



Reported Officially for the Scientific American
LIST OF PATENT CLAIMS

Issued from the United States Patent Office
FOR THE WEEK ENDING MARCH 29, 1853.

LUBRICATING OILS—By Luther Atwood, of Boston, Mass.: I claim the manufacture or combination of paranaphthaline and fixed oils derived from coal tar, and boiling from 450 to 675 degrees, Fahr., as produced by the process, as described, the said new manufacture being highly useful as a lubricating composition, either alone or combined with oils or fatty matter, as set forth.

Also the combination of this product, so made with concrete, or thick fatty matter, or oils, for the purpose of liquifying them, or rendering them more mobile, or imparting to them lubricating qualities, as specified.

WINNERS OF GRAIN—By S. Briggs & J. G. Talbot, of Sloansville, N. Y.: We claim causing the upper sieve or riddle to vibrate at a greater speed than the screens, as set forth.

BREAKING HEMP—By Lewis W. Colver, of Louisville, Ky.: I claim the combination of the oscillating beaters, and the spring bars placed above and below the beaters, so that the recoil of the springs after the beater leaves the bars, shall shake out the hemp and clear it of its woody portions, as described.

HOT-AIR FURNACES—By Wm. Ennis, of New York City: I claim the employment of an inverted cone within a drum or cylinder, in whose side the taper end of said cone is inserted and allowed to communicate with the surrounding atmosphere for the purpose of creating an atmospheric reverse draft to cool the direct heated current from the fire; the said cylinder communicating with the fire chamber and ash pit, as described.

ELECTRIC TELEGRAPHS—By Moses G. Farmer, of Salem, Mass.: I claim the method, as described, of bringing any number of telegraphic signaling and recording instruments into successive electric connection with the common communicating wire; meaning, more particularly, to claim the combination of the writing and working, or primary and secondary circuits, the electro-magnets and movable armatures of the primary circuit, the local magnets, and their movable armatures and pallets, or equivalents therefor, and local battery and battery connections of each terminus, and connections leading to the armatures of the local magnet, the escapement wheels and wheels U and Z on the arbor of each, the two series of springs of said wheels U and Z, and branch connections, and the branch connections of the main writing circuit at its two termini, the whole being connected and made to operate together, as described.

PENDULUM BALANCE—By Benj. Fenn, of Hartford, Ohio: I claim a machine for ascertaining, instantly, the weight of bodies by means of a scale, dish or plate, supported by pivots upon a heavy weighted semicircular frame, or its equivalent, in the manner of a pendulum, and operated by catches, as described.

SEED PLANTERS—By Isaac H. Garretson, of Clay, Iowa: I claim planting corn in check rows, by the planting sides, worked on the cross bar by hand, in the manner set forth.

KNITTING MACHINES—By John Maxwell, of Galesville, N. Y.: I claim the construction of the locking apparatus, by placing standards upon the back ends of the half-jacks, to carry springs, which regulate the pressure of the bar upon the jacks, in combination with an apparatus for raising said locking bar, the whole constructed and arranged for the purpose set forth.

PAGING BOUND BOOKS—By Thomas McAdams, of Boston, Mass. Ante-dated Sept 29, 1852: I claim the employment of a square, rotating shaft, as a bed for the odd numbers, and the shaft D, as a bed for the even numbers of the types, in combination with the tongue, as a platen to both sets of types, the same being operated by the treadle, ratchets, and pawls, so as to enable the operator to print the odd and even numbers of the alternate pages of a bound book, by a single movement of the treadle, as described.

SPIKE MACHINES—By James H. Swett, of Boston, Mass.: I claim skewing the shafts or axes of rotary-pointing dies, so that they shall stand oblique to each other, and bevelling off the faces of the dies to the same, or about the same angle at which the shafts stand to or cross each other, for the purpose of forming a close-fitting space in front of the dies, or where the blank is fed in, and spreading the dies in rear or behind, where the spike is pointed, so as to release it and allow the nippers to take the spike from the pointing dies, without injury to the spike, as described.

VERTICAL PIANOS—By George Traeyser, of Cincinnati, Ohio: I claim the construction, as described, of a vertical piano, having the tuning pins placed below the lower edge of the sounding board, for the objects explained.

SEWING MACHINES—By Thomas C. Thompson, of Ithaca, N. Y.: I claim, first, the magnetic shuttle and race, one or both, for the purpose of keeping the shuttle in perfect contact with the face of the shuttle race, without the use of springs, or any other device, and thereby ensuring the securing of every stitch, as described.

Also, the curved and hinged cap, in combination with the shuttle, to confine the cop in the shuttle, as set forth.

Also, the use of a cop, without a spindle or spooler, in combination with a shuttle, or its equivalent, when the thread is drawn from the inside of the cop, by which means I retain a uniform draught on the cop thread as it is drawn or paid out from the shuttle, as described.

