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The Great India Rubber Case.

Every body has heard of the "Great India Rubber Case,"—the contest between Good-year versus Day, for infringement of a patent for manufacturing vulcanized india rubber goods. The contest has been well named, for assuredly it is the toughest and most elastic case that has ever occupied our United States Courts,—it is *india rubber all over*. For years, every month or so, the newspapers have given evidence of the tough elastic nature of this india rubber war. To-day a long communication would appear in one paper, denouncing Day as an infringer and patent pirate; and tomorrow a long article would appear, denouncing Goodyear. From month to month, and from year to year, the war has been kept up; and although it has been bloodless, it has been anything but bootless; this we judge from the perambulations of the contestants, the different fields on which they have fought from Jersey to Massachusetts, and from thence to Jersey back again.

During the last week of March, this famous case came on again; it had another tilt in the U. S. Court at Trenton, N. J. The most eminent counsel in our land were employed: there was the great Webster—Secretary of State,—and James T. Brady, of New York, for the plaintiff; there was Rufus Choate, of Boston, and Messrs. Cutting and Gifford, of this city—eminent counsellors—for the defence. We suppose that this single contest cost the parties some thousands of dollars, thus showing, as we have always contended, that the law part of conducting patent cases was the most expensive, and more than any part of our patent system, requires a reform—like an old chancery evil, the pruning knife should be applied to it. If such an array of eminent counsel had been brought together for the purpose of disposing of this case finally, a great object would have been accomplished; but no such a thing as that was involved; they were brought there and paid to give their eloquent opinions, for the benefit of their clients, to the presiding judge—to instruct him in what is right and what is wrong (or what is *practice*) in such cases. He considers all the testimony and the opinions given, and pronounces his decision—either granting or denying the plaintiff's petition. The case in question was one in equity, which is different from one at common law. The applicant, or his assignees, made application for an injunction to restrain H. H. Day from making certain kinds of india rubber goods, which the plaintiff claims to be an infringement of his patent. The defendant denies that he is using the invention of the plaintiff; he asserts that the patent is illegal, that it was wrongfully granted, and it claims that which Goodyear did not invent, and is not his property. He demands a trial at common law, to test the validity of the patent, or calls upon the court to dismiss the case. The United States Courts have the power of granting injunctions, permanent, or until the question is decided at common law; a trial at which, is in their power to order or not. A trial at common law is a jury trial, where all is decided upon adduced testimony, and where witnesses can be examined publicly. In cases of *equity*, all depends on the Court—it is despotic for the time being. The judge may make a wrong decision, as many have done, and some one of the parties be deeply injured. Mr. Curtis, in his work on patents, contends that equity affords remedies not to be found in common law. We do not believe it; the evils of our equity system—its inconclusive expensiveness—were never more apparent to us than in this case. The Court has not yet, we believe, made its decision; what it will be, we cannot tell, but the defendants anticipate a victory. Can there not be some cheap way of settling patent cases devised, for the benefit of unmonied inventors? No poor inventor could have employed such eminent counsel, and it is therefore quite evident to us that a poor man, in equity, above all other trials, is placed at a great disadvantage, if his opponent be wealthy. So far as the final issue of this "great

india rubber case" is concerned, it appears, after all the great speeches which have been made on it, as if it would stand to be stretched over as great an extent of time and space, as it has already been.

Progress of Invention and Civilization.

In an article which appeared in a recent number of the Ohio Farmer, on the origin and progress of invention, it is assumed, as a fact, that man commenced life as a savage. The first report of Commissioner Ewbank takes the same ground. It states that man commenced existence as an Orson—a wild man of the woods. There can be no doubt but the progress of discovery has been onward for two hundred years at least, but we question any statement which asserts that it has always been onward. We do not hold to the doctrine, either, of man commencing existence as a savage. The savage state is an unnatural one, the disruptive effect of some national calamity. Were those mere savages, who, three thousand years ago, built their observatories on the plains of Shinar? The art of draining streets, of making glass, &c., were known to the ancients, lost, and re-discovered by the moderns. Where is the civilization that once belonged to Greece. The Greek churchmen of the present day are very ignorant in comparison with the priests who belonged to that church ten centuries ago. What do we know of the civilization of those who built Thebes, or the wonderful ruined cities of Asia Minor, and America. When those cities teemed with myriads of inhabitants, the sun shone upon a more civilized race of men than those, their descendants, who now pitch their tents amid crumbling palaces. Because our forefathers were savages two thousand years ago, that is no evidence nor proof that man commenced existence as a savage. Far in the past, before our Scandinavian and Celtic forefathers commenced their processions to the western isles of Europe, their forefathers dwelt in walled cities, and were acquainted with many arts. The Britons who dwelt in caves and fed upon acorns were descendants of men who once dwelt in marble halls and worshipped in gold covered temples.

