

Scientific American

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Patent Law Suits—Sewing Machines.

A suit for libel has been commenced against the "New York Tribune," by Elias Howe Jr., the patentee of the first machine for using a needle and shuttle in sewing. The suit is instituted because the "Tribune" published the advertisement of I. M. Singer & Co., owners of the Singer Sewing Machine. That advertisement stated that "E. Howe had published falsehoods in saying that he (Howe) had obtained an injunction against Singers' Sewing Machine." It also stated that "it was equally untrue that Howe had the original sewing machine," and it invited all to come and examine the original one, made twelve years before Howe's was heard of; asserting at the same time, that it was the invention of Walter Hunt, of this city. E. Howe, Jr., obtained the first patent in America, for a machine which used two threads and made the lock stitch. In a trial which took place at Boston, Howe vs. Le Row & Blodgett, for an infringement of the plaintiff's patent (see page 356, Vol. 7, Scientific American) the claims of Walter Hunt to the invention of the shuttle and needle sewing machine were introduced, but were considered of no importance, and the plaintiff gained the case. The claims set up for Hunt's machine are a forlorn hope, and when Mr. Le Row, before his suit commenced, informed us that he relied on such claims, we told him that his case rested on a sandy foundation; the result in that case strewed such claims to the winds.

We certainly do not think that Mr. Howe is justified in suing the "Tribune" for libel, but neither was it right for that paper to admit the advertisement of Singer, containing, as it did, such pointed and offensive language. The "Tribune" stated "it did not believe there was a man mean enough to sue them for libel under such circumstances, nor a lawyer to be found mean enough to undertake the case." The "Tribune," we believe, never intended to hurt Mr. Howe's feelings nor injure his business, but lawyers can be found to advise almost any measures, to make the "penny fee." The Hon. Wm. H. Seward, U. S. Senator, is Mr. Howe's Counselor in patent matters, but with this case of libel he may have nothing to do.

This case affords another illustration of the defectiveness of our United States Chancery Courts with their miserable old and complicated slow machinery. The means for trying and deciding disputed patent cases should be ample and rapid in bringing them to a conclusion; instead of this, there is the same see-saw snoringly-draw system in existence now that there was fifty years ago. Some patent cases before our United States Courts might well be represented by a snake with its tail in its mouth endeavoring to swallow itself. The case must first appear in equity and then eminent lawyers must speak on it for three or four days, going over the whole history of the invention; then it may be carried before a jury, and then up it will go, perhaps at the end of fourteen years, to the Supreme Court at Washington. When application for an injunction is made to a judge, on a patent which has never been tried at common law, he should at once, if it is demanded by the defendant, order a trial at the next session. This course would save much to patentees, and soon bring the matter to a conclusion. It would also save the public from being inflicted with such quarrels as those of Howe and Singer, Goodyear and Day—the india rubber case—not yet terminated, we believe. Among the many new inventions which are still wanting to benefit mankind, we recommend inventors to try their genius and skill in improving our United States Courts in patent trials.

Can you Recommend the Scientific American?

We hope our readers will not overlook the splendid prizes offered for the largest lists of subscribers—for \$1,40, to clubs of twenty and over, a journal can be procured abounding in valuable information upon every branch of industry. Those who have taken the Scientific American need no urging, but we should re-

gard it as a great favor if our subscribers would call their neighbors' attention to it. Can you not recommend it as a paper of rare usefulness? Do so if you can. Twelve persons are to secure cash prizes payable on the 1st of January next, that time is not far off. We hope not only to profit ourselves, but also to profit all who will become readers of our paper and competitors for the prizes. We have but two agents, B. S. Hill and J. C. Bartlett, who have any authority to canvass for subscribers, these gentlemen we know to be reliable and trustworthy. It is our intention to dispense as much as possible with the travelling agency system. We therefore offer prizes of sufficient value to induce our readers to canvass for subscribers in districts where they are known and not distrusted. Subscribers can be sent in at any time until January 1st in competition for the prizes. We do not require that they shall all come from one place, we will mail the paper to any address required. Last year John Marston, an industrious mechanic, of Saratoga Springs, secured a prize of \$60 for his efforts in procuring subscribers to this paper, he assured us that he had very little trouble in obtaining them. It should be understood that our local or travelling agents are not allowed to compete for the prizes.

Railroad Accidents—The Remedy.

