

Further developments will show that the roof is made to last scarcely more than four or five years. The leaders are made of some flimsy material, the nature of which is concealed by painting, but which in two or three years is found to be consumed by rust, and to crumble into pieces like a Boston cracker.

The moral of all this is, that if a man want a good house he must own, not rent it; and if he would own a house that shall be worth the money he pays for it, he must have it built under his own supervision; or, if he be not competent to supervise, he must employ the services of a competent and reliable architect.

The profits to builders of the average dwelling house are very great, as any one will find by a proper investigation of the cost of materials and labor. Invest these profits in superior material and workmanship, and, while your house will cost you no more, it will be at least one third better.

ANNUAL REPORT OF COMMISSIONER OF PATENTS.

UNITED STATES PATENT OFFICE, January 31, 1871.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

By the 9th section of the Act of Congress, approved July 8, 1870, entitled "An act to revise, consolidate and amend the statutes relating to patents and copyrights," the Commissioner of Patents is required to lay before Congress, annually, in the month of January, a report, giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating under proper heads the subjects of such patents; an alphabetical list of the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent Office as may be useful to Congress or the public.

In compliance with this requirement of the statute, I have the honor to submit the following report:

I. The receipts and expenditures of the Office for the year ending December 31, 1870, and the condition of the balance in the Treasury on account of the patent fund, as well as the character and extent of the business done by the Office during the year, are shown in the following statements:

Amount received on applications for patents, re-issues, extensions, caveats, disclaimers, appeals, and trade-marks, etc. \$669,456 76

Amount paid for salaries, photography, stationery, and miscellaneous expenses, etc. 557,147 19

STATEMENT OF BALANCE.

Table with 2 columns: Description and Amount. Includes 'Amount to the credit of the Patent Fund, January 1, 1870' and 'Fund of receipts during the year 1870'.

BUSINESS OF THE OFFICE FOR THE YEAR 1870.

Table with 2 columns: Description and Number. Includes 'No. of applications for patents during the year 1870' and 'No. of patents issued, including reissues and designs'.

The patents issued to citizens of the United States were distributed among the citizens of the several States, Territories, etc., as follows:

Table with 2 columns: State/Territory and Number of Patents. Lists states like Alabama, Arkansas, California, etc., and territories like New Hampshire, New Jersey, etc.

Citizens of the United States residing in foreign countries. 17
Persons in the U. S. Army. 1
Persons in the U. S. Navy. 1

COMPARATIVE STATEMENT OF THE BUSINESS OF THE OFFICE, FROM 1837 TO 1870, INCLUSIVE.

Large table with 6 columns: Year, Applications filed, Caveats filed, Patents issued, Cash received, Cash expended. Shows data from 1837 to 1870.

A subject-matter index of the patents issued during the year 1870, an alphabetical list of the patentees, with their places of residence, and a list of the patents extended during the year, have been prepared, and are submitted herewith as a part of this report.

Called upon to perform the duties of Commissioner of Patents, temporarily only, until the gentleman already appointed to fill the vacancy occasioned by the resignation of the late Commissioner shall assume the office, it would manifestly be improper that I should embrace the present opportunity to recommend measures, the advisability of which can in any respect be called in question. I shall refrain, therefore, from any general discussion of the affairs of the Patent Office, and confine myself to two or three matters which demand early attention, and about which it would seem that there can be but little difference of opinion.

By the joint resolution providing for publishing the specifications and

drawings of the Patent Office, approved January 11, 1871, it is provided that the publication of the abstracts of specifications and of the engravings heretofore accompanying the annual report of the Commissioner of Patents, shall be discontinued after the middle of the year 1869, the mechanical illustrations for the first six months of that year having been already prepared; and that in lieu thereof the Commissioner is authorized to have printed, for gratuitous distribution, 150 copies of the complete specifications and drawings of each patent thereafter issued, which copies, duly certified under the hand of the Commissioner and the seal of the Patent Office, are to be placed for free public inspection in the various State and territorial capitals, and in the Clerks' offices of the district courts of the various judicial districts throughout the United States; and this officer is further authorized and directed to have printed such additional numbers of copies of specifications and drawings, certified as before provided, as may be warranted by the actual demand for the same, to be sold at a price not exceeding the contract price for such drawings. It is also provided that the copies of drawings shall be made upon contract, after due advertisement by the Superintendent of Public Printing, under the direction of the Joint Committee on Printing.

This discontinuance of the publication of the mechanical report is in conformity with the recommendation of the late Commissioner of Patents. I have always doubted somewhat the wisdom of such a step, knowing, as I do, the avidity with which inventors, in all parts of the country, seek for copies of the report, and believing also that the matter contained therein, though necessarily imperfect, is nevertheless full of suggestion, and peculiarly calculated to furnish food for the inventive mind.

The delay heretofore connected with the publication of that report could have been entirely obviated by promptness in making the necessary appropriations for the work, as by proper management the office could easily have had all the matter ready for press within one month after the end of the year. If it were found that the report under the system of distribution heretofore adopted failed to reach the quarters where it would confer the most benefit, this evil could easily have been remedied by providing, among other things, that each patentee of a given year should receive as a gratuity one copy of the report for that year, and that the rest of the edition be sold at a price not exceeding the prime cost thereof. And as to the printed copies, to be hereafter placed at central points, as provided by the joint resolution, it is feared that they will be of comparatively little service to the great mass of inventors, who are scattered widely through the sparsely settled portions of the country, and who, practically, will have but little opportunity of consulting them. As evidence in the courts, as aids to patent solicitors, and to professional experts, upon whom inventors largely rely, and as sources of information to all persons living near the places of deposit, they will of course prove valuable, as furnishing more exact and reliable knowledge than can be gained from any other source. For this reason, they would form a most valuable adjunct to the present report; and, in view of the great benefits which the patent system has already conferred upon the nation—single inventions, like the sewing machine, the harvester, the telegraph, or vulcanized rubber, having more enriched the country than the whole system has cost, from its inauguration to the present time—I believe that the expense of retaining the mechanical report in addition to the new publication would be fully justified. The annual income of the Patent Office, in excess of its expenditures, would more than pay the cost of the proposed additional work; and the balance of six hundred and forty thousand dollars in the Treasury to the credit of the patent fund, warrants the most liberal policy in support of the workings of this bureau. The Government ought not to seek to raise revenue by levying taxes upon the inventive genius of the people; but all the money received from inventors should be expended in such a way as to secure the largest and most beneficent development of the patent system.

