

Scientific American

NEW-YORK, OCTOBER 25, 1851.

Excitement about Mending the Patent Laws.

Every year about the time of the Fair of the American Institute, or some other fair, there is always a meeting purporting to be "a meeting of inventors" ostensibly for amending the Patent Laws. As a general thing, these meetings originate, not with inventors, but others who have only political or personal capital in view. Honest inventors get linked into the proceedings by a natural and sincere impulse to use their efforts for the benefit of inventors, by adopting such measures as in their judgement may result in good. Unfortunately for inventors, it has always happened that the men who had most to say and most to propose at these meetings said very little that was sensible, and proposed very little that was practicable.

Last week a meeting of inventors was called at the rooms of the American Institute, and from the names of those who signed the call, we would have expected good results had they anything to do with originating it, but their names were used more for a handle than any thing else, and it was justly observed by one who attended the meeting, "from the very first it was obvious that the meeting was planned, cut, and carved by a few who were not qualified to lead in proposing measures, nor adopting statesman-like plans to carry them out." This is true, as the following resolution will show:

"Resolved, That the inventor who may apply his time, his labor, or his capital to the development and creation of any useful improvement in the art is entitled in equity to an equal right to the fee simple thereof as is the landlord to the profits of his labor and capital."

This resolution was not passed, but referred to a committee of some cool-headed inventors, among which was not the gentleman who offered it, and thus the credit of inventors was saved for the time being.

In the first place it was nonsense to offer such a resolution, because every inventor has a right to the *fee simple* of his invention by natural right, without any Patent Law at all. Does anybody hinder an inventor from using his own invention and selling it to whom he pleases? No. This is his natural right, and existed before patent laws were enacted. What then is the meaning of such a resolution? It has none in the strict construction of language, but the idea which was intended to be set forth, was, that when a man invented an improvement on a machine, it should be his, and his heirs', executors', &c., exclusively in use and manufacture for ever. That was the idea of the equity, and beautiful equity it would be. Let us take a case; here in New York City a person invents a machine today, and secures it by a patent in this equity style. Six months after this, a person in Illinois, or some other distant State, invents a like machine; he had spent as many years of study, toil, and was at as much expense to bring it to perfection as the other, but previous inventor, and had never heard, nor seen anything about the first machine. Is he not as true an inventor as the other, and upon the principles of equity has he not as good a right to use his machine as the other? Certainly; then, upon principles of equity, our patent laws would be cobwebs. The Patent Laws were enacted to encourage inventions by giving the first inventor an exclusive fourteen years' right and title to his invention, and it is the only true way to encourage improvements in the arts. There are many men who can see defects in laws, but who want the breadth of intellect to provide proper remedies—they are not all statesmen who make speeches and offer resolutions. It is to be regretted that so much is done in the name of inventors, without their authority.

Patent Office Report for 1850.—No. 6.

MACHINIST'S REPORT.—Whatever changes have been made in the removal of officers by Mr. Ewbank, we cannot tell, except in the one instance of the removal of the late Machinist, A. B. Stoughton, and the supplying of

