[Special Correspondence of the Scientific American.]

EXTENSION CASES BEFORE CONGRESS.

WASHINGTON, D. C. February 20, 1872.

Under the new Patent Act, passed July 8, 1870, power is vested in the Commissioner to extend any patent granted prior to March 2, 1861, for the term of seven years from the expiration of the original term, but no patent granted since the above date can be extended. The Commissioner, however, has no power to renew a patent after it has once expired, neither is provision made for an appeal from his decision in extension cases. Hence, disappointed applicants in these cases have occasionally carried them before Congress under the form of petitions for relief, and as that body has shown a disposition to give them a favorable consideration, the number of applicants has of late increased. The present Congress has received many applications of this class, of which the following is a list, the first one mentioned being one of the most important and meritorious, as will appear from the following brief statement:

The case is that of A. Smith and H. Skinner, of Yonkers, N. Y., for an extension of their patent of November 4, 1856, for a carpet weaving loom. The object of the invention is to produce by machinery an Axminster or tufted carpet, a fabric of which the distinctive features in the manufacture, namely, the insertion and binding of the tufts, had heretofore depended on hand skill, a weaver working only two yards a day. With this loom, the devices of which are necessarily very complex yet very admirable as specimens of mechanical action and effect, the manufacturer can produce from seventeen to twenty yards per day. Owing to losses by fire, and the delays incident to the perfecting of some parts of the mechanism, it was not until the fall of 1868 that the inventors put their carpet on the market. The article was so well received that the company erected a large factory, and in 1870 had thirty looms in operation. A. T. Stewart & Co. early became dealers in this important article of American manufacture. The application for extension was refused by Commissioner Fisher, on the ground that the English patent issued to the inventors before the American patent had expired, in accordance with section 25, of the Patent Law of 1870, which provides that domestic patents, issued upon inventions previously patented abroad, shall expire with the foreign patents. As this decision of Commissioner Fisher has not been sustained in subsequent cases of this nature, there will be no hesitation on the part of Congress in granting the petition of Messrs. Smith & Skinner; and it should be stated in this connection that Mr. Fisher considered that the facts and considerations of the case favored the granting of an extension, while at the same time, his understanding of the section of the new law, above referred to, imposed on him the unpleasant duty of refusing the application of the patentees.

No opposition to the above extension has been filed.

The application of A. B. Wilson, now before Congress, is exciting special interest, as very large moneyed interests are involved, and the opposition is necessarily strong, and is rendered more determined from the fact that the patentee has already received the benefit on one extension term, which has proved immensely lucrative. The patent was for an improved sewing machine, was issued November 12, 1850, and was extended in 1864 for the authorized time of seven years, which expires November 12, 1871. Its value is apparent when it is considered that it covers all the four motion feed mechanisms in use. The invention included other devices, but the feed motion was its valuable feature, and consisted of a box vibrating upon the machine table, the other side of the box having serrations like a shoemaker's rasp. The cloth was laid upon these projections, and being pressed on them by a spring was carried forward by the teeth at each movement of the bar. This was called the rough surface two motion feed, and as no points penetrated the cloth, as was the case in the continuous feed of Batchelder, patented in 1849, it could be turned so as to sew seams of any desired curvature. In 1852, this feed was improved by giving to the bar a motion forward, to carry the cloth to the needle, a motion downward to release the cloth, a motion backward and a motion upward to take a fresh hold. This is what is known as the four motion feed, and is seen in most sewing machines. This application is opposed.

Petition of W. E. Ward for extension of his patent for a nut making machine, issued October 7, 1856, and reissued January 1, 1867. The patentee's application to the office for an extension was refused by Commissioner Fisher for the same reason that decided his action in the case of Smith & Skinner above referred to, namely, that the letters patent obtained by applicant in England, in 1856, had already expired. The English patent was dated May 8, 1856, and therefore, expired five months in advance of the American patent. "If the extension now asked for be granted," says the Commissioner, in his decision, "it will be a continuation in this country of the monopoly for an invention, the foreign patent for which has expired." Previous to this invention a punch and die were used for both cutting off the blank and for compressing it, and another punch for forming the hole, and the blank or nut was swaged while yet on the punch by which it was pierced. In Ward's machine the blank, after having been cut from the bar by one punch and the central hole made in it by another, is transferred automatically to and placed upon an intermittingly revolving mandrel equal in diameter to the hole in the blank, and while in the mandrel is swaged upon the sides and edges by hammers operating automatically. The examiner, in his report, states that the invention was only in part novel, the punches and dies and their arrangement relative to one another being substantially shown in a French patent of 1826.

