EXTRACTS

FROM

THE PRESS

ON THE

PROPOSED AMENDMENTS

TO THE

PRESENT PATENT LAWS,

NOW

BEFORE CONGRESS.

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"Inventions carry Blessings with them, and confer Benefits without causing harm or sorrow to any."

And hence should be encouraged always, and discouraged never.

"The introduction of great inventions appears to hold by far the first place among human actions, and it was considered so in former ages; for to the authors of inventions they awarded divine honors, but only heroic honors to those who did good service in the State (such as the founders of cities and empires, legislators, deliverers of their country from long endured misfortunes, quellers of tyrannies, and the like). And certainly, if any one rightly compare the two, he will find that this judgment of antiquity was just, for the benefits of inventions may extend to the whole race of man, but civil benefits only to particular places; the latter, moreover, last not beyond a few ages, the former forever. The reformation of the State in civil matters is seldom brought about without violence and confusion, while inventions carry blessings with them, and confer benefits without causing harm or sorrow to any."—

Bacon.

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Scientific American, Feb. 2d, 1864.

A Bill to Reduce the Lifetime of a Patent to Five Years.

The above is the official title of a bill introduced by the Hon. J. A. Anderson, of Kansas, being H. R. 3617. The full text is as follows :

Be it enacted by the Senate and House of Representatives of the United States of America in Con g assembled,

That section forty-eight hundred and eighty-four of the Revised Statutes is hereby amended by striking out the word "seventeen" and inserting in lieu thereof the word "five ;" and that all acts or parts of acts inconsistent herewith are hereby so modified as to be made consistent.

In another column we publish the two bills lately passed by the House designed to establish free trade in patents. Of the 331 members only six voted against these bills, and not one spoke against them. It may therefore be presumed that Mr. Anderson's bill will soon be passed, perhaps by a unanimous vote. From the House of Representatives our manufacturers and inventors have nothing to expect but the most hostile legislation. Their only hope is in the Senate. It behooves those who have property or business interests at stake, and who believe in the maintenance of the patent system, to lose no time in presenting remonstrances to their senators.

Patent Bills Recently Passed by the House of Representatives, and now Before the Senate.

The following bill (H. R. 3925) was passed in the House of Representatives, Jan. 21, under a suspension of the rules :

Be it enacted, etc., That in any suit hereafter brought in any court having jurisdiction in patent cases for an alleged use or infringement of any patented article, device, process, invention, or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the

manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same for and to his own use, and did not purchase or hold the same for sale, or to be used in or for any manufacturing process, if the plaintiff shall not recover the sum of $20 or over, he shall recover no costs, unless it shall also appear that the defendant, at the time of such purchase or practical application, had actual knowledge or notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the suit. *Provided*, That nothing herein contained shall apply to articles manufactured outside of the United States: *And provided further*, That said purchaser or user upon request by the owner of the letters patent alleged to be infringed by him shall make known the vender, and time, and place of purchase of the article or articles for the use of which complaint is made.

SEC. 2. That in all suits hereafter brought as aforesaid against a defendant other than a manufacturer or seller of such patented article, device, process, invention, or discovery, the plaintiff shall, at the commencement of such suit, give a bond, to the approval of the clerk, with sufficient surety, to be conditioned that the plaintiff will pay all costs and attorneys' fees that may be adjudged against him; and if the defendant shall finally prevail in such suit, the court shall allow costs, and a reasonable sum, not exceeding $50, for counsel fees to the defendant, which shall be recoverable by suit, in the name of the clerk, upon said bond, or by fee-bill on execution. A failure by the plaintiff to give such bond shall, on motion, be ground for the dismissal of the suit.

The following bill (H. R. 3934) was passed by the House of Representatives Jan. 22 by a vote of 114 ayes to 6 noes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no damage or profits shall be recovered either in law or equity from any defendant for the infringement of a patent, when it shall appear upon the trial that he was a mere user for his own benefit, and not in the manufacture of an article for sale, of any article or device purchased for a valuable consideration in open market, without notice, and the same was subject to the patent sued on; but in all such cases the manufacturer or vender only shall be liable for damages or profits; *Provided*, That any such user shall be liable for damages and profits for infringement of such patent from and after the time he shall have received notice that the article was subject to such patent if he continue to use the same.

SEC. 2. That when in any case the use complained of was an article or device made by the defendant or his employé for his own use and benefit, and not in the manufacture of an article for sale, the measure of recovery shall be a license fee. If in such cases a license fee shall not have been established under the patent or patents sued on, then in any action at law the jury, and in any action in equity the court, shall ascertain what, under all the circumstances of the case, would be a reasonable license fee: *Provided*, That nothing herein contained shall apply to articles manufactured outside of the United States: *Provided further*, That nothing herein contained shall apply to machinery held for sale or to be used for any manufacturing process whatever.

The report of the committee was read, as follows:

The Committee on Patents, to whom was referred sundry bills numbered 419, 1134, 311, 1956, 1250, report the following bill as a substitute for all:

Much complaint has grown up in the country from the practice of persons

owning patents, or pretending to own them, allowing the use of an article, sometimes for years, and then sending an agent around and demanding damages from the holders of the article. Great annoyance has been the result. The committee have drawn the substitute so as to protect the innocent user of a patented article, purchased in good faith in the open market, from such annoyance. The manufacturer and seller of a patented implement is the party that ought to be held liable, and not the user of the article who bought and used it innocently, or in other words who did not know he was infringing a patent.

The committee recommend the passage of the substitute.

Many of the members were absent at the time of the passage of both of the above bills, and not a single voice appears to have been raised in protest against these ruthless attacks upon the industries of the country.

Nullification of the Patent Laws.

