penalty be maintainable unless brought within two years from the time when the cause of action first occurred; and that this amendment shall be applied to all penalties heretofore incurred, as well as to those which may hereafter be incurred.

[The existing law fixes a penalty of not less than \$100 for each offence, as above, does not leave the fine to a jury, nor qualify the aggre-

gate amount, or time of action. In short it punishes the offender fully, for each offence whenever it can catch him. The jury have nothing to do with the penalty, but only to say "guilty," or "not guilty." The improvement which is proposed, reduces the fine to \$5, gives the offender the choice of clearing his skirts for the sum of \$2,000 cash, no matter how many times he has violated the law, or lets him off scot-free if he can manage to keep the subject hushed up for twenty-four months.

SEC. 24. *And be it further enacted*, That the Commissioner of Patents is hereby authorized to cause the drawings of all patents issued during the present and each succeeding year, or so much thereof as will show the exact point of invention in each case, to be suitably engraved, so that plates thereof may be prepared in season to accompany his annual report for the year on which such patent was issued: *Provided*, Such engraved plates shall not exceed in cost the sum of five dollars for each drawing so engraved, the expense to be paid out of the patent fund.

SEC. 25. *And be it further enacted*, That the circuit courts of the United States, in their respective districts, shall have jurisdiction in equity upon the application of any party holding letters patent of the United States for any new and useful art, machine, manufacture or composition of matter, or any assignee or licensee of any interest therein, to issue injunctions, both temporary and final, to restrain and prevent the importation and sale of any article or articles the product of the same or substantially the same art, machine, manufacture or process of compounding matter, made in any foreign territory adjoining or near to the United States, in which the citizens of the United States are not permitted to obtain patents on as favorable terms and conditions as citizens of such foreign territory, and introduced into the United States for the purpose of traffic: *Provided*, That before any such injunction shall be granted the complainant shall establish by evidence satisfactory to the court that such article or articles was or were made by an art, machine, or process of manufacture or of compounding matter, which, if used or exercised within the United States, would be in contemplation of law an infringement of the letters patent under which he claims. And upon a proper bill filed for the purpose aforesaid, the said courts shall proceed in all respects according to the rules and principles which govern the said courts in granting injunctions to restrain and prevent infringements of letters patent in other cases, and may appoint receivers to take possession of any articles manufactured as aforesaid, and shall grant appeals from all final decrees rendered therein, in like manner as appeals are now required by law to be granted in other suits in equity to restrain and prevent infringements of letters patent.

SEC. 26. *And be it further enacted*, That if, upon the final hearing of any bill filed as aforesaid, it shall appear to the satisfaction of the court that the respondent, or any receiver appointed under the foregoing section, has in his or her possession any article or articles, for purposes of traffic, which, upon the principles of the foregoing provision, are liable to an injunction, the court in its final decree shall adjudge the same to be forfeited to the use of the complainant.

SEC. 27. *And be it further enacted*, That in all suits in equity hereafter brought to restrain and prevent the infringement of letters patent, whether under this or any former act, it shall be competent to the court having jurisdiction of the cause to inquire into the damages sustained by the complainant, either by a reference to a master, or by directing an issue to a jury, as the circumstances of the case may require, and to award the same to the complainant in the final decree, and therein to treble the amount of such damages so ascertained in like manner as the courts are now authorized to treble the amount of damages found by a jury in actions at law. And the court shall have like jurisdiction in equity to inquire into and decree the damages sustained by the complainant in consequence of a past infringement where letters patent have expired, as in cases where the bill seeks for an injunction to restrain the infringement of letters patent which have not expired: *Provided*, That in no suit hereafter commenced, upon a patent which has not been confirmed under this act, and where the right of the patentee, as the original inventor or introducer, shall be derived by answer or affidavit, specifically naming the person who is the true inventor, and distinctly describing the time and place where said true inventor made his invention, or where and by whom the same was publicly used, so that perjury may be assigned upon such affidavit, or answer, if it be not true that the invention was made before the time when the patentee proves that equity grant an injunction to restrain the infringement of a patent unless the patentee or his assign shall have established the validity of said patent by the verdict of a jury, or undertake to do so under the direction of the court. And if in any case an injunction shall be allowed, and the validity of the patent shall not be established by

such verdict, the injunction shall be dissolved and the bill dismissed.

[The whole meaning of the *hodge-podge*, in the preceding clause, is, that where an injunction has been obtained in a suit for infringement, the injunction shall be dissolved, if the validity of the patent be not established. As a specimen of English composition, the section is a disgrace to the veriest school-boy that ever scribbled with ink.]

SEC. 28. *And be it further enacted*, That no person who is the actual inventor of any patentable subject, and who is the first to perfect and make that invention public, or who is the first to apply for a patent therefor, shall be defeated in his endeavors to obtain a patent, or to enjoy the benefits thereof, by reason of a previous invention of the same thing by another person, unless such previous inventor had used due diligence in perfecting his invention, and when so perfected had, without unreasonable delay, applied for a patent therefor, or brought the invention into public use.