George W. Morse. Two patents for improvements in fire arms, both dated October 28, 1856, expired October 28, 1870. The applicant filed his petition in the office for an extension, in accordance with the rules, but the application was refused by Mr. Duncan, the Acting Commissioner, on the ground that the testimony given in the case to show that the inventor, though residing in the South during the late civil war, neither aided nor abetted the rebellion, was insufficient. Mr. Duncan, in his decision, says: "We should have a declaration, not of beliefs, but of actual facts. With these before us, a reliable judgment might be formed as to whether applicant carried himself free from all contamination with the rebellion, and whether circumstances were such as to justify him in absenting himself from that portion of the country where alone he would have been in position to urge his improvements upon the Government at the time when, if the inventions were of real value and importance, he might reasonably expect to secure their trial and introduction." The bill before Congress for the relief of Mr. Morse asks that the Commissioner be authorized to reconsider his case, in view of additional testimony to prove his loyalty. The bill has already passed the House, though not without some discussion. These inventions pertain to breech loading arms and metallic cartridges.

Ira Buckman, Jr. Patent for a walking stick gun, dated August 4, 1857, expired August 4, 1871. The inventor did not apply to the office for an extension, and now asks that the Commissioner be authorized to hear his application in the same manner as if it had been duly filed ninety days before the expiration of the patent.

William Sellers and Coleman Sellers. Patent for improved coupling, dated May 5, 1857, expired May 5, 1871.

The petition of the patentee is similar to that of Buckman just given. The device consists of two conical sleeves within one external sleeve, so arranged as to compress the ends of the coupled shafts separately, whether of the same or different diameters; also in the mode of bolting the conical sleeves, the bolts serving as keys to prevent the cones from turning.

Edward Hall and Joseph L. Hall, for improvements in fire proof safes, dated August 21, 1849. Extended by the Commissioner for the term of seven years from August 21, 1863. The surviving patentee, Mr. Edward Hall, petitions for a second extension, on the ground that, without neglect or fault on his part, he has failed to obtain a reasonable remuneration. By the terms of the Patent Law, the Commissioner is not authorized to grant a second extension in any case. The invention consists of a concrete safe, the interior and exterior covering being joined by bolts imbedded in hydraulic cement.

Frederick P. Dimpfel, for a steam boiler, dated July 16, 1850, Extended by the Commissioner; the term expired July 16, 1871. This is an application to authorize the Commissioner to grant a second extension, after a due examination on the merits of the case. The invention relates to the construction of the water tubes and a means of forcing the circulation.

Horace L. Emery. Improvements in endless railway horse power, dated February 22, 1852, expired February 22, 1866. The case is similar to that of Buckman, mentioned above.

William Trapp. Machine for making casks, barrels, etc., dated October 1, 1845, extended by the Commissioner, the term of which extension terminated October 1, 1866. The petitioner asks for a direct extension from Congress.

C. P. S. Wardwell, for a circular sawing machine, dated March 10, 1857, and expired March 10, 1871. Petition to go before the Commissioner. The invention consists in an arrangement of two or more saws, in a swinging frame so that either may be brought into working position.

William Pierpont, for a straw and grain separator, dated May 7, 1850. Extended by the Commissioner. Petitions for second extension from May 7, 1871. The device is an elongated apron or pierced platform hung upon and worked by cranks in connection with the other parts of the threshing machine.

Alfred W. Gray. Improvement in links of endless horse powers, dated September 9, 1856, and expired September 9, 1870. Petitions to go before the Commissioner. The links are made of corrugated sheet metal, so that the corrugations shall serve both as hinges for connecting the links and as cogs for the gearing.

Thomas W. Harvey (deceased). A machine for threading screws, dated May 30, 1846, and extended by the Commissioner in 1860. The applicant, Mr. H. A. Harvey, petitions for a direct extension from Congress.

Edward P. Torrey and William B. Tilton. Improvement in torsional rod door springs. The application to the Commissioner of Patents was refused because Tilton had not joined as a party seeking the extension, it being alleged at the time that Tilton was believed to be dead. The Commissioner, in his decision, also strongly intimated that the patent sought to be extended ought not to have been granted originally, in view of the proofs adduced. Both inventors now come forward and pray that Congress grant the extension so refused by the Commissioner.

The following persons have also petitioned Congress for relief, namely: Chester C. Tolman, Stephen Hull, John B. Emerson, L. W. Pond, P. L. Wardwell, D. J. Powers, Calesta E. Cox, William Sellers, John C. Bickford, William C. Jardine, Elizabeth A. Jackson, William A. Graham, Samuel A. Knox, A. S. Macomber, John W. Nears, Fred. N. Norcross, and Levi Bissell.