Parker's Water Wheel.

We have received a letter from Messrs. Geo. F. Havens and Asa T. Barron, agents of Z. Parker, in relation to the communication of C. Goodnow, which appeared on page 211 of the Scientific American. They have sent us the *circular* spoken of in that communication, which is entirely different from what was represented. The letter states, however, that the part of Goodnow's communication relating to four agents of Parker being in Vermont, and that they were going into New Hampshire to collect taxes in the Spring, is true, but deny the statement flatly, as asserted, that they had collected \$2,000 in one county. Their method of doing business is described as follows: "They call upon all persons using wheels, and examine them, when, if they find a wheel which they claim to be an infringement, they fill out and leave with the person a notice, asking him to meet them at a certain place on a certain time, the place and time being selected so as to have all the infringers in one county meet at once; the patent, models, and accounts of the trials are produced and lawyers and millwrights are there to give the matter a thorough investigation and full discussion, and then to act as they please." The majority of those noticed have met them on settlement days, and come to terms with the agents. "No man has ever been sued on four days' notice, nor has any been threatened to be sued in that time;" every person has been allowed an opportunity to investigate. The letter states that "every one who has refused to pay has been sued, except poor persons, when it would distress their families to take their money," and, says the letter, "we have invariably given them deeds, as many a poor man would testify if called upon." The letter also states that although the laws of New York do not allow them to attach property, some of the New England States do, and they attach either the property or persons of infringers in those States.

This letter tells a totally different story from the one we published, but how comes it to pass, that we have received almost the same

information as that of Goodnow from other persons? The generosity displayed in giving deeds to poor persons infringing Parker's patent, exhibits a christian spirit, worthy of the highest praise. The quotations in this article are taken from the letter, which is too long for publication: the whole that is essential to the matter at issue, however, is presented.

Critic.

The April number of "Appleton's Magazine" contains an envious, ignorant, and scurrilous criticism on the "Scientific American," signed C. D. We say envious and ignorant, because we think we know the man, therefore we care nothing for it; but we would remark, that the Editor who is the willing instrument to publish such communications, does not understand the common courtesies which exists between cotemporary Editors. No such remarks about him or his lucubrations would ever, under any circumstances, find place in our columns, and especially from a correspondent. If he has made any capital out of it, he is welcome to all the honors gained in the estimation of true gentlemen,—we do not covet them. Lest some of our readers should misunderstand the point, we will add that the criticism is upon an article taken from and credited to the Pawtucket Advertiser, on page 146, in which is a typographical error, viz: 2—2 instead of 2+2: and upon the opinions expressed respecting steam boiler explosions, on page 157. A Florida correspondent informed us that he raised the steam in a model boiler to a high pressure, applied a torch to the safety-valve, when a terrific explosion took place. We stated that when water was decomposed in a boiler, hydrogen escaped, and if this were mixed with 8 parts of the atmosphere, and a torch were applied, an explosion would result, which, "in all likelihood, was the cause of the explosion of the model boiler." C. D. "could not see how the oxygen could get in the boiler." Very likely, —and more than probable he could not.

The opinion we gave about the cause of the explosion is a correct one, and we have experimental testimony on hand to prove that air does get into, and is oftentimes retained in steam boilers. But this would not enlighten a man whose hair would be likely to fall off, like Humphrey Dobbin's, before the point could be carried.

Riddle's Fair.

The company which has named itself the "Association for the Exhibition of Industry of all Nations," has published a card setting forth its objects and aims. The association has a charter for five years, its capital is \$300,000 (divided into shares of \$100 each), and it may be increased to \$300,000. The charge for admission is to be 50 cents. The following are the names of the officers:—

Theodore Sedgwick, President; William Whetton, Sec'y. Directors—Mortimer Livingston, August Belmont, Alfred Pell, Francis W. Edmonds, Alexander Hamilton, Jr., Elbert J. Anderson, Johnston Livingston, John E. Develin, Charles A. Stetson, Philip Burrower, Henry C. Murphy. Superintending Architect—Edmund Hurry.

