

Grindstones not Extinct.

Some persons may be impressed with the idea that the turning lathe and modern emery wheel have entirely superseded the grindstone; but it appears from a statement from J. O. Mitchell, an extensive grindstone dealer in Philadelphia, that such is not the fact. He says that, at the Baldwin works, no less than 6 grindstones, of 2 tons weight each, are kept constantly running on locomotive work; not only are all the rough castings ground, but 41 of the working parts of an engine are finished in this way. Grindstones are also used for finishing pulleys, which are caused to revolve against the stone, running rapidly in an opposite direction; this grinds down the face of the pulley very fast and perfectly true, and at less cost than turning in a lathe.

PROFESSOR AGASSIZ defends his rejection of the Darwinian theory of evolution on the ground that "his opponents are presenting views on scientific principles which are not even based on real observation; that they have not shown evolution, or the power of evolution, in the present day, and hence are not entitled to assume it in the past." He further characterizes the theory as a "mire of mere assertion."

PRESERVATION BY COLD.—Professor Boussingault states that a quantity of beef tea, having been submitted some eight years ago to a temperature of -20° for several hours, has remained in perfectly good condition up to the present time. Sugar cane juice was at the same time subjected to this treatment, and was found to be in excellent condition. Both substances had of course been kept in closed vessels.

PATENT OFFICE DECISIONS.

TRADE MARKS.—C. E. RICHARDSON ET AL.—APPEAL.

LEGGETT, Complainant. Applicant petitions for the registration of the words "A. Richardson's Patent Union Leather Splitting Machine." It appears that the leather splitting machine he proposes to manufacture and place this alleged trade mark upon has been patented, manufactured, and put upon the market under the above caption during the past twenty years, and that the patent has expired. The Examiner has therefore held that the word "Patent" cannot properly be sanctioned as part of this trade mark, because it would tend to deceive the public and perhaps induce a violation of section 39 of the Patent Act. Applicant then proposes to drop this word, and asks that the words "A. Richardson's Union Leather Splitting Machine" be registered. In the opinion of the Commissioner, the words as originally submitted must be rejected. This does not relieve the case of another objection. The words presented have become the generic name of these machines by which the public now know them. They have been before the country under this caption as patent devices. The right to make them has now fallen into the hands of the public, and why should not the public have the right to use the name by which they are known and which they have acquired by virtue of the patent? When a device becomes public property its name must also. If the word "Union" were now adopted for the first time, it would no doubt in this connection render the name registrable. But it has become a part of the name of the device to which it is proposed to be applied, and therefore registration must be refused.

TRADE MARK.—STERNBERGER VS. THALHEIMER & HIRSCH.—INTERFERENCE.—ADMISSIBILITY OF EVIDENCE.

Parties who employ a word in an experimental way in five or six instances, and take no further steps for three months, do not thereby gain title to it as a trade mark against one who has in the meanwhile adopted it and put it into general use. Neither will the latter lose his right to it because the others procure it to be registered. Upon an interference between an application for the registry of a trade mark and a trademark already registered, evidence was adduced tending to show that the applicant had used the mark in question that he had previously made use of the trade mark. Held, that it was competent for him to prove, although upon the rebuttal, that he had been in the use of it prior to the conversation.

TEACHER, Acting Commissioner.

The decision of the Examiner of Trade Marks is affirmed, and the right to a certificate of registration awarded to Sternberger.

DECISIONS OF THE COURTS.

United States Circuit Court—District of Massachusetts.

TAN BARK EXTRACTS.—PINGREE'S PATENT OF OCTOBER 26TH, 1865.—ABEL E. BRIDGE ET AL. VS. EPHUS H. BROWN ET AL.—INFRINGEMENT.

