

hardihood, undertaken to investigate it with a little professional prejudice as possible.

It is to be hoped that he will have the independence and manliness to avow, publicly, his conclusions and convictions, even if he should come to the belief already reached by thousands and thousands of men and women, who have already investigated the subject, with as much honesty and sincerity, if not with quite as much science, as Mr. Crookes, namely: Spiritualism; the conviction, that every human being has a spiritual body and a natural body, that upon the death (so called) of the natural body, the spiritual body still lives on forever, and that this spirit does now, under certain unknown conditions, communicate with spirits yet in the natural body, and does now, by unknown laws, cause physical phenomena, unexplainable by natural laws.

The literature and traditions of every nation and tribe on earth are full of these phenomena. Founders of religions have always wisely availed themselves of these manifestations. The day is dawning, when the people will be permitted to share and understand the universality of these glorious truths of religion.

Spiritual influence is the true solution—as B. Stewart, in "Nature," candidly says: "We are not entitled to reject his testimony (that of a spiritualist) on the ground that we cannot explain what he has seen in accordance with our preconceived views of the universe, even although these views are the result of a long experience; for, by this means, we should never arrive at anything new," and no new truth could be discovered. THOS. G. WILLIAMS.

Euler's Bottle washing Machine.

This invention relates to an improved machine for washing bottles; and consists in the arrangement of certain holding and rotating devices in a vessel designed to contain the cleansing or rinsing liquid. Through the side of a box or vessel, open on top, of rectangular or other form, and lined with sheet metal, are fitted a suitable number of horizontal spindles, which receive rotary motion by a band, or gearing from a suitable driving shaft. Within the box or vessel each spindle is provided with a cone or plug, of such shape as to fit conveniently the cavities usually provided at the bases of bottles. These plugs may be removable, so that such of different size or shape may be applied to fit the several kinds of bottles. Plates sliding on cross bars are firmly secured within the box and are forced by springs toward the plugs. The bottles to be washed are first dipped into the water contained in the box, and are thus about half filled. They are then in placed with their bases against the revolving plugs, and with their mouths against the plates, the springs holding them properly in position. The plates are perforated in line with the spindles, so that the mouths of the bottles will not be closed by them. The spindles being revolved, the bottles will also be turned by the friction of the plugs, and will be thoroughly rinsed and cleaned by the water within and without. The boxes may be arranged in pairs, side by side, so that both ends of every spindle are utilized. A fresh water reservoir, supported above the box on a frame, has a discharge faucet within which is placed a valve, held on its seat by a spring. From the valve is suspended, through the discharge opening of the faucet, a crooked wire or rod, by which the valve is opened.

Each bottle, after having been rinsed as above described is held against the wire, so as to raise the valve and thereby open the faucet, letting clean water flow directly into the bottle below, to complete the cleansing process. The spring will close the valve immediately after the withdrawal of the bottle from contact with the wire. Conrad Euler, of Evansville, Ind., is the inventor of this machine.

Fertilizers from Sea Weeds.

Mr. Upham S. Treat, of Eastport, Me., has invented the following process for making fertilizers from sea weeds, upon which he has obtained a patent. The sea weed is subjected to the action of steam under pressure until it is reduced to a pulp. It is then passed through a mill, where it is thoroughly mixed with ten per cent, more or less, of finely powdered quicklime. After being thus mixed, it is elevated or placed in some suitable place to be thoroughly aired and dried, when it is ready for packing in barrels and for market.

Upon the Atlantic coast, sea weed is a most abundant article, used at present to some extent as a fertilizer, in combination with barnyard and other manure; but its valuable qualities seem to be dissipated and in a great measure lost, by exposure to the atmosphere in its crude state, or from not securing proper chemical treatment. By Mr. Treat's process, it is claimed, all its native richness is preserved, and a hitherto almost useless weed is converted into an efficient compound for enriching the soil.