his place by Saml. P. Bell, who, in his Report, suggests that "models should be accessible to all visitors, and particularly to inventors, without the aid of the Machinist." "To carry out the requirements of the Office," he says, "every model of rejected applications, as well as patented inventions, should be placed under glass, distinctly labelled, and classed according to the arrangement adopted in the published reports, and according to their dates." This was provided for in the Act of July, 1836, but has never been carried out, because of a want of room. But why is there not plenty of room? Because the room which legally belongs to inventors is devoted to other purposes. He also suggests that a printed catalogue should be prepared, which would be an advantage to the Office and to inventors; this we think is right; we like Mr. Bell's idea, and we would also suggest that labels be put on the models, or descriptions in the catalogue. For example, on a rejected application, put in the catalogue "rejected because it interfered with such and such patents." This would be a good plan, for then inventors who had been rejected, could at once refer to the contesting models and judge for themselves whether or not the Examiners had good cause to refuse patents. In the Office there are 8,524 models for which patents have been granted, and there are 7,890 of rejected applications—only 634 less than those for which patents have been granted. The way in which models have been treated is a disgrace to the Patent Office and to our country. The patented models are piled upon one another, and the unpatented models are stored up in the west basement of the Patent Office, not open to the inspection of the public, and contrary to the law of 1836. They are rusting and rotting, while, at the same time, 62 cases belonging to the Patent Office designed for models, are used for the collection of the National Institute. This is the way our government has treated its great inventors, and self-interested politicians get up measures to make new laws and abolish old ones, whereas the great and necessary work to be accomplished, and that right speedily, is a Reform of the Patent Office. It was expected that when Mr. Ewbank got in, he would have made some good reforms; the working men expected this, but they now feel disappointed. There were no less than 2,140 models received last year, the great majority of which have been sent to rot in the cellar of the Patent Office. Some of these models cost hundreds of dollars, and at the present moment there are no less than 6,372 of them unprovided with a decent place for show or preservation. Mr. Bell lets out a curious piece of information in reference to models; he says, "models must be regarded as a part of the original records of a patent, and should not be allowed to be removed from the Office; cases have occurred where it was suggested that they were altered after they had been taken out of the Office to be used in Court as evidence in cases of appeal; certified copies, in such cases, would answer the purpose better." We do not give the least credit to any such suggestions; and the remark made about *certified copies* would be an act of gross injustice. Should the certified copy of a model to be taken as evidence in the case of an appeal, when the original is at hand? Is the Patent Office alone pure, and are all applicants rogues? Is it so, that applicants alone are liable to change models, and the Patent Office corps so pure that they, in every case, would give true certified copies of models? No such thing; if we had to trust to the honesty of any party, it would be the applicants. There is room here for suspicion; it is evident that nearly all the corps in the Patent Office look upon applicants as dishonest men—this is the conclusion every man must come to in perusing this Report; and when such a spirit exists, justice will not too often be done to applicants. The corps of the Patent Office wish to carry everything their own way, in Star Chamber fashion, and if such a course of policy was adopted in every case of appeal, the certified copy of the model would be made to suit the ideas of the Examiner who rejected the application. No, no, Mr. Bell, we wish to see no such suggestions carried out in the Patent Office; and we venture to say, sir, they never will.

This concludes our brief review of the Reports of the chief Corps of the Patent Office.

London Great Exhibition—First Prizes—Meat Biscuit.

The premiums awarded are of two kinds. Of the first class medals five have been awarded to the following American citizens:—

To C. H. McCormick, Chicago, Ill., for his "Virginia Reaper."

To David Dick, Meadville, Pennsylvania, for his "Anti-Friction Press."

To Charles Goodyear, New Haven, Conn., for his "India Rubber Fabrics."

To Bond & Son, Boston, Mass., for an "Electric Clock."

To Gail Borden, Jr., Texas, for his "Meat Biscuit."

Respecting three of these inventions, the Scientific American is particularly identified: Dick's press was illustrated in our 5th Vol., and McCormick's Reaper on page 164, of our last Vol., but at this time we wish to direct public attention to the Meat Biscuit discovery. One of the gold medals of highest merit has been awarded to Mr. Gail Borden, Jr., of Texas.

The value of this medal and the importance attached to the articles to which it has been awarded, may be estimated from the fact that only five medals of this class were granted for articles from the United States, and only one hundred and sixty-nine from all the multitudinous profusion of articles exhibited from the four quarters of the globe, at the great Fair in London.

The medals awarded by the Council of Chairmen, to the inventors of the highest practical ability, are of gold, and are styled council medals.

The other medals awarded agreeably to the recommendations of the several juries, without being the subject of discussion in the Council of Chairmen, are of bronze, and styled prize medals.

The patent for this valuable invention, we had the pleasure of securing for Mr. Borden, and the opinion which we have more than once given, respecting its great merits, has been corroborated by the highest council which ever sat in any nation, to decide upon the merits of useful discoveries. Mr. Borden has taken an office in this city on the cor. of William st. and Maiden Lane. Not a ship should sail or a voyager leave our port without being provided with his incomparable meat biscuit.

Cheap Postage.

In ships, steamers, telegraphs, plows, printing presses, pistols, reapers, yachts, and in nearly every other useful invention, we are far ahead of England. But there is one most important contrivance in which the English people are far ahead of us, viz., Cheap Postage. Letters are carried any distance, in the United Kingdom, for two cents, and newspapers go free; yet an enormous profit is made by the Post Office Department. Even the little West India Island of Barbadoes is ahead of us in postage. In addition to cheap postage on letters, all newspapers, pamphlets, and periodicals, printed in the island, go free. Foreign newspapers pay only one cent per copy; and foreign books, magazines, pamphlets, and periodicals, pay only one cent per half pound.

