

is forced down by the stroke of the hammer, and then when the stroke is given, the recoil of this spring acts upon the awl and enables it to rise with great ease.

O O are two straps hung on the outside of the main frame, and sustain the small frame which feeds in the pegs to the shoe. A thin slip of wood is placed in a narrow groove, and is fed into a knife by a small coiled spring, *n*, which moves forward the bed of the strip of wood. The knife which cuts the peg is driven down by a shoulder on the shank of the peg-awl. This peg-feeder is regulated, in and out, by a nut, *n*, to put in pegs to any number of rows. When the peg is cut, the knife which cuts it is lifted up by a spring, *n*.

The peg-feeding devices accommodate themselves on an axis to the inequalities of the sole of the shoe, and insert the pegs into each hole, after the awl has punched it, in a very complete manner. This machine embraces a great number of motions, and is somewhat complex, but it is very ingeniously constructed and very perfect and complete in all its actions.

The inventor, Mr. Standish, is at present in this city with a large working machine, from which the above engraving is taken. He is about proceeding to Massachusetts with it, to exhibit it to the great boot and shoe manufacturers there, and for it we bespeak a careful examination by all who are interested in such work. Those who desire more information by letter can obtain the same by addressing the patentees—Standish & Miller—at their place of residence, named above, in Ohio, or No. 195 Broadway, Office of C. R. Miller, where the machine can now be seen.

NEW PATENT BILL.

The following is the new bill for re-modeling the patent laws, to which we referred last week. It was introduced on the 20th ult., by Senator James, from the Committee on Patents:

A BILL TO AMEND THE SEVERAL ACTS NOW IN FORCE RELATING TO THE PATENT OFFICE.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Patents may establish rules for the taking any affidavits or depositions which may be required in cases pending in the Patent Office, and may prescribe the officers before whom such affidavits or depositions shall be taken, which he may do either by general regulations or special orders. Such officers or persons shall have power to issue subpoenas to compel the attendance of witnesses, which may be sent to any distance not exceeding fifty miles from the place where the witness is required to attend. They shall also be vested with power to administer oaths, to issue attachments, and punish for contempts so far as the same shall be necessary to compel the attendance of witnesses, or to preserve order while taking their depositions. And whenever a witness, from whom an ex parte affidavit is desired, shall refuse or fail to give full testimony on all points suggested to him, interrogatories may be propounded to him, which, together with the answers thereto, may be reduced to writing, and used in place of an affidavit, and if any person in making an affidavit or deposition, as above contemplated, shall willfully swear falsely, he shall be deemed guilty of perjury, and be punishable accordingly.

SEC. 2. And be it further enacted, That when any judge, before whom an appeal from the decision of the commissioner is now or shall hereafter be pending, shall for any cause be unable to hear and determine the same with reasonable promptness, the Commissioner of Patents may require the appellant to select one of the other judges to whom the case shall be transferred, and if within a reasonable time, to be fixed by the commissioner, such selection is not made, the appeal shall be dismissed.

SEC. 3. And it be further enacted, That in addition to the force now employed in the Patent Office, there shall be appointed four principal examiners and four assistant examiners, whose mode of appointment, compensation, and duties shall be as provided for other officers of the same respective grades; and should the business of the office require a still further increase of force, a number of second assistant

examiners, not exceeding ten, may in like manner be appointed. The first assistant examiners shall be rated as of the second class of clerks, and the second assistant examiners, machinist, and librarian, as of the third class.

SEC. 4. And it be further enacted, That all laws for the withdrawal of money deposited after the passage of this act, on the failure of an application, are hereby repealed; but when money has been paid into the office by mistake, or when for any other reason money shall have found its way into the office, which in justice and equity ought not to be retained, it shall be the duty of the commissioner to cause the same to be refunded, for which order he shall place his reasons on record.

SEC. 5. And it be further enacted, That the right to file a caveat, or to apply for any patent, design, or re-issue, shall be enjoyed equally by citizens and aliens; and the fee required of aliens shall be the same as required of citizens of the United States. The law requiring applications for additional improvements is hereby repealed.