[In Equity.—Before Shepley, Judge.—October Term, 1872.] A patent for an apparatus for making extracts from tan bark by means of exhaust steam, which exhausts in combination an exhaust steam pipe, a leach and intermediate boxes in which the steam is condensed, and also expands so as to avoid back pressure on the piston, is not infringed by a similar apparatus in which there is no exhaust pipe, nor provision for avoiding back pressure, but the steam is taken directly from the boiler.

SHEPLEY, J.:

The patent is for an apparatus for making extracts from tan bark and other material not for the process of extracting the tannin, but for an apparatus consisting (first) of the boxes with perforated sides, applied in combination with (second) the exhaust pipe and (third) leach or its equivalent, (fourth) in the manner and (fifth) for the purpose substantially as set forth.

In the state of the art at the date of the invention of Pingree, there was nothing new in the form or structure of his leach, nor in the mode or purpose of its use, apart from the introduction into it of steam from the exhaust pipe of an engine instead of from a steam pipe taking its supply directly from a boiler. The boxes with perforated sides are not claimed except as combined with the exhaust pipe and leach, in the manner set forth in the patent, and for the purpose set forth. This purpose was the utilization of exhaust steam and the consequent saving of fuel in making extracts from tan bark and other materials. There is no evidence in this case that the defendant uses the complainant's combination. They do not use the boxes in combination with the exhaust pipe in the manner or for the purpose set out in the patent, that manner and purpose being in the patented apparatus that the exhaust pipe should conduct the exhaust steam to the leach in such manner that the steam is free to expand, and made to condense partially as it passes from the exhaust pipe into said box, and all back pressure on the piston is avoided, and at the same time the full benefit of the action of the steam on the bark is obtained. Respondents do not use their boxes to conduct exhaust steam to the leach, nor for the purpose of condensing the steam and avoiding back pressure on the piston. They do not use exhaust steam, but take their steam directly from the boiler. They do not use their boxes in combination with complainant's exhaust pipe, for they do not use any exhaust pipe or any equivalent for it. The pipe used by them is not like the exhaust pipe of a steam engine, and is not capable of being used for that purpose. The dimensions of the pipe are such as would effectually prevent its use for any such purpose, in connection with the process for which it is used by the respondents. It is contended by complainants that, although the apparatus patented by Pingree is designed for exhaust steam, the patent would cover its use for any other purpose. It is a sufficient answer to this position that it has already been shown that respondents do not use all the elements of their combination as described and claimed in their patent. Respondents' steam pipe is not the exhaust pipe or the equivalent of the pipe described in Pingree's claim. No case of infringement is made out, and complainants' bill must be dismissed.

J. L. Wakefield, for complainants. T. S. Lincoln and G. L. Roberts, for defendants.

STONE BREAKING MACHINES.—ELI W. BLAKE ET AL. VS. GEORGE W. RAWSON SHEPLEY, J.:

This bill in equity is brought for an alleged infringement of the reissued patent of January 9, 1866, to Eli W. Blake, for a new and useful machine for breaking stones for road and other purposes.

The principal points relied upon in the present case, by the learned and able counsel for the respondents, are those which are also set up in the answer in relation to the alleged prior inventions of James Hamilton, as described in letters patent of the United States issued to him on the 3d of January, A. D. 1844, for "Improvements in machinery for crushing and grinding quartz and other hard substances," and also of one Samuel Forwood (or Forwood) of Louisville, Kentucky, who constructed a machine for breaking stones for roads in Louisville, in the year 1847.

The essential characteristics of Blake's stone crusher are two jaws between which the stones are to be broken, having their acting faces so nearly in an upright position that stones to be broken will descend by force of gravity between them, and convergent downward one toward the other in such manner that while the space between them at the top is such as to receive the stones to be broken, the space at the bottom is only sufficient to allow the fragments to pass when broken to the required size.