Volcanic Disturbances in the East.

The news of most terrible earthquake shocks and volcanic disturbances comes to us from the Philippine Islands. In the small island named Camiguin, near to Misamis, for some months past a succession of most violent earthquakes has been experienced, causing crevices, etc., in the open country. On the 1st of May, about five o'clock in the evening, the earth burst asunder, and an opening was formed 1,500 feet long. Smoke and ashes, earth and stones, were thrown up and covered the ground far and near. At about seven o'clock, as darkness was coming on, this crater burst into activity with a loud explosion, followed by a shower of lava and ashes. About 150 persons were destroyed. The eruption of the new volcano has since been so tremendous that the inhabitants have forsaken the island, and of the 26,000 previously there, not 300 are left. Camiguin is only about thirty-six miles in circumference, and was very productive

in abaca (the Mailla hemp) yielding annually from 30,000 to 40,000 piculs, or more than a tenth of the produce of the world. There is little hope of the island ever being again re-occupied or cultivated.

TRADE MARK REGISTRATIONS.—INTERESTING DECISION BY THE HON. M. D. LEGGETT, COMMISSIONER OF PATENTS.

In the matter of the application of the Dutcher Temple Company for registry of trade mark—Appeal.

The applicant seeks to have registered as a trade mark the "letter D encompassed by the figure of a lozenge."

This device is placed upon "loom temples" manufactured by the applicants.

The examiner rejects the application on the ground that the proposed trade mark has no feature that indicates "origin or ownership."

The examiner's doctrine on the subject seems to be that every trade mark must include either the name of its proprietor, or his place of business, or both.

The object of a trade mark is to distinguish the goods of one manufacturer or merchant from those of another in the market. The only benefit the proprietor of a trade mark can hope to derive from it, is that such mark may point out the goods, upon which it is found, as coming from him, and thereby bring customers back to him when desiring to make additional purchases. This being the only object a dealer can have in adopting a trade mark, he may generally be trusted to see that it be known where the goods come from, on which the trade mark is placed.

The origin of goods may be determined in many ways, provided they have upon them some mark by which they may be distinguished in the market from other similar goods. The name of the manufacturer or the name of his place of business are evidently not the only means of determining the origin of marked goods.

In the case of *Filling vs. Fassell* (reported in Vol. 8, Am. Law Reg., p. 402) tried in the Superior Court of Missouri, the judge says: "The books are full of authority establishing the proposition that any device, name, symbol, or other thing may be employed as a trade mark which is adapted to accomplish the object proposed by it, that is, to point out the true source and origin of the goods to which said mark is applied." On the strength of such authority, decision was given in favor of the plaintiff sustaining the words "Charter Oak," accompanied by a figure of an oak tree, cast upon the plates of stoves, as a legal trade mark. In these words and device the court, it seems, found enough to indicate "origin or ownership." With such a mark permanently attached to the stoves, they were readily identified in the market, and of course could easily be traced to their origin. The fact of the mark opened and pointed the way to the factory where the article was made. It was the owner's "ear mark," which he placed upon all his goods of the kind, and by which the public come to know the stoves were made by him.

There are many other decisions recognizing the fact that mere symbols or devices or unmeaning words may, by continued use, indicate origin, and thereby become legal trade marks.

A careful reading of the decisions will show that the courts have held with very great unanimity that the person's name or place are neither absolutely essential to the validity of a trade mark. If it possesses the evidence upon its face that it is put forth or given out as a distinguishing mark of the goods to which it is attached, that is, distinguishing as to origin and not as to kind or quality, it may have all the requisites of a valid trade mark without naming the person or place whence it came. The very fact that it bears evidence of being the manufacturer's or dealer's private mark, by means of which his goods are distinguished in the market, is sufficient indication of origin to warn against copying by competing dealers, and this answers the public demand.