SEC. 6. And be it further enacted, That instead of the oath heretofore required of the applicant for a patent or design, he shall only be required to swear or affirm that what he has described and claimed in his specification has not been invented or discovered by any other person in this country, or been patented or described in any printed publication in this or any foreign country prior to the invention or discovery by himself, (or "prior to the date of his application," if he chooses to state it in that manner.) As against an applicant who fails to make oath that he verily believes himself the original or first inventor of that for which he sells a patent, the foreign inventor shall be allowed to show priority of invention, and to obtain a patent accordingly: Provided he shall make application within one year from this date, or within one year from the date of his invention. This provision is not intended to take away any of the rights heretofore enjoyed by foreign inventors.

SEC. 7. And it be further enacted, That when an interference has been decided in favor of one of the parties thereto, a patent shall be granted accordingly, (unless the successful party shall have a patent previous to the interference,) and the filing of a new application, subsequently to the day of hearing, on the interference shall not prevent the patent from being granted.

SEC. 8. And be it further enacted, That from and after the passage of this act, every patent shall be granted for five years. Upon the application of any patentee or assignee of a patent for the extension of a patent so granted, within six months previous to its expiration, and upon payment of one hundred dollars to the credit of the patent fund, the Commissioner of Patents shall extend such patent for the term of fifteen years, which extended term shall be subject however to the conditions and restrictions for the confirmation of such patent, and the proceedings for annulling such patent hereinafter provided in this act. And all patentees and assignees of patents which are now in force may, after the lapse of five years from the date of the issue of the letters patent, avail themselves of the provisions of this act: Provided, That the term for which such patents may be extended shall not exceed the term of twenty years from the date of issue of the original letters patent: And provided further, That no patent shall be extended for a second term.

SEC. 9. And be it further enacted, That a patent shall not be subject to a writ of attachment or any process of law issued on judgment rendered for debt, but shall inure to the benefit solely of the patentee, his heirs and assigns. Nothing contained in this section shall be construed to avoid or annul process of law as against the products of an invention, a machine constructed under a patent, or the avails of a patented invention.

SEC. 10. And be it further enacted, That the Commissioner of Patents is authorized to restore to the respective applicants, or otherwise dispose of such of the models belonging to rejected applications, as he shall think unnecessary to be preserved. The same author-

ity is also given in relation to all models accompanying applications for designs. He is further authorized to dispense in future with models of designs where the design can be sufficiently represented by a drawing. He may also substitute smaller models for any that may be in the office which are larger than can be retained with due regard to the convenience of the office.

SEC. 11. And be it further enacted, That the limit now fixed to the number of collectors who may be authorized to forward models to the Patent Office is hereby removed, and the commissioner may appoint as many as he may find expedient, and so much of the tenth section of the act approved the third of March, eighteen hundred and thirty-seven, as authorizes the transportation of models to the Patent Office to be chargeable to the patent fund, is hereby repealed. The Commissioner of Patents is hereby authorized to employ his chief clerk to frank such letters and documents as are permitted by law.

SEC. 12. And be it further enacted, That the commissioner may require all papers filed in the Patent Office to be correctly, legibly, and briefly written; and for gross misconduct or willful violation of the rules of the office, he may refuse to recognize any person as a patent agent, either generally or in any particular case, but the reasons of the commissioner for such refusal shall be duly recorded. And the Commissioner of Patents is hereby authorized to admit such persons to practice as patent agents as he may deem qualified, and no person shall be permitted to act as agent for inventors who shall not have received such authority from the Commissioner of Patents.

SEC. 13. And be it further enacted, That from and after the passage of this act, the right of appeal to the chief justice, or to either of the associate justices of the circuit court, shall cease, except as to cases which then have been finally acted upon by the Commissioner of Patents, and to which the right of such an appeal shall then be complete.

There shall be appointed, in the same manner as is now provided for the appointment of commissioner, an Assistant Commissioner of Patents, with a salary of—dollars per annum, payable out of the patent fund; who in all cases during the necessary absence of the commissioner, or when the said principal office shall become vacant, shall have the charge and custody of the seal, and of the records, books, papers, machines, models, and all other things belonging to the said office, and shall perform the duties of commissioner during such vacancy; and whose duty it shall be to entertain appeals from the final action of the examiners in the manner which shall be prescribed by the commissioner. And from his decision an appeal may be taken to the commissioner in person upon the payment of the sum prescribed in the thirteenth section of this act.