On the 10th inst. a terrible collision took place on the Camden and Amboy Railroad, New Jersey, between the train from New York and the one from Philadelphia, by which four persons were killed and seven others wounded. On the New York and New Haven Railroad the next morning (11th) the night train came in contact with a mass of rock which had rolled down on the track, by which the engineer was killed and the fireman severely wounded. The Coroner's Jury in the case of the New Jersey collision inquest, was composed of no less than twenty-one persons, sixteen of whom, in our opinion, have returned a morally wrong verdict. The inquest was held at Oldbridge, Middlesex Co., and the substance of the decision is, "that the collision was caused by the gross carelessness of John Anderson, the engineer of the New York train running at an unusual speed by the station and around the curve at Oldbridge. They also found the conductor censurable for omitting to compare his watch with that of the engineer, and the standard clock at the New York station." The Jury exonerated the company from all blame and censure in regard to the said collision. Five of the Jurors refused to sign the verdict, because they thought the company were censurable, and they were right. The evidence went to prove that the accident was caused by a difference of 2½ minutes time in the watches of the engineers and conductors of the two trains. The conductor has the control of running a train, and the engineer is under his orders, and no evidence was presented to prove that the engineer Anderson disobeyed orders. The cause of the accident indirectly was the miserable railroad system which so extensively prevails in our land.—We have been the stern advocates of double tracks, and have frequently called attention to this question. Had this railroad been a double track, would such an accident have occurred? No. Bad must that system of railroad management be, which, as in this case, is the cause of a collision, by a difference of two and a-half minutes in the watches of the different conductors. The State of New Jersey has become infamous by her railroad system, at once the most contemptible and mean in our land, fit only for Fejee Legislators, and Dahomy exactors.

Many new inventions have been brought before the public within the past five years, for the preventing of railroad accidents. No new invention is required to prevent ninety-nine out of every hundred railroad accidents. Double tracks fenced in, no crossings, well laid rails, good bridges, and plenty of steady active guards on the lines, with competent engineers and conductors, will do all that we have asserted for the prevention of accidents. Many of our railroad companies are "penny wise and pound foolish," by a short sighted economy, "they leap over bundles to gather straws." A single collision by the smash-

ing of two locomotives, will cost about \$20,000—a dead loss—and perhaps five times this amount for the payment of damages to the relatives of the killed and injured. Such accidents as those mentioned we expect, will take place until our railroad system is reformed. The people can do this by legislation, and until they do it, we will hold them culpable.

In connection with the above cases, another melancholy collision took place on the Providence and Worcester Railroad, on the morning of the 12th inst, by which 12 persons were killed, and 25 more or less injured. An excursion train out of time, was met by a regular train, running at a rapid rate, and both trains were dashed together and interlocked. This accident could not have taken place on a double track. Our railroad system is bad, and many of the lines are mismanaged with the most glaring recklessness mixed with gross stupidity. Our people should awake to a true sense of their duty; the remedy for railroad accidents is merely a performance of duty.

Pratt's Steam Boiler Explosion.

MESSRS. EDITORS—On page 368 of the Scientific American (three weeks ago) the decision of the jury in the case of Thomas Reily was published, which decision you characterized as an "outrageous" one—not creditable to coroner or jury. At that time I had read the account of the investigation in the daily papers, and thought you were rather severe in language and not correct in opinion. Since then, Thomas Service, the engineer, has died from injuries he received by the explosion, and having again read over the proceedings of the coroner's investigation in the Reily case, my opinions have undergone a change, and I now believe you were right. With that faculty of detecting error which justly characterizes the Scientific American, your remarks were not too severe—the decision was an "outrageous" one. R. M. Aug. 11th, 1853. A Mechanic.

[Only that our attention has been painfully directed to this case again, by the death of another victim, would I not have added a brief word to the brief remarks referred to by our correspondent.

