Mrientific Amexican
poetry hundreds of yeurs befors it was invented. It is stated in Vail's history of Tele graphs, that the first electric telegraph mentioned was that of a Mr. Lomond, in France, in 1787 , who, with wires and an electric 'machine, communicated with a person in a neighboring chamber. But let us tura to a more ancient telegraph than this: "Strada, the Critic, in one of his', profusions, in the person of Lucretius, gives an account of a chimerical correspondence betwee.n two friends by the help of a certain loadstone, which had such a virtue in it that if it touched two several needles, when one of the needles so touched began to move, the other, though at ever so great a distance, moved at the same time and ine same manner.
He tells us that the two friends, being oach of them possessed of one of those needles, made a kind of dial plate, inso the the four, and twenty letters, in the same manner as the hours of the day are marked on the ordinary dial-plate. They then fixed one of the needles, on each of these plates, in such a manner that it could move round without im pediment, so as to touch any of the four and twenty letters. Upon their separating from each other into distant countries, they agreed to withdraw themselves punctually into their closets at a certain hour of the day, and to converse with one another by means of this new invention.
Accordingly, when some hundred miles asun er, each of them shut himself up in his close at the time appointed, and immediately cast his eye upon the dial-plate. If he had a mind to write anything to his friend, he directed his needle to every letter that formed the words which he had occasion for making a little pause at the end of every word or sentence, to avoid confusion.
The friend, in the meanwhile, saw his ow sympathetic needle moving itself to every let ter which that of his correspondent pointed at By this means they talked across whele conti nents, and con veyed their thoughts to one another in an instant, over cities or mountains, as or deserts."
The above extract is taken from Addison's 119th paper, in the Guardian, which was pub ished in July, 1713, and Strada died in 1649 exactly, two hundred years ago. He was the uthor of Poetical Profusions, and teacher of Eloquence in Rome. Hitherto we have bee talking about inventors being poets, but here is poetry becoming invention. Strada could not have described the signalling-magnetic te legraph more faithfully, if he had lived and xamined that of Wheatstone in our own day Was not this production of Strada the pro phetic poetic invention of the Magnetic Tele graph? From this we learn that "comin vents sometimes cast their shadows before, and as Strada's chimerical friends used no wires for their telegraph, may it not be possible that some inventors will yet discover the secret of dispensing with them altogether-this would be the greatest discovery of all.

## The Law of Patents.

The Charleston, S. C., Mercury, of the 13th inst., says that we misunderstood the meaning of the two articles which were published in the Mercury, and part of which we copied into our columns, in relation to the conduct of the Federal Court in the case of Motte vs. Bennett about the infringement of the Woodworth Pa ent. The mistake was not intentional, as the Mercury gentlemanly premises. We agree with the Mercury on the point, that it is not the practice of the English Court of Chancery to grant perpetual injunctions when validit of the Patent, or infringement is denied. The Mercury states that it only referred to perpetual not interlocutory or provisional injunctions, which it states were always customary to be granted by the Court, until the question was tried at law. The following is the spirit of the article in the Mercury :
"The question before the Court, and the only one discussed by the defendant's counsel and he only one reviewed by us, was as to perpetual injunction-a final decree. It is this Is it the course and practice of Courts of Equity' in England, in a patent case, where the defendant denies the validity of the patent
grant a perpetual injunction, and make a final decree, without a trial at law and the verdict
of a Jury? Judge Wayne asserts the affir-mative-we the negative. Judge Waynesays 'The English Chancery will show that for more than eighty years, injunctions, both provisional and interlocutory, and perpetual, have been granted in the first instance in cases of copyrights and patents: and that when they have been perpetual in the first instance, they have been made so without the intervention of jury to try the question of title or infringement.' We deny this altogether. The En ish Chancery shows nothing of the kind." A number of cases are cited from the ablest English authority to prove Judge Wayne wrong, and it recommends Congress to purchase a few copies of Hindmarsh on Patents for the uses of the Judges of the Supreme Court. Were it not that there is so much about patents in this number we would pubish the whole article. Next week, however, we will publish from a work by one of the best living English Patent Attorneys, the Practice of the English Courts, which will be found to coord exactly with the views of the Mercury