Although he describes a crank, lever, and toggle joint as one mode, and the mode adopted by him, of communicating a definite motion to the movable jaw from the revolving shaft, no construction can properly be given to the patent, such as suggested by respondents, which would limit it to the toggle-joint mechanism, which is described by the patentee as the particular form in which one element of the patented combination is constructed and embodied in one form of his machine. The machine patented frequently has a broader scope than the particular form of the machine described as

the form used by the patentee. The question of novelty is to be settled by a comparison of prior machines with the machine patented rather than the form of the machine in use.

The Hamilton quartz crusher, relied upon as an invention antedating the complainant's, is a combination of certain elements which, separately considered, do not materially differ from the elements of the combination described in the Blake patent. All the elements of the combination are old in both machines. The novelty in both consisted in the peculiar mechanical combination of the members of the contrivance and the resultant mode of operation.

A careful examination of the evidence in the case, and close comparison of the working models of the two machines, has resulted in forcing upon my mind the same conclusion arrived at by Mr. Justice Nelson, in the case of Blake vs. Stafford, when he says: "Hamilton's quartz crusher neither embodies the arrangement nor mode of operation of the plaintiff's machine, but operates upon a different principle and embodying a different set of ideas."

The Forwood machine is not in existence, and no such machine is proved to have been in existence within twenty years. There is no evidence tending to show that more than one Forwood machine was ever made or used. Only two persons testify to having seen that machine. Only one witness testifies to anything which can possibly be claimed to have been any other than an experimental use. It is difficult to see how Blake could have aided in the development of the idea embodied in his structure by any suggestions he could possibly have received from Forwood's machine, if that had been in existence and known to Blake when he was developing his invention.

The infringement by the Rawson machine is obvious. Degree for complainants. E. T. Blake, G. W. Baldwin, for complainants. Sherman & Drew, for defendant.

United States Circuit Court—District of Maine.

COPYRIGHT IN TITLE.—TRADE MARK AND INVASION THEREOF.—JAMES R. OSGOOD ET AL. VS. EDWARD C. ALLEN.

[In Equity.—Before Shepley, Circuit Judge.—Decided December, 1872.] A title separate from the publication which it is used to designate is not protected by the copyright law. It is only as a part of the copyrighted book and as the title to that particular literary composition, that the title is within the provisions of the copyright act.

The office of a trade mark is to point distinctively to the origin or ownership of the article to which it is affixed. Generic names and those merely descriptive of an article or of its qualities or ingredients, and geographical names which point out only the place of production and not the producer, are not the subject of trade mark.

In all cases of invasion of rights to the exclusive use of a trade mark, the essence of the wrong consists in the sale of the goods of one manufacturer or vendor as those of another. A suit in equity brought by the complainants, proprietors and publishers, at Boston, Massachusetts, of an illustrated copyrighted monthly magazine, entitled "Our Young Folks," an illustrated Magazine for Boys and Girls, against the defendant, publisher at Augusta, Maine, of a semi-monthly paper, also copyrighted, entitled "Our Young Folks" Illustrated Paper. The two publications were in no respect similar, excepting in the use in the title of each of the words, "Our Young Folks."

Upon bill, founded upon alleged copyright and trade mark right in the words "Our Young Folks," filed to restrain the defendant from continuing the publication of his paper. Held, 1. That the complainants had no copyright in the words "Our Young Folks," separate from the copyrighted magazine. 2. That the cause should be referred to a master to ascertain whether the public had been deceived, or was in danger of being deceived, into the belief that the respondents' publication was, in fact, that of the complainants, and thereby led to purchase the same.

R. H. Morse, Jr., and R. Stone, Jr., Butler & Fessenden, of Portland, for plaintiffs. Cassien Brown and J. S. Holmes, A. R. Strout, of Portland, for defendants.

NEW BOOKS AND PUBLICATIONS.

MYSTERIES OF THE VOICE AND THE EAR. By Professor O. N. Rood, of Columbia College, N. Y. C. C. Chatfield & Co., 460 Chapel Street, New Haven, Conn.