[This is indefinite. What is unreasonable delay in the subject of inventions? Some inventors think more slowly than others. One man requires, by nature, five years to perfect an invention; while another individual, of greater mental activity, finishes the same thing in five weeks. Does this section propose to cut off the "five year" inventor in favor of the "five week" man?]

SEC. 29. *And be it further enacted*, That all acts and parts of acts heretofore passed, which are inconsistent with the provisions of this act be, and the same are hereby, repealed.

The New Patent Bill.

When we went to press last week, the introduction of this Bill had just been announced by Telegraph, and in such terms as to lead us to believe that its prime object was to extend the Woodworth Patent. Having examined the Bill, we conclude that such, on its face, is not the fact. It is gotten up by the assignees of certain other expiring monopolies; but we presume that the planing schemers are in for it, hand-and-glove. Birds of a feather flock together.

Recent American Patents.

Seed Sower.—By Hosea Willard, of Vergennes, Vt.—Consists in the peculiar devices employed for distributing the seed, whereby the grain is scattered evenly and equally, whether the machine is used on side hills, uneven, or rough ground. A new mode of covering the seed also forms part of the invention. Drawings would be required to convey an idea of the construction.

Rolling File Blanks.—By James N. Aspinwall, of Newark, N. J.—The metal out of which files are made is first fashioned into the proper shape by means of rollers, and then cut off into suitable lengths. These are called blanks. They are peculiar in form, being thinner on their edges than in the middle; their ends also taper down somewhat from the center. The present improvement consists in a novel arrangement of the forming rollers, whereby they are made to rise and fall at the proper moment, so as to bevel and taper the metal. We are informed that this invention expedites the process considerably, and also improves the character of the work produced.

Hat Felting Machine.—By A. C. Fuller, of Danbury, Ct.—Consists of a rotating polygonal drum, placed within a cylindrical elastic shell, in combination with a series of rollers. The hat bodies are introduced between the edges of the polygonal cylinders, rollers, and elastic cover, and the operation is such as to felt up or thicken the material in a superior and expeditious manner.

Wardrobe Trunk.—By J. McCracken, of Rochester, N. Y.—Consists in combining with a trunk the ornamental piece of furniture known as a wardrobe. Everything is attached complete, to wit, doors with looking-glasses, drawers, closet room, &c. When set up for use it looks like a substantial piece of mahogany cabinet work, genteel enough for a princess; but, in the twinkling of an eye, it may be folded up into the form of a trunk, and is then ready for transportation; the trunk, which is of an ordinary size, constitutes the base of the contrivance.

If genius continues to progress, the time will come when families emigrating West will be able to carry houses with them, furnished complete, from kitchen to parlor, all within the compass of a flour barrel. Already has a

stove been invented (illustrated in our last,) which uses lime instead of fire. Though hardly bigger than a man's hat, it will cook a domestic dinner at a moment's notice.

Improvement in Iron Hubs for Wagons.—By Henry Nycum, of Uniontown, Pa.—This improvement is of such a nature that any one of the spokes, or the whole of them, may be taken out, changed, or replaced, without disturbing the other portions of the wheel. Where a wooden hub is used, if a spoke happens to become broken, it is necessary to cut the tire of the wheel, and separate the fellyes, in order to get at the damaged part. The wheel must be then re-composed, the tire re-welded and reset. All this involves a considerable expense and loss of time.

Fig. 1

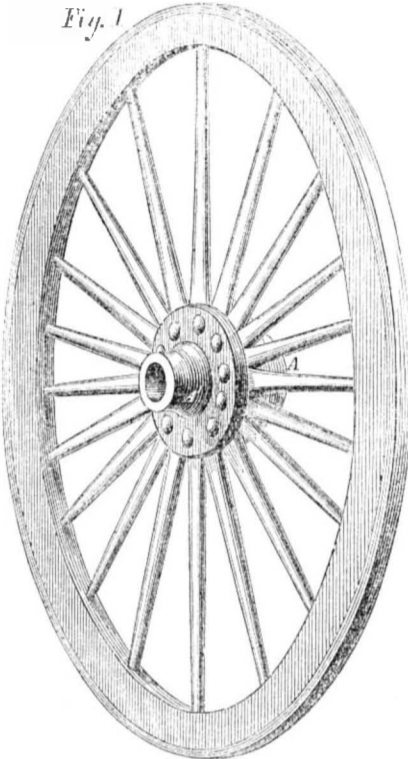
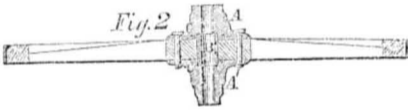


Fig. 2



In the present improvement the inner ends of the spokes are secured in an iron hub which consists mainly of two shells fastened together with screws; by simply turning the screws and taking off one of the shells, any of the spokes may be removed or changed, and the hub again put together, leaving the wheel as solid and firm as ever, all within the space of a few minutes.