SEC. 14. And be it further enacted, That so much of the laws now in force as fix the rates of the Patent Office fees are hereby repealed, and in their stead the following rates are established:

- On filing each caveat, ten dollars.
- On filing each specification with one claim, twenty dollars.
- For each additional claim, ten dollars.
- On issuing each patent with one claim, ten dollars.
- For each additional claim, five dollars.
- On appeal from assistant commissioner to commissioner, ten dollars.
- And when the number of words in any patent shall exceed one thousand, then shall be paid (in addition to the regular fees above prescribed) the sum of twenty-five cents for each hundred words.
- On application for a design or re-issue of a patent, fifteen dollars.
- On every appeal from the commissioner, twenty-five dollars.
- On filing each disclaimer, ten dollars.
- For copying, per hundred words, twelve and one-half cents.
- For recording every assignment, agreement, power of attorney, &c., of three hundred words or under, one dollar.
- For recording every assignment, &c., over

three hundred and under one thousand words, two dollars.

For recording every assignment, if over one thousand words, three dollars.

For copies of drawings, the reasonable expense of making the same.

SEC. 15. And be it further enacted, That upon filing a proper petition and the payment of one hundred dollars by any patentee or assignee of a patent, after such patent shall have been extended as provided in the eighth section of this act, the Commissioner of Patents shall cause notices to be published in like manner as heretofore required in cases of applications for extensions of patents. Every notice of this kind shall state that application has been made by the petitioner to have his patent confirmed, and shall notify all persons opposed to such confirmation that they may appear by a certain day therein fixed and make objection thereto. Such objection may be made in like manner as heretofore prescribed in cases of applications for extensions, and testimony may be taken as heretofore taken in cases of extension. If no sufficient objection is made the patent shall be confirmed, and a certificate of such confirmation shall be endorsed thereon; and after such confirmation the patent shall not be liable to be called into question, except by a direct proceeding as hereinafter provided. In prosecutions for infringement after such confirmation the defendant shall not be permitted to show in defence that the patent was invalid. But in cases where justice and equity require delay of such prosecution until a suit to set aside a patent can be determined, the court before which the prosecution for infringement shall be pending shall have power to grant a stay of proceedings for that purpose.

SEC. 16. And be it further enacted, That within one year from the date of such confirmation a direct proceeding may be instituted to set aside the patent in the manner hereinafter provided; after the end of which time the patent shall only be liable to attack for fraud, or for other causes which would enable a court of equity to set aside the judgment or decree of a court of law or equity. And after the end of three years from the discovery of any fraud, or from the existence of any other defect, such defect is cured.

SEC. 17. And be it further enacted, That within one year from the date of the confirmation of any patent as above contemplated, or at any time during the life of any other patent not so confirmed, any person may file a bill in equity in any of the district courts of the United States where the patentee or his assignee resides, to annul such patent. The plaintiff in such suit shall notify the Commissioner of Patents of the commencement of such suit, and shall pay into the Patent Office the sum of fifty dollars, and thereupon the commissioner shall cause notice to be published in like manner as heretofore prescribed in cases of applications for extension of patents.

Any person may make himself a party to such suit as plaintiff by notifying the clerk of the court of that fact, after which he shall be entitled to be treated as a party in all respects. The court may make rules for taking depositions as well as in regard to all other points of practice and procedure not otherwise regulated by law; and if upon the trial of the cause the court shall be satisfied that any person who is a plaintiff in such proceeding in acting in collusion with any person interested in the letters patent, the court may in its decree order that the cause be dismissed, without prejudice to the right of any other person to file a subsequent bill to repeal the same letters patent.

SEC. 18. And be it further enacted, That the mode of serving the defendant with process may also be fixed by the court, and if the defendant cannot with proper diligence be found in the United States, the notice published by the Commissioner of Patents, as aforesaid, shall be deemed a sufficient service; and if the defendant, when served with process in either of the modes above contemplated, shall fail to appear, default may be entered against him, and a decree rendered accordingly. The party filing the bill shall be liable, in the first instance, for all the costs of suit, but these may