Murder has stalked and now stalks through our city and land so brazen-faced, in the form of steam boiler explosions, and we have so often in vain directed the attention of lawful authorities, and "the people," to such cases, that we almost consider it labor lost to say a single word when a new case is presented before us; indeed, were it not a matter of duty with us, we would not do it; but, as it is a matter of conscience, we will do our duty "whether men will hear or forbear." The case referred to was one of a very aggravating and melancholy character. A poor man, Thomas Reily, when within but a short distance of his own door in Ridge street, while quietly walking home, smoking his pipe, in the broad blaze of the noon-tide sun, was suddenly struck down upon the pavement by a piece of metal from a boiler which had exploded in another street (Attorney) in Pratt's foundry; his skull was fractured, and in two days afterwards he died in the Hospital. His wife was standing at the door, and saw him coming home; she turned her back to enter, then heard the explosion, looked out, and beheld her poor husband lying insensible on the pavement. The Coroner's Jury, in investigating the cause of his death, hastily decided that some man in Canada was the cause of it,—who the man was they did not know; the Coroner charged them to this effect and so they decided. The direct cause of the explosion was an over-pressure of steam in a miserable boiler, and the man in Canada, as alleged, who built it, had no more to do with the explosion than the shade of Peter Stuyvesant. The owner of the boiler, J. R. Pratt, testified that he bought the boiler for \$400, and that its first cost was \$1,600; had been made in Canada and had been used seven months; it was a locomotive boiler. We have no strictures to make on buying it for such a low price—a man has a right to buy as cheap as he can, but at the same time the boiler was not a good one, as it had to be braced afterwards, and was defective in strength for the pressure it had to carry. Now the

maker of a boiler is not to be held responsible for making a cheap boiler, if he only warrants it to carry a low pressure. Is the maker of a tea-kettle to be held responsible for not making it strong enough, if it bursts to pieces and scalds five or six persons, because its lid was tied down by the person who was using it? Surely not. We therefore believe that the maker of Pratt's boiler, this Mr. Nobody, was not the least to blame for its explosion, but those who were using it. Mr. Pratt bought it cheap, and assumed all the responsibilities of using it, for the safety or danger of those around it.

At the present moment there are hundreds of these powder magazine boilers in our city, to the great danger of the lives of our citizens. There should be boiler inspectors to examine and watch the condition and workings of steam boilers in every city, so as to check unscrupulous men from carrying dangerous high pressure steam in inefficient boilers. Of one thing we are sure, however, if a hundred boiler explosions were to take place in a single day in our city, and a thousand lives sacrificed, nobody would be to blame, if all the Coroner's juries were composed of the same materials, and were guided by the same principles, as the jury in the case of the death of Thomas Reily, by the explosion of "Pratt's Boiler."

Events of the Week.

FRANCE ON THE SCIENTIFIC AMERICAN.—Speaking of the Scientific American the Paris "Invention" says:—

"The excellent illustrated journal of Messrs. Munn & Co., is a vast panorama, exhibiting the wonders of the civilization and industry of North America. We take pleasure in introducing this publication to any who may desire to examine it or to subscribe for it."

[We feel obliged for this polite introduction to the French people. We do intend truly to exhibit the "wonders" of American industrial progress, and they will be shown conspicuously in the fore ground of our panorama. But it is also our ambition faithfully to represent all the most notable events of European industry; indeed, we desire to make our paper merit the title of the panorama of the world's industry.

OCEAN TELEGRAPH.—One of our city dailies in speaking of the proposed ocean telegraph says:—

"The telegraph, now, is not always reliable, but if it comes to telling real fish stories, will not its usefulness be diminished or destroyed? Besides, some fish—like eels, for instance—are said to be charged with electricity. Who knows but they will monopolize the use of the wire? Perhaps some of our so-called scientific journals which claim to possess all the knowledge extant on every subject, will inform us. At all events, they can tell us whether the telegraphic news will be fresh after having passed through so much salt water."

A so-called scientific journal can answer the last question, and can assure the editor that the news will be perfectly fresh when it arrives, as it will not pass through the salt water. The first question being a fishy one, can be answered best by the paper that asked it; its pretence to all knowledge on every subject is boundless. We cannot conceive, however, how it ever entered into the head of the interrogator to ask such a question, for eels charged with electricity are surely beyond the power of monopolizing any more of it.

A FAVORED EDITOR.—A number of the merchants of Glasgow, Scotland, recently presented the editor (Robert Gunn) of the "North British Daily Mail," with a purse containing £390 (\$1,950) in testimony of their appreciation of his ability and enterprize as a journalist.

The San Jacinto.

By the "Washington Star" we learn that this war frigate is to get in new machinery when she arrives. Well this is too bad; our naval steamers, with a very few exceptions, are a disgrace to our country.

The cotton crop in Alabama and Mississippi, as we learn by our southern contemporaries, will be an early and large one.