NEW YORK, MARCH 24, 1849.

Patents and Patent Laws.

Our readers will see by the proceedings of the National Convention of Inventors, that they requested three gentlemen of high legal attainments to draft a code of Patent Laws.—There is certainly some anomaly in this resolution, and the other one, appointing a committee to urge the appointment of any man but a lawyer to the post of Patent Commissioner. To show how lawyers make mistakes in drafting laws, we quote the following from the Report of Mr. Farally, from the Committee on Patents, reported in January 1848, and up before Congress last session to amend the Patent Laws.

"Sec. 2. And be it further enacted, That hereafter, on filing a Caveat for any specific invention, the Caveator shall make oath to his alleged invention or discovery, as in the case of an application for letters patent, and that no portion of the duty required by law to be paid into the treasury on applications for patents, shall be withdrawn or refunded to the applicant on any application entered in the Patent Office, after the passage of this Act."

Now, is this section sense or nonsense?—What construction would a man acquainted with the Patent Laws put upon it? Why just this. As the Caveator pays $20 for a caveat, and $10 when he applies for the patent, so no portion of the money (it should not read duty) paid on the application for the patent could be withdrawn. Now that is the law at present, and so plain that any wayfaring man may understand it. No portion of the ten dollars can be withdrawn but the twenty can. Probably the Committee on Patents might construe it differently, and so might the Commissioner had it passed, but we have given the explanation of the Committee's English. We might present quite a number of curiosities in the shape of proposed amendments to the Patent Laws, concocted and suggested by selfish and interested parties. We shall take occasion to do so from time to time, in order that the public may be aware of the chicanery going on at the Capitol. One section more of the Committee's amendments and we are done.

"Sec. 12. And be it further enacted, That the Commissioner of Patents, be, and he is hereby, authorised to publish monthly in the Journal of the Franklin Institute of the State of Pennsylvania, a description of all the Patents granted at the office, accompanied with such plates and illustrations of the more important inventions, as he and the principal Examiners may designate and direct. Provided that the expense shall not exceed six thousand dollars per annum, to be paid out of the Patent fund, and that the Franklin Journal furnish monthly twelve hundred and fifty copies of their Journal containing said publication for the use of the Patent Office."

Now was not that a sublime and generous amendment proposed to the Patent Laws by the grave seniors of the Committee of Patents. Perhaps it would have passed too, but for the determined struggle of another claimant to get a bite at the Patent funds. This was a committee of one or two, we don't know which, from the "Mirror of the Patent Office," a poor panic stricken sheet, that sprung up and could boast of a green old age when it was a few months old.

We like to see true knowledge disseminated among the people, but we have to lament the great change that has taken place in the minds of too many respecting what patriotism consists of now, from what it did in the days of yore. Our forefathers considered it an act of patriotism to endure and suffer for their country, but there are too many men now distinguished by that kind of patriotism which makes their country suffer for them. The Scientific American asks no favors. We are free—yes free, to tell the truth without falterings or fears. Our trust is in the people—unswerved by clique or faction, being confident that truth always triumphs at last—and no bondman dare always speak the *Truth*, and especially one who would sell his teeth to keep him from starving.

Plagiarism.—Literary and Mechanical.

The Londonderry Standard, of March 11, 1848, in an obituary memoir of Dr. John Paul of Carrickfergus, Ireland, makes the following statement: "In Stapfer's great work, 'Institutiones Theologiæ Polemicæ Uuniversæ Ordine Scientifico Dispositæ,' (Tiguri, 1752,) the *very propositious* and *many* of the reasonings which Edwards has so successfully employed in his work on 'Free Will,' are laid down *totidem verbis*. The obligations of Edwards to Stapfer amount almost to a literal borrowing, in many instances of the propositions and arguments of the latter *in his own words*, without any specific acknowledgment though the genius of Edwards gave to those abstractions an expansion and an application essentially his own." Stapfer was a Swiss Professor.