## Interesting Patent Cases.

machine for pa lead pipe.
On the 12th inst., in the U. S. District Court New York, before Judge Nelson, a very impor tant case was decided by a verdict in favor of the defendants. The case was an action for an infringement of a patent granted to $B$. Tatham, Jr., on Oct. 11, 1841, for improve. ments in the manufacture of lead pipe machi nery. The defendants were Thomas O . Le Roy and David Smith, who were using a ma chine under a patent granted to Samuel $G$. Cornell, Aug. 21, 1847. The plaintifis alledg ed that Cornell's improvements for which the patent was granted to him, consist of transpo sitions of the parts of their machines and wie not substantially different from those described in their patent. The defendants alledged that heir machine was not only substantially dif erent from that of the plaintiffs, but possesse very great advantages over all lead pipe ma chines heretofore known. It appeared in evi. dence that the defendants, by employing one half of the pressure necessary to work the ther machines, could make three times int quantity of lead pipe that could be made by ny other method.
The trial occupied the court five days, an Judge Nelson, in charging the Jury, gave very lucid and learned history of machinery for making lead pipe. Both the patents of plaintiff and defendants were fur improvement n a machine invented by Thos. Burr, in 1820 This case has been the subject of litigation for a long time, and there was a great excitement reated among our plumbers and those conneced with the business. Attorneys of fame were employed on both sides. For the plain iff, Messrs. Cutting, Staples and Goddard ; for defendants, Messrs. Stoughton, Noyes and Har rington.

On the 13th inst., before Judges Grier and ane, U. S. Circuit Court, Philadelphia, the injunction granted against the machine of Barnum was dissolved upon the following condiions : 1st, That the injunction be dissolved, if defendant gives a bond in $\$ 10,000$, withi ten days, to account for all profits. 2d, That the injunction shall stand if defendant does not give such security within ten days, and plaintiff within ten days thereafter give additional security to indemnify defendant.
The case now stands as it should have stood when application for an injunction was made. We took the ground " that no in junction should have been granted." Our opinions were found ed upon our views of the Patent Laws, and a knowledge of the case. We were honestly sincere in all the remarks that we have made, and we view such questions, keeping individuals out of sight entirely, and look upon the case entirely on its own merits. We seldom are far wrong in our predictions-they are generally fulfilled. See our views on Patent Laws on page 46, this Vol., Sci. Am.
electric telegraph case.
On the 24th of last month an injunction was to for owners of Morse's P

Chemical Telegraph as an infingement Morse's Patent. The partief were to be heard before Judge Munroe, at Frankfort, Ky., but the plaintiffs never argued the question, but abandoned the motion. We predicted that no injunction could-be granted. We see that some papers have made a very serious charge against the Patent Office, in respect to Morse's Chemi cal Telegraph Patent, stating that as it was is sued, it was very different from whatit was when argued and decided upon by Judge Cranch.
We are very cautious about how we ex press ourselves in respect to patents. Our mind is perfectly unbiased, and we look only unon the jut in therefore cannet endorse any of the insinuations against the Patent Office. We only call attention to the fact,' in order to call out an explanation, if the charges are groundless, knowing that the public look to this paper as vehicle for such information.
We have a few words of advice to give to patentees and the owners of patent rights. We believe that in a great number of cases the owners of certain patent rights have been weakiy wise in prosecuting others, and many very selfishly tyranical, in endeavoring to re strain the use of any machine in the line of their patents, whether, in their eyes an infringement or not, in order to keep the trade in their own hands. Some act upon the highhanded principle of frightening poor men out of their wits from using what they know is no infringement of their patents. We have faith to believe that justice will triumph ultimately over such men. The rights of one inventor, be he ich or poor, are just as good as those of another, and we of ten think that it would be far wiser for some patentees to give their money and energies to the fair competition of their patents in business, than to be eternally jab. bering at law. We only speat of those inventions that are palpably difyerent. We go for pursuing patent plunderers to the utmost extent of the law, "to hunt them up with hound and horn." In giving our opinions upon the Electro Chemical Telegraph, and the controversy between Morse and Bain, we will say that we have examined the drawings of both Telegraphs, and it is our opinion that however serious the former parties may be, yet we would say, it was not wisdom-it is not wisdom, to carry on a systematic prosecution. The beautiful Electro Magnet Telegraph of Morse is good against the world, and it will stand its own-and it would be policy, we think, to stand by it alone, for the claim of Prof. Morse's Chemical Telegraph, as publishd, would not operate at all-it claims the production of marks upon a conducting medium interposed between the broken parts of a galvanic circuit. Now no marks can be produced when the galvanic circuit is broken, it and the metalic circuit are two different things. It was a mistake, no doubt, in the person who made the claim. But why should these companies uarrel, with the telegraph trade but in its in-fancy-they all will become wealthy-wealthy.