The special novelty contained in the invention shown by our engraving, consists in placing a separate tube or sleeve in the center of the hub; the inner ends of the spokes rest against this tube, and are firmly supported. Fig. 2 is a cross section of the wheel. A A are the shell parts of the hub, fastened together with screw bolts, as seen. B is the central tube just mentioned; it is made very thin, so as not to diminish the length of the spokes within the hub. B is made larger than the bore of the hub, and thus forms an oil chamber. C C are washers. The spokes are put in at the back of the wheel.

This method of constructing iron hubs gives them unusual strength and lightness, besides obviating several other objections that have heretofore attended their use; the cost of manufacture is also reduced. Address the inventor for further information. Patented March 11, 1856.

Brace Bit Fastener.—By Horace Lettington, of Norwich, N. Y.—Consists of a thumb button fitted into the stock of the brace, so that when a bit is placed in the stock, and the button turned, the fastening is complete.

This is a simple but very useful contrivance.

Improvement in Hat Felting Machines.—By James S. Taylor, Danbury, Conn.—In this improvement there is a large cylinder, having on its periphery a series of rollers, and over these is placed an elastic cover or jacket. The large cylinder rotates in one direction and the rollers in another. The hat bodies are carried around and felted by rubbing between the rollers and the jacket, and are discharged

at the mouth of the machine, where they are put in.

The machine is adapted especially for felting the finer quality of fur hats, for it gives a light easy motion to the felts, and works them in hot water. We are informed that two men can do three times more work with one of these machines than they can by hand.

Improved Punching Machine.—By Edward Heath, of Fowlersville, N. Y.—The punching is done in the usual manner, by a plunger moving up and down. The improvement consists in placing a tool holder between the plunger and the metal to be punched; the punches are contained in the tool holder, and the arrangement is such that when the plunger comes down it will strike the head of one of the punches, and force it through the metal. The tool holder rotates upon an axis, and is divided into a series of chambers, in each of which is a punch fixed in an upright position, ready for use. When a different tool is required it is only necessary to revolve the holder and bring the head of the desired punch beneath the plunger. This is an ingenious invention.

Cabin Chair for Preventing Sea Sickness.—By Wm. Thomas, of Hingham, Mass.—Consists in hanging the chair in swivel bearings, so that the seat will always remain level without changing position, no matter how much the vessel rolls. It is alleged that the occupant will be thus relieved from sea sickness; if this is so it presents a fine example of the triumph of mechanical genius over medicine. The improvement is also applicable to beds and settees.

Machine for Dressing Mill Stones.—By S. W. and R. M. Draper.—This invention for which a patent was last week granted, was fully illustrated and described in No. 24 of our present volume.

Mowing Machine.—By C. M. Lufkin, of Ackworth, N. H.—This improvement relates chiefly to the cutters, which are round in form, like the circular saw; they are arranged in pairs, one above the other; each pair is placed so as to form a sort of bay, like an open pair of shears. Stationary fingers are used, which direct the grass in against the cutters; the latter revolve, and thus clip the grass. Endless belts are employed to convey the grass over and out of the way of the knives, thus preventing any choking.

Improved Violin Bow.—By Samuel F. French of Franklin, Vt.—When the musician wishes to execute a delicate passage upon the violin, he turns the bow over so that only the edge hairs will scrape the strings. The present improvement consists in attaching the ends of a few of the hairs, to a spring pin, placed in the handle of the bow; whenever a fine tone is wanted the operator compresses his hand and pushes out the pin, and thus separates, or throws out beyond their fellows, those hairs that are connected with the pin. The music produced by the separated hairs will be of the most delicate nature. By loosening the hand the pin instantly flies in and brings all the hairs properly together again. This improvement does not interfere with the straining of the bow.

Machines for making Sewing Silk.—By Lucius Dimock, of Hebron, Ct., and Ira Dimock of Mansfield, Ct.—In many kinds of stitching particularly that done by sewing machines, it is a matter of great importance to have the thread perfectly smooth and even. The ordinary silk is full of irregularities and small knots, often rendering its use in sewing machines quite troublesome. To avoid these difficulties, it is common to treble the thread and make it up into what is known as silk twist. The trebling operation consists in unwinding the single thread from a ball, and then looping it up so that three threads will come parallel; they are then twisted together, and form one thread. Machines for trebling have been long used, but the looping operation requires the assistance of an attendant, and the process is comparatively slow. The present improvement consists in making the machine self-acting; it unwinds the single thread from a ball, trebles, twists, and reels up the twist as fast as made. The various movements are executed with great rapidity, and the quality of silk produced is superior.