It is not long since the same charge was made in England against Paley, who is said to have taken his most celebrated work from a Dutch writer and published it as his own, nearly word for word. This charge was boldly promulgated against the celebrated English divine in the columns of the Atheneum, and so far as our knowledge extends, it has not been contradicted. We believe there are few who are able to contradict it, and no men are perhaps less qualified for the task than men merely devoted to literature.

We believe that neither Edwards nor Paley were plagiarists. The Rev Greeville Ewing, of Glasgow, had a work on theology ready for the press when Professor Dwight's of America was issued, and so similar were its views and language to the manuscript of Mr. Ewing that the latter had to renounce the publication of his, although it had cost him many years of mental and physical toil. This shows that minds similarly constituted, in the examination of like subjects, arrive at, or nearly, the same conclusions—although they may be separated like these two eminent men, by the broad ocean.

It is no uncommon thing for men living remote from one another, to invent and construct machines in every respect alike. There are a great many machines in the Patent Office exactly like one another, invented by men living widely distant. It is not long since that we saw two models of a certain machine, invented by two different persons,—the one residing in Connecticut, the other in St. Louis, Missouri. There was not an iota of difference between the two—yet the inventors never heard of nor saw one another, and their inventions were kept perfectly secret until displayed before us in the same week. There was no plagarism in this—and no person could or would charge it on either of the individuals referred to. We have two models at present in our possession exactly alike, and invented by two different persons living 1000 miles apart. Both of the inventions are old, but we are positive that the invention was original to the reinventors—that they believed it new till informed by us to the contrary.

We could multiply case upon case to prove that like productions, literary and mechanical, by different individuals living distant either in time or space, should not be denounced, as they are too ready to be, "*plagiarisms*."

Blanchard's Turning Machine Case.

This case, which we noticed last week, was decided upon by Judge Kane on the Report of the Commissioner, W. W. Hubbell, Esq. who we had previously noticed as appointed to examine the machines, a task for which he is eminently qualified, and report on the same to the court. He reported the respondent's machine to have a perpendicular bar with a double edged cutter thereon, which moved up and down in a straight line and cut the block both in its ascent and descent; its cutting motion being rapid and independent of the slow tracing of the friction point, and that with this were combined the longitudinal and transverse motions to communicate the form of the model.

This report and the decision of Judge Kane (which we will publish at some future time,) made upon it, is important information to many of our citizens.

Great Telegraph Patent Case.—Morse vs. Bain.

Our readers well know that the Commissioner of Patents rejected *a* claim of Mr. Alex. Bain to a patent, as it *interfered* with an application of Mr. Morse. Our readers also know that an appeal was taken from the decision of the Commissioner by Mr. Bain, and that we have taken strong grounds against the decision of Mr. Burke. The appeal was recently argued for a number of days before Judge Cranch, Chief Justice of the District of Columbia, and he has at length decided as we predicted and emphatically asserted he would, viz. that "Mr. Bain was entitled to a patent," as claimed by him.

As this is a question of great importance to the public, we give below some extracts from the Judge's decision, which is a very clear and conclusive one

* * * "There cannot be a patent for a principle, nor for the application of a principle, nor for an effect. Two persons may use the same principle and produce the same effect by different means, and without interference, or infringement, and each would be entitled to a Patent for his own invention. Godson, 63, 68, 74.

So in the present case, although the forms used by both applicants are the same, and the subject the same yet as the effect is produced by means which appear to me to be so different as to prevent an interference, the question of priority of invention does not arise.

It is not a case, therefore under the 5th Section of the act of 1836, but under the 7th section of the same act, so that each of the applicants may have a patent for the combination which he has invented, claimed and described in his specification, provided he shall have complied with all the requisites of the law to entitle him to a patent.

If this were a doubtful question, I should still think it my duty to render the same judgment, so as to give Mr. Bain the same right to have the validity of his patent tested by the ordinary tribunals of the country, which Mr. Morse would enjoy as to his patent, and finally, to obtain the judgment of the Supreme Court of the United States upon it. For if the Commissioner and the Judge should reject Mr. Bain's application for a patent, the decision would be final and conclusive against him unless he could obtain relief by a trial in equity under the 16th Section of the act of 1836, and the 10th section of the act of 1839 which, it is said is doubtful.