Depth of the Ocean
We have received a number of communications on the depth of the ocean, its density, and the impossibity of leads sinking to the bottom, \&c. They are all written in a friendly sirit, but we cannot publish them, because no new fact is brought forward, and we do not wish to publish assumptions for facts. One says that the great length of line would float the lead at a certain depth. This we do not doubt, but that is not a mathematical objection. Every body knows that a kite would not ascend if strung to a hawser. Another menions the currents as a compressing force to prevent the lead from sinking. Well, we make no objections to that, only let us first know the depth, number, and velocity of these currents, and then we will be able to say more about them. The subject of currents is a branch of nautical science but in its infancy, thanks to Lieut. Murray for making it a science.

## Communications.

We have not a few communications in our columnsín this week, of the right kind. Short clear and comprehensive. We believethat our orrespondents in gene


LIST OF PATENTS CLAIMS
issued from the united states patent office，
For the week ending November 13， 1849. To James Anderson，of Louisville，Ky．，for improv ents in Hemp Machines．
What I claim therein as new and for which I desire to secure letters patent，is the com bination of thegrooved rollers，brake and scutch－ ers，or scrapers substantially in the manner and for the purpose set forth．
I also clalm the scrapers when employed with any other feeder that shall hold the ma terial firmly while being scraped．
To Josiah B．Anderson，iof New York，N．Y．，for
improvement in Pessaries． mprovement in Pessaries．
What I claim is the attachment of two stems by hinges to a circular rim；and which two stems may be combined into one stom with two branches by means of a tube or socket，to be slid upon the lower end thereof in the man－ ner herein before fully set forth．
To Charles C．Bier，of New York，N．Y．，for im－
provement in Portable Water Closets． rovement in Portable Water Closets
What I claim therefore is the construction and use of the arrangement of levers（five）in combination with，and operated upon by，the foot and seat boards of a water closet，for the purpose of opening the pan，in the lower basin or traps of a water closet，and regulating the supply of water to the closet reservoir，also the construction and use of the levers（three oth－ ers）and weighted lever，in combination with the foregoing arrangement of levers，and oper－ ated upon by the seat board，for continuing the operation of supplying the water to the basins from the closet reservoir．
To Thos．S．Bourshett，of Little F
mprovement in cast－iron Car Wheels．
What I claim is the combination of the cur－ ved hollow arms with the hollow rim made semicircular on its inner part，and hollow cur－ ved hub enlarged and forming a continuation of the flaring of the inner ends of the arms for causing all the parts of the wheel to accomo－ date themselves to each other in shrinking or cooling，substantially in the manner and for the purpose herein set forth．
Te M．C．Bryant，of Lowell，Mass．，for improve－
What I claim is first to communic
to machines used for extracting liquite pow－ other matter by means of a movable binder pulley and a slack belt，the binder pulley being pressed upon the belt by a shifting weight as herein described．
To Goldsmith Coffeen，or Warren Co．，Ohio，for im－ vement in Ice Cream Freezers．
WhatI claim therein is freezing cream or other liquids by forcing through them currents of air chilled by passing them through cham－ bers artificially cooled，substantially as set forth．
To Daniel Custer，of Southampton Township，Pa． or improvement in Seed Drills．
What I claim is the controlingof the springs by means of the ring in the manner and for the purpose herein set forth．
To Francis Degen，of New York，N．Y．，for improve ments in Curling Hat Brims．
I do not，herein，claim to have inven ted the steam heater，nor to be the first who has em－ ployed the shaping cloth with the spring and cord，nor do I claim to have invented any one of the mechanical parts described as used here－ in irrespective of the manner in which I have adapted，or combined them for these purposes， except the entire curler piece which I havebeen the first to invent and use．But I do claim as new，first，the exclusive application of a changeable curler or former piece that entirely surrounds the hat crown and acts on the whole of the brim，and the combination therewith of the pieces（two）the yoke，swinging standard， the cam and lever，to hold a hat in such a manner that the workman may iron and finish the curl on the edges of the brim，at one oper－ ation，effected substantially as described and $\mathrm{sh}_{\mathrm{o}} \mathrm{wn}$ ．