A neatly gotten up edition of Professor Rood's excellent lecture. The pamphlet forms No. 10 of the well known "University Series" which the above named publishers have been issuing for some time past.

THE PRACTICAL MAGAZINE; an Illustrated Cyclopædia of Industrial News, Inventions, etc. London. James R. Osgood & Co., Agents, Boston, Mass. Monthly. \$1 per copy; \$10 per annum.

We have before referred to this mammoth English monthly, and have given our readers a general idea of the abundant supply of useful, valuable, and interesting matter with which its pages are replete. The printing is far above the level of our ordinary industrial monthlies, and the illustrations, several of which are selected from our own columns, are of uniform excellence throughout. We welcome the new comer in the field of industrial journalism, and cordially wish for it every success.

We are in receipt of the February number of the PEOPLE'S MONTHLY of Pittsburgh, printed in new type, and on tinted paper. It has no less than eight engravings, some of them being very beautiful. The two famed poems, the "Wonderful One Horse Shay" (O. W. Holmes) and the "Barefoot Boy" (Whittier), are both illustrated in this attractive number. The "People's Monthly" is a pure, wholesome, and attractive home paper, and well deserves a generous western support. Charles McKnight, publisher, 84 F 5th Avenue, Pittsburgh, Pa. Price \$1.50 a year.

PROCEEDINGS OF THE AMERICAN PHARMACEUTICAL ASSOCIATION at the Twentieth Annual Meeting, held in Cleveland, Ohio, September, 1872. Philadelphia: Sherman & Co.

This volume is of interest and importance to the pharmaceutical profession, and many of the papers contained therein are of permanent value, containing much information.

THE CHICAGO RAILWAY REVIEW makes its appearance in quarto form, with new and elegant typography. It is a valuable journal, ably edited and always interesting.

GEORGE P. ROWELL & Co.'s GAZETTEER, containing a Statement of the Industries, Characteristics, Population, and Location of All Towns in the United States and British America, in which Newspapers are published.

This well compiled work will be useful to all who want to advertise (and who does not?), and trustworthy information as to different localities will be found therein.

THE ADMINISTRATION OF JUSTICE UNDER MILITARY AND MARITAL LAW. By Charles M. Clode, of the Inner Temple, Barrister at Law. London: John Murray, Albemarle Street. New York: Scribner, Welford and Armstrong, 654 Broadway. Price \$6.

The author of this work has for many years been the legal adviser of the British War Department, and has published several works on cognate subjects. The book now before us is an exhaustive treatise on the relations between military and civil authority, and on the constitutional considerations involved in the arbitrary administration of affairs necessarily resorted to in time of war.

Inventions Patented in England by Americans.

(Compiled from the Commissioners of Patents' Journal.) From January 18 to February 8, 1873, inclusive.

- ANIMAL TRAP.—R. E. Dietz, New York city.
- BOOT SEWING MACHINE.—L. R. Blake, Fort Wayne, Ind.
- BREACH LOADING FIRE ARM.—J. Broughton, Brooklyn, N. Y.
- CARBONIC OXIDE, ETC.—L. Stevens, Washington, D. C.
- CLOTHES WRINGER, ETC.—S. G. Corlies, New York city.
- DRESSING MILLSTONES.—S. Dean, La Crosse, Wis.
- FIREPROOF SAFE.—J. W. Warren, Oneida, N. Y.
- FIRE ALARM, ETC.—A. F. Johnson, Parkville, N. Y.
- FIREPROOF VAULT.—J. W. Warner, Oneida, N. Y.
- HINGE, ETC.—F. W. Nichols, Lynn, Mass.
- FORGING LIQUIDS BY STEAM.—W. Burdon, Brooklyn, N. Y.
- LAMP.—R. Hitchcock, et al., Watertown, N. Y.
- LECTURER'S APPARATUS.—R. G. Wells (of New York city), London, Eng.
- LOOK WASHER.—J. Purdie, Buffalo, N. Y.
- MAKING STEEL.—T. H. Alexander, Washington, D. C.
- MOTIVE POWER, ETC.—O. J. Backus, A. F. Sawyer, San Francisco, Cal., A. M. Loryea, East Portland, Oregon.
- RAILWAY BRAKE, ETC.—J. Y. Smith, Pittsburgh, Pa.
- REFRIGERATOR.—S. B. Martin, J. M. Beath, San Francisco, Cal.
- RIFLING GUN BARRELS.—H. Berdan, New York city.
- SCOURING WIRE, ETC.—G. Broomhead, Paterson, N. J.
- SIFTING SHOVEL.—G. W. Dean, New York city.
- SPINNING MACHINERY.—H. T. Potter, J. G. Lamb, Norwich, Conn.
- TORPEDO LAUNCHES.—H. J. Smith, Boston, Mass.
- WHITE LEAD, ETC.—A. P. Meylert, New Britain, Conn.