(The Commissioner then proceeds to remark upon the subject of reproducing the drawings, that this should be done in the Patent Office, and not by contract. In dealing with contractors the office is compelled to part temporarily with the custody of its original records. When done in the office, the copies prepared for gratuitous distribution can be made uniform in size with those now made for office use, and a saving of many thousands of dollars could be effected annually. If, under the contract system, a smaller size be adopted, a recomposition of the letter press would be necessitated, involving an annual expense of not less than sixty thousand dollars, while the saving in paper and binding would not be more than thirty thousand dollars. For these reasons the Commissioner favors the performance of the work in the Patent Office. He also recommends an advance in the price of single copies and the accompanying drawings, making the minimum price ten cents, and the maximum fifty cents, the price of uncertified printed copies between these limits, to be fixed by the determination of the Commissioner.)

By Section 20 of the Patent Act, approved July 8, 1870, the Commissioner of Patents is authorized to print or cause to be printed copies of the claims of current issues of patents, and copies of such laws, decisions, rules, regulations, and circulars as may be necessary for the information of the public.

Under this provision of law, the Office has for some time past been issuing a weekly "List of Patents," which contains the number, title, and claim of each patent issued, together with the name and residence of the patentee.

This publication costs the Government about five thousand dollars per annum. It is sold to subscribers at five dollars a year; and the amount realized from this source during the last year, is thirty-three hundred and sixty-eight dollars. The amount paid for advertising applications for the extension of patents during the same time is twenty-nine hundred and twenty-three dollars.

I would respectfully recommend that the Commissioner of Patents be authorized to enlarge the scope of the periodical publication named, so as to make it an official gazette, in which all the advertisements pertaining to the business of the office shall be inserted, in lieu of all other advertising as now required by law. At present the law requires that the Commissioner shall publish a notice of every extension application in one newspaper in the City of Washington, and in such other papers, published in the section most interested adversely to the extension of the patent, as he may deem proper. Under this law the patronage of the Office is distributed among three of the Washington papers, and a second copy of the advertisement is usually sent to some paper in the vicinity of the residence of the patentee.

This is at best an imperfect system of accomplishing the work intended, as there is no one paper in the entire country which contains all the advertisements of the Office; and which, therefore, a person concerned, professionally or otherwise, in extension applications can take, and feel assurance that the very case for which he is watching may not escape his eye. By the proposed change in this regard, all uncertainty of this kind would disappear; the public, both inventors and attorneys, would be much better served, since in connection with the list of claims they would receive the official advertisements without further expense; and a considerable saving to the government would be effected, both by the cessation of further payments for advertising, and by the largely increased circulation which by this means would be secured for the publication already authorized by law.

By Section 63 of the Patent Act, it is provided that an application for the extension of a patent shall be filed "not more than six months nor less than ninety days before the expiration of the original term of the patent." Under this section, applications are generally delayed until the last moment; and then it frequently happens, if the case be an important one, in which opposition is entered, and the taking of a large amount of testimony, to be obtained in remote and widely separated sections of the country, becomes necessary, that the application cannot be prepared for hearing until so late a day as to cause the careful consideration of it prior to the expiration of the patent, seriously to interfere with the Commissioner's duties in relation to other matters. It frequently happens, too, that on the day of hearing, a fatal defect in the presentation of the case is developed, which, if there were further time at the disposal of the party, might be remedied. For these reasons, every such case, in my judgment, should be brought to a hearing at least four weeks before the date of the expiration of the patent. To this end, the application must be filed in the office at an earlier day than is now required by law. I would suggest that nine months be fixed as the maximum limit, and six as the minimum.

The business of the Patent Office for the past year is perhaps sufficiently

\* For economy of space, we have condensed that portion of the report relating to reproduction of drawings.—Ed.

exhibited by the tables already given, and does not call for any extended remark. I cannot, however, close this brief report without referring to the eminent service rendered by the late Commissioner, the Hon. Samuel S. Fisher, whose energy and ability in the discharge of his official duties have done so much to correct and systematize the practice of the office.

The periodical publication of the Commissioner's decisions, whereby the examiners, as well as attorneys, have received early information of the principles which controlled the head of the office in deciding the cases brought to his personal attention, has proved a marked and most valuable feature of the late administration. Great care was also exercised in the filling of vacancies, the appointments being made with special reference to the merits of the persons receiving them, and in many instances after they had passed the ordeal of a severe competitive examination.

The manifest improvement thus effected, in the personnel of the Office, reflects credit upon the officer under whose administration it was brought about. The impress which he has left behind him will be lasting, and his official connection with the patent system will long be remembered with satisfaction and pleasure.

Respectfully submitted,

SAMUEL A. DUNCAN, Acting Commissioner.

New Patent Law of 1870.

INSTRUCTIONS

HOW TO OBTAIN

LETTERS-PATENT

FOR

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