WIRE FENCES—By Matthew Walker, Matthew Walker, Jr., & D. S. Walker, of Philadelphia, Pa.: We claim the arrangement of the hooks within the mortises, so that the parts of the hook shall be sustained and kept from spreading by the mortise, and a strain upon the wires tend to steady the posts, as described.

EE-ISSUE.

SCREW BLANKS—By Thomas Sloan, of New York City. Patented Feb. 25, 1851: I claim the lifters, which select and lift the blanks, etc., from the hopper, substantially as specified, in combina-

tion with ways or conductors, or the equivalents thereof, as specified, into or on to which the blanks, etc., are transferred.

Also, giving to the lifters or to the inclined ways, or their equivalents, a lateral motion, in combination with a stop or detector, as specified, for the purpose of arresting the operation of the lifters until a further supply is required.

Also, the sliding carrier, with its recess, for receiving and holding the screw blanks, as specified, in combination with the spring fingers, for taking the screw blanks from the carrier, and presenting them to the jaws, as specified.

The Woodworth Patent Suit in North Carolina Terminated.

Most of our readers, acquainted with planing machines, are probably aware that the heaviest suit brought under the Woodworth Patent has been pending in the Circuit Court of North Carolina for three years past: we mean the suit of Potter & Kidder vs. P. K. Dickinson & Co. Some of the ablest counsel in the country were retained in it, and twenty-five thousand dollars in the three years were expended by the parties in the preparation of the cause for a hearing. It was before the court at the last term, on a motion for an interlocutory injunction, and Mr. Justice Wayne ordered the complainants' bill to be amended as required by the answer, refused the injunction, and remarked that the pleadings on behalf of the defendants exceeded any for ability, and the great number of new points raised, that had ever fallen under his notice. A case of more importance to the country and to the patent law had never arisen, the defendant continually running the Gay machine, and the evidence covering everything known in relation to the Woodworth patent and all the planing machines in this and foreign countries. Having reached this crisis, the complainants proposed to dismiss the bill, each party paying their own costs—and thus has ended this vigorously prosecuted and most vigorously defended suit of any that has yet been brought under the Woodworth Patent.

French Patents.

A law somewhat similar to that about to be introduced into England, substituting stamps for the present system of patent right, has been passed in France. The French system does not, however, do away with the existing laws or patents, but leaves it at the option of the patentee to follow either method of protection as he likes, and to be subject to the fees of that alone. A law introducing stamps has, accordingly, been promulgated in France, which are divided into two classes, the one called "timbre marque," to protect the name or mark of the manufacturer, the other "timbre garantie," to protect his ownership of an invention. These stamps are to be made of various sizes, on paper and metal, of a circular form, with an empty space in the centre for the manufacturer's legal mark or signature; the former are to be sold to patentees at one per cent. on the price of the articles for which they are intended, and the latter ("timbre garantie") at two per cent., and the counterfeiting of them will be punishable by law. The "Genie Industriel" calculates that this system, if generally adopted, would produce a revenue sufficient to pay more than half the annual budget of the country.

New Commissioner of Patents.

The appointment of Judge Mason, of Iowa, as Commissioner of Patents, is highly creditable to the new Administration. We have known the Judge for years, and know him to be a gentleman eminently qualified for the post. In his own State no man is more deservedly popular among the people. He combines, what is not always the case, a clear and well disciplined intellect, with a good and benevolent heart.

In everything relating to the reforms and benevolent institutions of his State, Judge Mason has been prominently identified, so much so, indeed, that although one of the most prominent Jurists of the West, he has not accumulated a large share of this world's goods.

Such men deserve well, and we are rejoiced to see them filling distinguished places in the offices of the Government.

[The above notice of Judge Mason we copy with much pleasure from the "Ohio Farmer," an excellent paper published by Thomas Brown, Cleveland, Ohio.]

Principles of Patents.—Important Decision.

It is well known to our readers what ground we have taken in respect to the principles of patents, and how we have endeavored to set so many legal gentlemen right in respect to the nature of inventions. It has always appeared to us that many of our judges and men of legal fame have had very confused ideas of what a principle is. The decision made by Judge Kane, on which we freely commented on page 67, Vol. 7, Scientific American, and the letter of the Hon. A. Kendall, page 170, this volume, present examples of what we call "confused ideas and incorrect views respecting an art and a principle, as connected with patents and inventions."

We have now before us a certified copy of a decision of the U. S. Supreme Court, made at the last December term, and which was referred to in Mr. Kendall's letter, which is in exact accordance with the doctrines we have taught, and the views set forth by us from time to time respecting the principles of patents. The case is one of error—an appeal taken from the Court of the Southern District of New York, in the case of a patent for manufacturing lead pipe.

In 1837, John and Charles Hanson, of England, obtained a patent for an alleged improvement in the manufacture of lead pipe, and in 1841 a patent for the same was taken out in the United States, which was assigned to Messrs. H. B. & B. Tatham, and afterwards G. N. Tatham was admitted a partner. A re-issue of this patent was granted in 1846, and a suit was commenced in New York against Thomas Otis Le Roy and David Smith for infringement of the same, and damages of \$20,000 claimed. The defendants pleaded not guilty and asserted that the invention was not new, that the machinery had been described before and was not patentable.