Recent American and Foreign Patents.

Improved Cotton Press.

Peter K. Dederick, Albany, N. Y.—This invention consists of a press so contrived that the bale is sacked at the same time it is pressed, by having the prepared sack gathered on the open end of a short pressing case, or on a holder of any kind, in connection with the pressing devices, so that the pressing and filling are accomplished simultaneously. This invention also consists of a movable press head against which the pressing is accomplished and which recedes from the follower as the pressing progresses under the control of a friction brake which regulates the measure of the compression.

Improved Mechanical Movement.

Charles W. Carr, Paola, Kansas.—This invention consists of a cam with three or five leaves or tappets and a connecting rod with a toe on each of two opposite or nearly opposite points across the axis and fronting the face. It is arranged in such manner that while the tappets or leaves act upon one toe the other is clear of them, and vice versa. Each toe is alternately acted upon, one being driven one way and the other the other way, so that three or five double movements of the connecting rods are obtained to one revolution of the cam. The contrivance is designed more particularly for operating the cutter bars of mowing machines and harvesters, but is applicable to other machines.

Improved Cover for Pitcher.

Walter Bradley, Providence, R. I.—The object of this invention is to provide means for keeping pitchers or cups for containing milk, water, sirup, or other substance closed when not in actual use, and it consists in a cover which is automatic in its action.

Improved Door Check.

Alexander Hanna, Dover, Ky.—This invention consists of a double hooked plate pivoted to a bracket projecting from the base or mop board, both so arranged as to receive the edge of the door between them when it swings back, and to swing back a little with it and drop into a notch, by which the door will be prevented from striking against the wall and held from swinging shut. The invention also consists in having this bracket jointed together near the breast plate to swing up and be supported out of the way of sweeping the floor, etc., when required.

Feeding Screen for Bran Dusters.

George S. Cooper, Baraboo, Wis.—This invention consists in the arrangement of the shoe of a bran duster, the same having a perforate and imperforate portion, or spring supports, to be actuated in a forward and backward direction by an eccentric on the duster shaft, the said spring supports and the actuating apparatus being arranged to allow the shoe to be adjusted vertically either at one or both ends.

Improved Railroad Rail Joint.

James M. Clem, Opelika, Ala.—This invention consists of a flat pin or bolt with a slot near through the point, which is used in place of the ordinary screw bolt to fasten the fish or joint plates, the bolt being fastened by a key and spring washer instead of the ordinary nuts and fastenings therefor, the key having a notch in the outer edge, so that a shoulder above and below the bolt becomes locked when the key is driven in, so that it cannot work loose.

Improved Spool Box.

Julius C. Bohn, Centralia, Ill.—This invention consists of a small box with several partition plates within and supports, for the ends of said partitions adapted for dividing the inner space into narrow spaces of different widths, suitable for containing several spooling end to end, so as to roll when the thread is pulled. One side of the box, parallel with the rows of spools, has a number of notches in the upper edge, through which the threads from the spools may be drawn as required for use, the ends being left hanging out sufficiently to afford a hold for pulling out when thread is wanted.