I am, therefore, of opinion and so decide, that Samuel F. B. Morse is entitled to a patent for the combination which he has invented, and claimed and described in his specification and drawings.

And that Alexander Bain is entitled to a Patent for the combination which he has invented, claimed and described in this specification and drawings—provided they shall, respectively, have complied with all the requisities of the law to entitle them to their repective patents. N. CRANCH."

This is valuable information for our inventors and valuable information for the Patent Office. That body has assumed too much of the powers of a supreme legal Court, in deciding upon interferences, and has caused many inventors much trouble and expense, and prevented many from securing patents who were rightly entitled to them—they are too apt to judge of the effect produced, as clashing in inventions, not of the way of producing those effects. We might instance a number of cases to prove the truth of this statement, and the above is one, which but for the unflinching courage of Mr. Bain and the means to carry up the appeal, we would have known nothing about. We hope that there will be fewer cases of this kind in future.

Power of Expansion in Ice.

The general law is, that all bodies are expanded by heat, and contracted by cold. If it did not, ice, as it forms, would sink to the bottom, and our streams freeze solid. A correspondent of the Montreal Herald, lately experimented on the expansive powers of freezing water, with the following result—

He filled a 24 lb. shell (the diameter of which was 5.547 inches, and about 3-4 of an inch in thickness) with water, and plugging up the whole securely, exposed it to the action of the frost, during one of our keenest nights this winter. In the morning he found the mighty power had divided the iron mass into four sections, one of which, weighing 4½ pounds, was thrown 20½ yards, and must have passed upwards, over a wheel behind which it had been placed—the ice remaining in the section left behind, as if it had been pounded.

Palpitation of the Heart.

Professor W. Parker, of the New York College of Physicians and Surgeons, at a recent clinical lecture, examined a man who was troubled with palpitation of the heart. The report states that no physical signs of organic disease of the heart could be detected; and hence we may conclude, says Professor Parker with much certainty, that all the cardiac disturbance is purely functional, depending on derangement of the digestive organs; and this organ depending on the free use of tobaco, tea, and coffee, and confinement within doors.

Curious Spring at St. Francisco.

A letter from California, recently received, states that a spring has been discovered near San Francisco, which possesses the peculiar property of coloring leather to a beautiful jet black. The leather to be colored is allowed to remain in the water for about six days.

The water must be strongly impregnated with iron, and the leather which it has turned black must have been dressed with sumac, oak, or some astringent containing tannin. It probably could not turn white alum leather black.

Bed Bugs.

A writer in a late English Scientific Journal suggests a plan for preventing the attacks of these insects. As they are not provided with apparatus to enable them to climb hard and smooth surfaces, he recommends that the posts of the bedstead be terminated by inverted cones of glass which present a surface that these little marauders cannot traverse.

To Preserve Natural History Specimens.

To preserve the skins of animals for exhibition, arsenical soap has been found to be the most perfect guard against vermin, and is prepared in the following manner, viz.; camphor, five ounces; arsenic in powder, two pounds; white soap, two pounds; salt of tartar, twelve ounces; chalk in powder, four ounces. Rub this thoroughly over the inner surface, and afterwards stuff the animal for the case.

Remedy for Asthma.

The Maine Cultivator says that an individual who has suffered much from asthma, and who had in vain sought relief from regular physicians, wishes to give publicity to the following remedy: Procure common blotting paper, and thoroughly saturate it in a solution of nitre (saltpetre), and let it be carefully dried by the fire or exposure to the rays of the sun. On retiring at night, ignite it, and deposit burning, on a plate or square of sheet iron or zinc in your bedroom. In many cases, it is said, this has enabled persons painfully afflicted to enjoy their rest.

We are indebted to Anson J. Stone, Esq. of old Cambridge, Mass. for a Catalogue of the officers and students of the University at Cambridge for 1849.

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