The Court in charging the jury in the case said:—"There can be no doubt if the combination of the machinery claimed is new, and produces a new and useful result, it is the proper subject of a patent, the result is a new manufacture. And even if the mere combination of the machinery in the abstract is not new, still if used and applied in connection with the practical development of a principle newly discovered producing a new and useful result, the subject is patentable." [We request the attention of Mr. Kendall to these sentiments.] "In this view the improvement of the plaintiffs is the application of a combination of machinery to a new end, to the development and application of a new principle resulting in a new and useful manufacture. In the view taken by the court in the construction of the patent, it was not material whether the mere combination of machinery presented by the defendants as having been described before was similar to the combination of the Hansons, because the originality did not consist in the novelty of the machinery, but in bringing a newly discovered principle into practical application by which a useful article of manufacture is produced." To these charges of the court the defendants took exceptions, and carried the case to the U. S. Supreme Court. Judge McLean delivered the opinion of the Court, to which we request the attention of our readers interested in patents, so as to take particular notice of the opinion of the U. S. Supreme Court, and see how it accords with the views we have always expressed in respect to patent principles. The court said:—

"The word Principle is used by elementary writers on patent subjects, and sometimes in adjudications of Courts with such a want of precision in its application as to mislead. It is admitted that a principle is not patentable. A principle in the abstract is a fundamental truth, an original cause, a motive; these cannot be patented, as no one can claim in either of them an exclusive right. Nor can an exclusive right exist to a new power should one be discovered in addition to those already known. Through the agency of machinery a new steam power may be said to have been generated, but no one can appropriate this power exclusively to himself under the patent laws. The same may be said of electricity, and of any other power in nature, which is alike open to all and may be applied to useful purposes by

the use of machinery. In all such cases the processes used to extract, modify, and concentrate natural agencies constitute the invention. The elements of the power exist, the invention is not in discovering them, but in applying them to the useful objects.—Whether the machinery used be novel or consist of a new combination of parts known, the right of the inventor is secured against all who use the same mechanical power or one that shall be substantially the same. A patent is not good for an effect or the result of a certain process, as that would prohibit all other persons from making the same thing by any means whatever. This, by creating monopolies, would discourage arts and manufactures against the avowed policy of the patent laws.

A new property discovered in matter, when practically applied in the construction of a useful article of commerce or manufacture is patentable, but the process through which the new property is developed and applied must be stated with such precision as to enable an ordinary mechanic to construct and apply the necessary process. This is required by the patent laws of England and of the United States, in order that when the patent shall run out the public may know how to profit by the invention."

[Let our readers examine page 67, Vol. 7, Scientific American, and pages 170, and 214, present Vol. Scientific American, and compare the above with our views therein expressed.]

"In the case before us the court instructed the jury that the invention did not consist in the novelty of the machinery but in bringing a newly discovered principle into practical application, by which a useful article of manufacture is produced, and wrought pipe made as distinguished from cast pipe." A patent for leaden pipes would not be good, as it would be for an effect, and would consequently prohibit all other persons from using the same article however manufactured." We request the attention of Mr. Kendall to the last paragraph, the decision is just such as that which his letter states the "court did not make."

The instructions of the New York Circuit Court were totally at variance also with the claims of the patent; for the claim is as follows:—"The combination of the core, bridge, or guide piece, the chamber and the die when used to form pipes of metal under heat and pressure in the manner set forth," and respecting this the U. S. Supreme Court decision says:—"The combination of the machinery is claimed through which the new property of lead was developed as the part of the process in the structure of the pipes. But the jury were instructed "that the originality of the invention did not consist in the novelty of the machinery, but in bringing a newly discovered principle into practical application. The patentees claimed the combination of the machinery as their invention in part, and no such claim can be sustained without establishing its novelty; a newly developed property of lead was not in the case."

The instruction of the Circuit Court, New York, was ruled to be wrong, and the judgment reversed. We would state that the opinion of the U. S. Supreme Court, as set forth above, accords with that of the most eminent jurists in patent laws, and the instructions of the court of New York in this case, and the decision of the court in Philadelphia in the Morse and Bain case, excited great surprise in us. "Is it possible," we said, "that we have any judges so defective in knowledge respecting patent laws." Mr. Justice Buller, as quoted by Webster, says in reference to the question of patent principles. "The method and mode of doing a thing are the same, and I think it impossible to support a patent for a method without carrying it into effect and produce some new substance. But here it is necessary to inquire what is meant by a principle reduced to practice. It can only mean a practice founded on a principle."

A line of propellers has been started to carry Cumberland coal from Baltimore to New York.

A Mechanics' Institute is about to be established in Louisville, Ky.