The Private Acts and Resolutions of Congress in relief of patentees or their heirs are few in number, only twenty-four from 1860 to 1870, and nearly one half of these cases were passed in 1870. The great proportion of these cases arose out of the neglect of the parties to file their applications in the Patent Office within the prescribed time, namely, ninety days before the expiration of the patent, and the Acts simply authorize the Commissioner to consider the applications as if filed in accordance with the law. In some instances, not only months but years have passed between the expiration of the patent and the action of Congress, the invention in the meantime becoming public property. In such cases the public is protected by a proviso to the effect that all persons who shall have made use of the invention, during the interval referred to, shall be relieved from all liability for said use.

We find only two cases in which Congress has granted an extension independently of the Patent Office. The first occurred in 1867, on an application from the widow of Henry A. Wells for the extension of her husband's inventions in the manufacture of hat bodies. The patents were two, both dated April 25, 1846, and had been extended by the Commissioner in 1860. Several reissues had been granted from time to time, and the two most important of these were extended by Congress without condition.

The second case is that of John Batchelder's patent for sewing machine, dated May 8, 1849, and extended by the Commissioner in 1863. By Act of July 14, 1870, Congress granted an unconditional extension, to take effect from the expiration of the first extension, namely, May 8, 1870, adding the usual clause for protection of all persons who had purchased the machine after the expiration of the first extension term.

In 1866, a patent to Theodore Hyatt, for a vault cover, was directly extended by Congress, and in 1867 a patent to Thomas D. Burrall for a corn sheller, but in both these instances the applications were submitted to the Commissioner, he being directed to extend the patents, on payment of the usual fees, "if in his judgment, upon full hearing, the same should be granted." This proviso must be considered as, on the whole, formal and complimentary, as the acts pronounce the patents "hereby extended."

In some of the extension cases now before Congress, much interest is excited, as not only the interests of the public are affected, but extensive business arrangements have been completed by manufacturers, under the expectation that the patents were about to become, or remain, public property.

Another case of importance is that of Rollin White, of Massachusetts, for a rehearing, before the Commissioner, of his rejected application for an extension of his three patents, dated April 3, 1855, for improvements in repeating fire arms. The leading claim in these patents is for "extending the chambers of the rotating cylinder right through the rear for the purpose of enabling the chamber to be charged at the rear, either by hand or by a self acting charger. As early as 1866, Mr. White filed an application in the Office for an extension, which was refused by Commissioner Foote at the expiration of the term of the patent in 1869. It appears that the invention was not of any practical value until the invention of Smith and Wesson's metallic cartridge, and the patentee assigned his right, for a valuable consideration, to that firm. The validity of the patent was, about that time, contested in the courts by the manufacturing company of Allen & Co.; and in 1863, the case reached the Supreme Court, where four of the judges were in favor of confirming it, and four were against it. On the refusal of Mr. Foote to grant an extension, Mr. White immediately petitioned Congress for a rehearing before the Commissioner; and the bill of relief was passed by both Houses, without debate, on the last day of the session. On January 11, 1870, the bill was vetoed by President Grant, for reasons embodied in an accompanying communication from General A. B. Dyer, Chief of Ordnance, and approved by the Secretary of War. General Dyer says: "It is believed that the Government suffered inconvenience and embarrassment enough during the war, in consequence of the inability of manufacturers to use this patent, and that its further extension would operate prejudicially to the interest of the Government by compelling it to pay, to parties already well paid, a large royalty for altering its revolvers to use metallic cartridges." In the Senate, the bill was passed over the veto by a vote of 11 to 13. In the House, it caused one of the most lively debates of the session, Mr. Butler and Mr. Farnsworth engaging in a spirited tilt growing out of a charge of the latter that Mr. Butler had accepted a fee of $2,000 to advocate the interests of the patentee. The bill failed by an overwhelming majority—yeas, 12, nays, 168.

A New Dodge in Advertising.

One of the most ingenious means of advertising we have met with is the following: A thin buff envelope, printed and directed as though it covered a telegraphic despatch, contains a slip which looks like a printed telegraphic dispatch. We read thereon that a certain tea company has the celebrated —— tea, pure and delicious, for sale in pound packages, etc., etc. Of course, being pleased at the trick, it is preserved and shown to one's friends, and so one circular is seen by many, as intended by the advertiser, who laugh over it, and pronounce it a clever trick, as was also anticipated. The genius who devised this dodge can go up to the head of the class.

ERRATUM.—In a small part of our edition of last week, the address of Mr. N. W. Simons, inventor of the patent safety hold back for carriages, is printed Williamsport, Ohio. It should be Williamsfield, Ohio.

DR. KANE, the arctic explorer, recorded the fact that snow at a temperature of 40 degrees below zero, F., loses much of its anti-frictional quality. He found it nearly as difficult to draw sleds upon such snow as upon sand.