Secondly，The combination with the forego－ ing parts of the winch the lines and hooks to draw or turn the cloth on and over the edges of the hat brim and turn the edges of the hat brim，over the edges of the curler piece and hold them there while the workman irons the so as to set them as describedand shown．
Third，I claim the application of the met cooler piece for the purpose of cooling the hat brim so rapidly that the brim shall not have time to warp or change the form previously given to it；the shape of such cooler being conformable to the size and shape of the hat brim so as to present an even bearing to the under side of the hat brim while cooling，sub stantially as described and shown．
To Thomas Finlay，of Cold Spring，N．Y．，for im－ provement in regulators for Water Wheels，etc．
I do not claim the conical drums，endless belt and governor，these having been long known as a means of changing speed；but I claim the employment of these or analogous arrange－ ments in connection with the loose cog wheel， herein described，as the means of causing the revolution of said cog wheel to exceed or fall short of the revolution of said water mill，or first mover，whenever such water mill or first
mover，shall exceed or fall short of its mover，shall exceed or fall short of its speed．－ The consequence of this variation，through the agency of the screw bolt，crank and mova－ ble plate（which parts I also claim in combin． ation with those above mentioned），being either toenlarge or contract the jet apertures and thereby to increase or diminish the speed of such water mill or first mover in accordance with the necessities of the case，this I claim， arranged substantially as setforthnot limiting myself to the particular form and connection of the individual parts whilst I attain the same end by analogous means．
To Chas．Hartshorne and Wm．B．Shaw，of Gardi－ ，Me．，for improvement in machinery for turning