The card is a very long one, and has a kind of "a-good-time-coming tone in it." It sets out with declaring what a great amount of good was done by the London World's Fair which suggested this. It is to be a great affair, far greater than the London one, for the card states that while a portion of the London Building was occupied with things of but little interest, by a more careful selection of articles, and by a larger introduction of our own products, the interest of the exhibition will be increased. Those who wish to exhibit must send well finished articles—*carefully* selected. Our farmers, therefore, will find that their tools, which necessarily cannot be very finely finished, may not be accepted. There is one thing evident, the company is a joint stock one, and its ultimate object is a good profit on the money invested. The president, secretary, and directors are all honorable men, but not one of them, however distinguished in literature, law, financing, banking, and hotel management, has any character for science or mechanical knowledge. We have taken ground against this association because it is not national—it originated in the money making heart, the love of the almighty

dollar. There is one exceedingly commendable object of action presented in the card, we will quote it entire:—

"The corporation is authorized by its charter to award prizes among the exhibitors: and in discharging this part of their duty the directors will, hereafter, invite the co-operation of the most eminent and capable of their fellow-citizens."

This policy carried out with discretion and impartiality, will cover a multitude of sins, and confer either honor or lasting disgrace upon the association. It is not stated when it will open. More than one of our London exhibitors—our mechanics, have told us they believe it will be a failure; they have formed their opinion from the way our department was managed in London.

Ericsson's Engine for Steamships.

It is stated on the authority of common report, that Messrs. Perine, Patterson & Stack, of Williamsburg, N. Y., are building a large steamship of 2,200 tons, for a company; she is to be fitted with Ericsson's Caloric Engine, illustrated on page 60 of this volume of the Scientific American. The engines are to occupy less space than our common boiler marine engines, and it is asserted that it will save 80 per cent. of fuel; she is for the Liverpool trade, and will be a fair test of the value of Capt. Ericsson's invention. We cannot see how it can at all operate so as to do the work it has been asserted it can do. We are of opinion that it will be a failure, a greater failure than the "Iron Witch." We should be glad to find out we were mistaken, for we hail every improvement as a benefit to the world, but at present we cannot see any point upon which to base a hope of its success; its first voyage will prove whether or not our views are good—right or wrong.

Camphene—Its Dangers.

A Mr. Ennis recently delivered a lecture in Newark, N. J., on the employment of camphene in common lamps. He stated that very unjust views were entertained respecting the dangers of camphene. The danger, he asserted, was not from explosions, but the overflowing of the fluid, and want of presence of mind in persons when an overflow took place. "If they would blow out the lamp at once no danger would happen." There can be no doubt but this is true, but the difficulty lies in providing a remedy. We could burn camphene for a hundred years and fear no danger, and so could every man, but then women, as a general thing, get easily frightened, and have not the care nor coolness of men in cases of danger. We advise persons who have children not to employ camphene, nor should it be used in any house except under the care of a man, or a discreet and careful woman.

Subscribers.

We are much obliged to our subscribers for the prompt manner in which they have come forward and renewed their subscriptions; also for the interest so many of them have exhibited in getting us new subscribers. No one will fail to get the value of his money. We are much obliged to our friends for the congratulations we have received respecting the Scientific American. It will be our duty to labor more arduously than ever, and to expend still more in providing useful and rare information for our readers, and maintaining the character of the Scientific American as "the best mechanical paper in the world."

The American Institute and Riddle's Fair.

We understand that the contemplated Riddle & Co.'s fair has put new life into the American Institute. The oldest officer moves with a more vigorous and elastic step now than was his wont some time ago. There is a sharpness and a determination in the managers which will be the means of getting up a great Fair at the Castle Garden this year. The Institute is determined to let itself be felt this time. This is the right spirit: there is pith and power in the membership of the Institute to do something creditable and honorable to the Republic; all that is wanted is to call it out.

The good people of Hartford, Ct., have held a meeting denouncing the political manœuvring to reward Dr. Morton for the ether discovery. They claim it for Dr. Wells.