Improved Screw Propeller.

Newton A. Patterson, Athens, assignor to himself, McKendrie F. Miller and Landon N. Miller, Rheatown, Tenn.—The invention relates to screw or spiral propellers, and consists in making the blade concavo-convex, with pointed extensions on the inner sides, and adapted to be arranged some distance from shaft and in planes oblique or spiral thereto. By this construction and arrangement the centrifugal tendency of the water is claimed to be overcome, while it is packed and forced out at the kite tail toward the axis of motion.

Improved Music Portfolio.

Frank C. Schumann, New York city.—This invention has for its object to furnish an improved portfolio for sheet music, which shall be so constructed as to adapt it for use as a rack for supporting a piece of music while being used, and it consists in the combination of a bracket with the side plates of an ordinary portfolio.

Improved Street Car Coupling.

John Stephenson, New York city.—This invention relates to a new and useful improvement in cars for street railways, and consists in the construction and arrangement of the draw pin and extension thereof, the draw head, and the keeper and spring. The pin is at all times under the control of the driver, so that it can be drawn at pleasure, and much more readily than in the ordinary manner. The shoulder stop above and below the keeper, with the spring on the opposite side, retains the pin in its proper position whether it is up or down.

Improved Angling Reel.

Charles L. Noe, Bergen Point, N. J.—This invention consists of a fan regulator with gearing connecting it with the reel gear combined with the reel, to prevent it from overrunning the line by its momentum when the hook is cast.

Combined Horse Rake and Tedder.

Geo. L. Ives, Rome, N. Y.—This invention consists of a hay tedder attachment to the truck of a hay rake for which a patent was granted to the same inventor August 13, 1872, No. 130,431. Said attachment includes a shaft (with arms attached for stirring or turning the hay) journaled in bearings or boxes swiveled in there ends of arms, whose forward ends are jointed to the wheeled truck shaft, and also to an intermediate frame, which latter is adapted to be readily connected to and disconnected from the truck, so that it may be made to alternate, in practical use, with a common wire rake attachment, which the truck is otherwise constructed to carry and operate.

Machine for Sharpening Gin Saws.

Jasper M. Bailey, Meridian, Miss.—This invention has for its object to furnish an improved machine for sharpening gin saws while on their shaft. The invention consists in constructing a file holder having a turned up end, which is connected by a link with the crank of a drive wheel, so as to give a reciprocating motion in the smallest space and without friction.

Improved Hand Planter.

Sidney S. Stults, Cedar Bluffs, Neb.—The invention relates to improvement in the class of walking corn planters. A staffs arranged with a handle at the top for carrying in the hand of the operator walking along the ground. In the bottom of the grain box is a grooved piece, in which a curved dropping slide, with a pocket for receiving the seed, works to draw it out of the grain box under a brush into the tube through which it falls to the space between the jaws. The latter make the hole in the ground by the staff being forced down, and they are opened by swinging the upper end of the staff forward so that the foot strikes the ground to arrest the forward movement of a lever, which carries one jaw. A spring throws the lever and slide forward and closes the jaws when the planter is raised out of the ground after one operation to be swung forward for the next.

Improved Rocking Chair Fan.

Alois Nilsen and Josef Schöberl, New York city.—This invention relates to a new manner of connecting a rocking chair with a fan, so that the latter may be rotated alternately in opposite directions by the oscillating motion imparted to the chair, and consists in the application of a weighted lever to one of the chair rockers, and in its connection with an endless cord which passes over a pulley on the spindle of the rotary fan. The lever rests with its weighted end upon the floor, and remains thereon; and, consequently, as the chair is rocked, the relative positions of the rocker and lever will be changed, and the cord, which passes over the friction roller hung on the rocker, will be drawn over the roller and pulley, so as to rotate the latter and revolve the fan.