## We donot claim

form claim to be the original inventers of the principle of cutting and turning lasts or other irregular formed bodies by means of a series of revolving cutters，guided by a pattern or models corresponding in form with the ar－ ticle to be cut or turned，as this principle is common property and has been for many years， but what wedo claim as our own invention is，First，the mode of cutting a right and left last（or other article）simultaneously from a single reverse pattern and two blocks of wood， by the before described combination and ar－ rangement of a reverse model tracer，wheel and single wheel of rotary cutters moving in op－ posite directions，the tracer wheel being in con－ tact with the reverse model whilst the cutters turn between the two pieces of wood to be turned into a right and left last．The latter turning simultaneously in opposite directions inward or outward against the cutter wheel．
To J．B．Klein，of New York，N．Y．，（Assignee of Chas．Hartung，of Beichlingen，Prussia，）for improved afety sliding breech fire arm．
What I claimis，first，the method of lock－ ing the breech pin when inserted to prevent it from turning by means of the sliding bar，sub－ stantially as described，and this I also claim in combination with both or either of the methods of securing the breech pin by the screw thread and the inclined face of the breech pin tube substantially as described．
Second，Combining with the sliding breech pin and the discharging punch which slides therein，or the carrier thereof，the spring catch for holding the punch back during the opera－ tion of loading substantially in the manner and for the purpose specified．
And I also claim this method of holding the discharging punch or the carrier thereof，with the trigger substantially in the manner and for the purpose specified．
Third，The combination of the sliding bar which locks and unlocks the breech pin with the catch of the breech pin，which holds and liberates the discharging punch，substantially in the manner and for the purpose specified． To Lewis Lillie，of Troy，N．Y．，for improved means changing the combination in revolving tumbler locks．
What ting tumblers in a hinge or vibrating frame their outer periphery being provided with cogs which gear into the cogs of the series of tum－ blers connected with the stationary lock plate，
so that when the said frame is elevated the tumblers of the other series will be free to turn in order to suit any variation in the set of the ey．
To John Kellogg，of Madison，Ohio，for improve ent in connecting Hubs to Axles．
What I claim is the introduction of the rod with the nib working into the cavity，in the manner and for the purpose herein set forth．
To Chas．Perley，of New York，N．Y．．for improved method of fitting the heaving socket and head of wind－ lasses．
I do not claim any of the parts herein de scribed and shown，irrespective of the manner in which I have applied them．But I do claim as new and usefulin．effect，the application of the loss with the wrought metal band and square acting with the bush to connect the windlass head with the shaft and at the same time support the heaving socket and flanch in such a manner，that either the head or the heaving socket and flanch，or both can be im－ mediately displaced when injured；the whole constructed and operating substantially as des－ cribed and shown．
［The bosses with square and reund parts are not clainned in themselves by Mr．Perley， but the combination and arrangement，so that ither separately，or both parts，ifinjured，may be removed and replaced immediately by new parts．］
To Sylvanus Sawyer，of Templeton，Mass，for im－ rovement in machinery for splitting and dressing

What I claim is the principle and combina－ tion of the vibrating cutter，and guide ；to use any number required to remove the whole sur face of the cane or rattan，dividing the surface into any required number of strands．
To Chas．Slawson，of Norwich，N．Y．，for improve ment in Leather Dressing Machines．
What I claim is，first，the adjustable end－ less apron in combination with the scraper or extender，for the purpose and uses as herein de－ scribed．
Second，The adjustable scraper or extender as described for the purposes and uses of leath er dressing，as herein set forth．
To Ferdinand Zisemann，of St．Louis，Mo．，for im－ What In Brick Presses．
What Iclaim is，first，the combination of the revolving conical Dusterwith the rotating moulding and pressing wheels，constructed，ar－ ranged and operated in the manner and for the purpose herein set forth．
Second，I also claim the combination of the rotary toothed wheel，with the moulding wheel for driving the pistons to the bottom of the moulds，after the bricks are discharged there from，constructed，arranged，and operated in the manner and for the purpose herein de－ scribed；said wheel being turned by the action of the moulding wheel in contact therewith， without the aid of any connecting cogged or band gearing．
Third，I also claim the manner of increas－ ing the pressure on the clay whilst in the moulds，to form the brick，by diminishing the distance between the peripheries of the mould－ ing and pressing wheels，by causing the press ing wheel to descend in the arc of a circle of a radius greater than the semi－diameter of the moulding wheel，the bearings or boxes of the axle of the pressing wheel，．being secured to the parallel beams，whose outer ends are made to rise in the arc of a circle，concentric to the arc，by means of vertical screws，arranged to bear against the under sides of said beams，to raise or lower the pressing wheel，in order to increase or diminish the pressure on the bricks in the mould，as aforesaid．
designs．
To Johnson \＆Cox，（Assignee of S．Clark，） To Johnson \＆Cox，（Assign
Troy，N．Y．Design for Stoves．
［There are three separate patents for differ－ ent designs，by S．Clark，all assigned to the enterprising firm of Messrs．Johnson \＆Cox， of the above place．We would publish the claims，but as they refer，like all design claims， to the configuration，no idea of them could be obtained．We therefore only state that the patents were granted．］
The political parties of New York and Ten－ nessee，are exactly balanced in their Legisla－ tures，on joint ballot．The best and closest