At common law, the trade mark to become legal and to vest an exclusive right in the persons adopting it, must have been so long in use as to be known and recognized in the market. That is, a person could not adopt a trade mark to day and successfully sue for infringement of it tomorrow. Whether the office should demand that a trade mark should have such use before admitting it to registry, has been a question with the examiner; but I am of the opinion that one object of the registry law was to settle this very question. *Registry* is notice to the world, and supplies the place of *long use* at common law.

The applicant's device is not a genuine name, it is not indicative of quality. It does not consist of words or devices that others in the same trade would be likely to select for a similar purpose, and I see no valid reason against admitting it to registry.

The decision of the examiner is reversed. (Signed,) M. D. LEGGETT, Commissioner. Sept. 21, 1871.

WHAT CONSTITUTES PATENTABILITY IN AN ARTICLE OF MANUFACTURE.—IMPORTANT DECISION BY THE COMMISSIONER OF PATENTS.

In the matter of the application of Charles A. Moore, for letters patent for improvement in clock cases. Appeal from Examiners in Chief:

The applicant seeks a patent on what he claims to be a new article of manufacture, consisting of a pressed glass clock case, constructed with the entire front, sides, top, and bottom in one piece, the front being adapted for the face and hands of the clock, and the whole ornamental in design, and cheaply manufactured.

He is met by references to glass boxes, vessels, preserve dishes, porcelain ware, pressed clock fronts, clock covers, etc., etc., and also to clock cases made of porcelain and earthen ware.

The only question now to be decided, is the pertinency of these references.

It is very difficult to establish any rule as to references that shall be plain and of universal application, consequently there are almost as many different rules of practice, in finding references and making rejections, as there are different examiners in the office.

Some examiners are very quick to detect resemblance, and will reject almost everything. Others are equally quick at finding differences, and will grant patents on mere shades of variation. Hence a picket fence is rejected on reference to a comb; a urinal, on reference to a blacksmith's furnace; a surgical instrument for injecting spray into the throat or nasal organs, on reference to a fireman's hose; a rubber packing for fruit jars, on reference to a pump; a device for lacing ladies' shoes without the use of holes or eyelets, on reference to an old mode of cording bedsteads; an ore crusher, on reference to a nut cracker.

In each of these cases there will be found a remote resemblance between the device in the application and the reference. In some of them, however, the examiners have displayed more inventive genius in finding the references, than the applicants would dare claim for their devices.

As before stated, the impossibility of prescribing definite rules of general application as to the pertinency of references, has given rise to a great want of uniformity in the office practice.

It is proper, however, to say that references should be limited to things of a kindred nature—to things so nearly related in adaptation and use, as that seeing one, would naturally suggest the other. There should be some analogy between the use and result of the device in question, and the reference upon which it is rejected. The analogy should be so close that the device would likely be suggested to a person skilled in the art to which the device relates, by seeing the thing used as a reference. Unless there be such analogy, the reference could hardly be regarded as pertinent, even in applications for machine patents.

But in regard to applications for patents on manufactured articles, the field of reference is still further limited. The only questions to be settled are:

1. Is the device of itself an article of trade?
2. Is it useful?
3. Is it so different, in essential points, from other articles of the class to which it belongs, as to be easily distinguished in the market?

These being answered in the affirmative, a patent should be allowed. Try the case in hand by this rule.

1. The device is intended as an article of trade, not as a clock, but as a clock case; intended to be put upon the market simply as a clock case, and sold to clock makers.

2. It is more cheaply made than any other transparent clock case, and equally ornamental; hence it is useful. "The beauty of an ornament is one great test of its utility," says the learned judge in the celebrated *Magic Ruffle* case. (2 Fish, 336.)

3. There certainly would be no difficulty in distinguishing the clock case in question in the market, from any of the references, as an article of manufacture; it is essentially different from preserve dishes, tumblers, ordinary glass boxes, pressed glass clock fronts, or glass clock covers. It belongs entirely to another family of articles. Neither could it ever be mistaken for porcelain or earthen ware clock cases of the same family. The results sought in this clock case are cheapness, ornamental form, and the special quality of displaying the internal machinery of the clock, without exposure to dust or the use of a cumbersome cover.