Laws like these are in keeping with the energy and intelligence of a great nation, and why such an acute-minded, go-ahead people, like ours, should have allowed others to get so far in advance of them, is truly surprising. We have hopes that Congress will, this winter, pass a postage law that will meet the wants of the people, and show the world that, in all matters of national advancement, we are still determined to be pre-eminent. What the people want, and what they will have, is a two cent postage per half ounce on letters, (all prepaid) for any distance, by land or sea, and a free conveyance of newspapers, and a very cheap postage for magazines and periodicals.

Some people consider that no law should be passed which will render the Post Office Department an expense to the Government: they think that it and the Patent Office Department—the two most important branches of the Government—should support themselves, and pay a profit into the National Treasury. We will not stop to argue this point, for the absurdity of the premises will at once be seen. If the Post Office and Patent Office Departments ought to support themselves, so should the Naval Department—which it might do, in

fact, if usefully employed in carrying the mails.

But grant that the Post Office Department should support itself, under the proposed two cent rate it will only require an annual delivery of about four hundred millions of letters. No one, however superannuated in ideas, will venture to assert that this delivery would not very soon spring up, since in England, with a population three millions less than ours, and at the same rates proposed, they already have a delivery of three hundred and sixty-five millions of letters per annum. The Americans are more of a writing people than the English; besides, our families and business are far more widely separated, while, from numberless other reasons, it must be apparent that, under a two cent rate, our correspondence would be more than double that of England, and this would clearly pay all our expenses. Under the two cent rate, our Post Office Department, we believe, would undoubtedly bring into the Government an enormous profit.

By the Postmaster General's Report, of last year, we learn that the gross income of the Post Office Department was \$5,552,971 48; the expenses \$5,212,953 43. Since that time the Reform Post Office Bill has gone into operation, and we do not know yet in what proportion the incomes and expenditures stand to one another; but we have strong faith in the entire success of the reform. A universal ocean two or three cent postage, and a free newspaper postage, we desire to see first established, if the other should be delayed for some time, but sooner or later the reform must take place, and the truly just rate of postage is the very lowest that will pay all expenses; and here let us say a word to doubters—the business of the Post Office can be so managed as to reduce the expenditures one-third, at least, and this sum can go towards the payment of increased expenditures for transportation.

Large Sales of a Large Work.

"Dr. Webster's Unabridged Dictionary of the English Language," says the Bibliotheca Sacra, "published by Messrs. Merriam, of Springfield, is selling at a rate unprecedented, we believe, for so large a work. Almost 3,000 copies have been distributed among the school Districts in Massachusetts, during the past year, in conformity with an act of the Legislature of the State. The demand from other sources has also increased to the amount of several thousand copies beyond that of the preceding year. Many copies are now sent to distant parts of the world, where the people speak, or are learning the English language, for missionary, commercial, and other purposes. The Dictionary would be an inestimable treasure, not only in every School District, but in every family. Young children may be taught to resort to Webster as the arbiter of disputes, as a safe and satisfactory guide, and as a storehouse of invaluable information. In this respect as well as others, Dr. Webster and his Editor, Prof. Goodrich, are benefactors to the country."

The Fire Annihilators Annihilated.

On last Friday morning a fire broke out in the yard of the Novelty Works, in a shop recently erected for manufacturing "Fire Annihilators;" the building was partly destroyed. A section of policemen was in the yard to render aid during the fire. This is rather a bad look-out, that it requires the police to guard the "Annihilators. This accident will prevent the possibility of supplying the demand for these articles for some time. The public, no doubt, will be the gainers.

The Patent Office in Danger.

Mr. J. C. F. Salomon, of Cincinnati, has published an able article in the Washington Daily Union, of the 17th calling upon the one hundred thousand inventors of the United States to exert themselves and save the east wing of the Patent Office from being appropriated by Mr. Stuart, Secretary of the Interior. The Commissioner of Patents, it appears, is in league with him in this work. We will say more about it next week.

By the latest accounts from California, attention was directed to the black sand so abundant in the rivers; it contains a considerable portion of gold, and a cheap method of operation would be a desirable discovery.