## Planing Machine Patent Cases．

Jacob P．Wilson vs．Danial．Barnum．－ $\ln$ Circuit Court U．S．，Eastern District of Pennsyl vania．Issued direeted from Chancery．
The patent for thisinvention was first issu－ ed in 1828 to Mr．Woodworth，it has been re－ newed by the Patent Office，and afterwards by an act of Congress ；and on the 8th of July $184{ }^{\circ}$ ，the original patent was surrendered on account of some alleged defects in the specifi－ cation，and an amended patent issued．After having withstood twenty years of litigation， and received the sanction of Congress，the at－ tempt to annul it，on the ground of the want of originality，should be considered hopeless， and be received with little favor by the court． The issue submitted to you，therefore，is not to try whether W．Woodworth was the inven－ tor of the machine described in the amended patent，but＂whether the making，vending and using of either or both，separately or in combination，and if either，which of the machines of the defendant referred to in his answers in this cause，is，or is not an infringe－ ment of the amended letters patent granted to Wm．W．Woodworth，and set forth in complain－ ant＇s answer（bill）in this cause．＂
A question of infringement is a question of fact；and it is for this reason that it is sub－ mitted to a jury as the most competent tribu－ nal to settle such a question，but although a question of fact，and to be decided by compar－ ison，it is often a moṣt difficult one．

It may involve questions of science or of arts with which the court and jury are not fami－ liar，and witnesses of knowledge and experi－ ence may differ in their opinions．
Principles of law may be involved，and a clear apprehen
In the statement of these principles，wheth er of mechanics or law，terms are often used which are vague，indefinite，or so difficult of defnition，that their application to the facts may lead to erroneous conclusions，unless great care and discrimination be exercised． Hence the opposite conclusions which are of－ ten arrived at by men of equal knowledge， experience and skill，and thus it often as sumes the appearance of a matter of opinion and not of fact．
In the application of the principles of law and mechanics，which complicate the question of fact，there is no one word which is used more vaguely，and more difficult of a defini－ tion of universal application，that the word ＂principle＂itself．You have heard much of the＂principle＂of a machine both from wit－ nesses aud counsel．The word is most com－ monly used to signify elementary truth or es－ tablished doctrines，when we speak of law or tablished doctrines，when we speak of law or
any other science．But when applied to a any other science．But when applied to a
complex machine，whatever notion we may represent by the term，or whatever definition we may give of it in the abstract，will be found difficult of application in many in－ stances in the concrete．While many minds will arrive at correct results by comparison of things in the concrete，they are incapable of analysing the process of reason，or explaning in abstract terms how they have arrived at the result．Another difficulity in the defini－ tion of this and other abstract terms is，that when defined，some of the terms of your defini－ tion are of the same subtile，slippery and in－ definite meaning with the subject of the defini－ tion．
A learned judge，in speaking on this subject says：＂The forms of the two machines differ but when at work，the principle is the same， that is，both have the same peculiar structure and constituent parts，which is the true legal meaning of the principle of a machine．＂（Per Justice Wayne，in Mott v．Burnit，quoting Burnit v．Hall， 1 Mason，470．）
＂The principle of a machine，＂says Mr ． Justice Story，（1 Gallison，458，）＂＇is the modus operandi ；the peculiar device or manner of producing any given effect．If the same ef－ fects are produced by two machines by the same mode of operation，the principles of each are the same．If the same effects are produ－ ced，but by combination of machinery opera－ ting substantially in different manner，the principles are different．＂
（To be Continued．）