This last quality is not possessed by either porcelain or earthen ware.

I do not recognize any pertinency in any of the references. The decision of the Board of Examiners in Chief is therefore reversed.

(Signed,) M. D. LEGGETT, Commissioner. United States Patent Office, Sept. 23, 1871.

EXTENSION OF CENTERING MACHINE PATENT.

In the matter of the application of E. F. Whiton for the extension of letters patent, bearing date July 14, 1857, for a Centering Machine.

DUNCAN, Acting Commissioner.

The following is the substance of the examiner's report:

The machine or device described in the patent is intended mainly for centering and marking the centers of shafting.

On examination, the invention is found to have been new at the time the patent was granted, and it is found also to be useful and important. In proof of the fact last stated, a number of affidavits have been presented, all of which certify to the superior utility of the invention, but these affidavits, as well as applicant's statement, are entirely silent as to the value of the invention to the public. Perhaps, however, this omission was unavoidable, considering the fact that the thing invented is not a machine for creating or producing, but rather a convenient tool or adjunct, the purpose of which is, and can be, only simply directed.

It would seem from the statement in the case and otherwise, that at the time of making the invention the patentee was a laboring mechanic, and possessed of but little means; that by the assistance of a brother he was enabled to commence the manufacture of his improved device, but that for several years his business was characterized by losses instead of gains, these losses resulting from inadequate machinery for the manufacture of his device, and the want of means to procure better; and also from the imperfect construction of the device itself, which rendered those first made unusable.

Applicant expresses the opinion that had he possessed the necessary means, he might have made and sold at least five hundred of his centering devices annually; as it is however, he has made and sold but seven hundred and fifty one.

His statement of receipts and expenditures is as follows:

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| PATENT, DR. | |
| To cash received for 751 centering machines..... | \$35,888 |
| PATENT, CR. | |
| By cost of manufacturing 751 centering machines..... | \$32,702 |
| Procure ment of patent..... | 175 |
| | 32,877 |
| Excess of receipts over expenditures..... | 3,011 |

It is not deemed essential, under the provision of the statute which requires the applicant for an extension to make statement of the ascertained value of his invention, that this statement should be given in dollars and cents. Doubtless it was only contemplated, by the provision referred to, that the applicant should furnish the necessary data to enable the Commissioner to form an intelligent judgment as to the merits of the invention. (See case of Peter Cook, Commissioner's Decisions, 1870, 24.)

In the present case it appears that seven hundred and fifty machines have been sold, and the testimony is emphatic as to the satisfactory character of their operation.

The patentee's diligence in the introduction of his invention is of the most commendable character; and the small profit realized appears to be an entirely inadequate remuneration for the time, ingenuity, and expense bestowed upon it. The patent will be extended.

DRAINING LAND.—A strong metal pipe, about 20 feet in length and 6 inches in diameter, is adjusted in a slanting position over the lot to be drained. To an opening in the bottom of this pipe, another is firmly jointed, inclining backwards at an angle sufficient to allow of its end resting on the ground lot. Connected with the principal pipe, is a strong canvas hose, down which a current of water descends, and issues at the mouth of the pipe. In its course, it forms a vacuum in the second pipe, and the water is thus sucked up and discharged with the current flowing through the principal pipe. This device is in use, for the purpose described, in Australia, but is known to most men practically acquainted with hydraulics.

DRESSING ROLLED IRON.—An improvement in dressing the scale off finished iron bars in rolling mills is in use at the extensive works of Griswold & Co., Troy, N. Y. It consists of a wire brush fastened on a bar fixed on the discharging side of the rolls, and is said to be a great improvement of the friction with cinders usually applied for the purpose.