The House of Representatives passed January 22 two bills which seriously affect the value of all patents or inventions not directly used for manufacturing purposes.

The first, No. 3925, to regulate practice in patent suits, throws the burden of costs upon the plaintiff in all suits for infringement by purchasers "in good faith," where the damages recovered are not $20 or over; and further compels the plaintiff to give bond at the beginning of the suit to pay all costs that may be adjudged against him, and also a sum not exceeding $50 for the defendant's counsel fees, in case the defendant prevails.

The second, No. 3934 (submitted by the Patent Committee as a substitute for bills numbered 311, 419, 1134, 1250, and 1956), provides that the use of a patented article, purchased in open market for personal benefit, and not for manufacturing purposes, shall not be liable for damages or profits, but in all cases the manufacturer and vender only shall be held liable. It further provides that when the infringement lies in the use of an article made by the defendant or his employé, for his own benefit and not in the manufacture of an article for sale, he measure of recovery shall be a license fee, to be fixed by a jury in case no license fee has previously been established.

The effects of a law, of the nature of the bill first mentioned, have been fully considered in recent issues of this paper. The number of valuable patents that would be practically nullified by it is very great, and would include a majority of all patents on household conveniences, stoves, lamps, and other articles of domestic utility and ornament; agricultural tools and implements; mechanics' and machinists' tools; electrical batteries and appliances; carriage trimming and saddlery hardware; "notions" of every sort, toys and so on almost endlessly.

Should the second bill pass the Senate and become a law, it would by its first section make it extremely difficult for a patentee to protect himself against infringement in connection with any article of easy manufacture and wide utility. He could not reach the market of the fraudulent manufacturer or vender, for the purchasers and users would be "innocent"; and as a rule he would find it equally hard to discover the actual trespasser, or collect from him if found.

By its second section the proposed law would take away from the patentee all real control of inventions that anybody might choose to manufacture for his own use, and express, when sued, a willingness to pay a "reasonable" license fee for the privilege; a provision that would cover all devices used not only by individ-

uals but by all corporations, as railway companies and the like, where it would be to the user's advantage to manufacture the article for himself.

We will suppose an improvement in railway appliances. To one having the exclusive right to manufacture the device the patent might be of great value in providing an assured and stable business, even if no special charge were made for the use of the invention as such. If every railway company could manufacture the article for their own use in their own shops, the inventor's business would be ruined. If, on the other hand, the article were one on which a royalty could be charged, the forcible substitution of a license fee therefor would not recompense the inventor, for after all it would ultimately lie with the companies who might wish to manufacture the article to fix the license fee.

The Patent Committee seek to justify the bill by referring to the complaints of annoyance arising from the practice of persons owning patents or pretending to own them, in allowing the use of an article for a term of years, and then demanding damages.

That there have been annoyances of this nature is not denied; nor is it questioned that Congress could properly provide means for stopping such abuses. Inventors and owners of property under patent rights may well protest, however, that the alleged wrong should not be corrected at their cost.

The large vote in favor of these obnoxious bills (ayes 114, nays 6), would indicate a small membership in the House familiar with the condition and needs of our manufacturing industries, or favorably disposed toward inventors as a class.

Under these conditions it devolves upon owners of property under patent rights, and all those directly employed or interested in industries based on such rights, to seek the protection of their property and interest, as far as they may, by addressing remonstrances to the Senate against the concurrence of that body in legislation of this character. Action in this direction must needs be prompt, and it can scarcely be too urgent, as powerful interests are clearly at work in Washington to incite and encourage legislation which cannot be other than disastrous to all honest patentees.

We give elsewhere the text of the two bills that have been passed by the House.

The Springfield Republican, Feb. 3d, 1884.

The House and the Patent Laws.

While several innocent patent bills have been discussed by the press with a judicious spirit upon all sides, two other measures, which, if they ultimately become laws, might well be called patent nullification bills, have been passed without discussion. The House has once or twice during the past five years passed similar provisions, and once the Senate, after a debate, voted the same thing, but it is noticeable that the best lawyers in Congress keep aloof from the measure, and naturally enough, for it is clearly against two well-established legal maxims which the Supreme Court is not likely to allow. Our law, based upon the English law, is that ignorance cannot be put up as a defense by one who breaks the aws. Another rule is that the costs are to be paid by the party to the suit who is beaten. The enacting clause of the most important bill, passed by the House on the 21st ult., is as follows:

That in any suit hereafter brought in any court having jurisdiction in patent

cases for an alleged use or infringement of any patented article, device, process, invention or discovery, where it shall appear that the defendant in such suit purchased the same in good faith for his own personal use from the manufacturer thereof, or from a person or firm engaged in the open sale or practical application thereof, and applied the same to and for his own use, and did not purchase or hold the same for sale, or to be used in or for any manufacturing process, if the plaintiff shall not recover the sum of $20 or over, he shall recover no costs, unless it shall also appear that the defendant, at the time of such purchase or practical application, had actual knowledge or notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the suit. Provided, That nothing herein contained shall apply to articles manufactured outside of the United States. And provided further, That said purchaser or user upon request by the owner of the letters patent alleged to be infringed by him shall make known the vender and time, and place of purchase of the article or articles for the use of which complaint is made.

According to this it will not be enough for a patentee to prove that an infringer is using a process which does not belong to him, but also that the damages to be awarded by the court must be $20 or over in order to secure costs. That is, if the judge allows that the infringement is to the extent of say $15, the patentee must have the pleasure of paying for the privilege of having his property stolen from him. Where no defense is made the regular costs are about $50; thus the patentee pays $50 for recovering $15. And he is handicapped still more by the new rule of being obliged to prove that the infringement was made knowingly. A case would be an exact parallel if a man should lose a sheep and another man should find and keep it. The owner, if he sued for the sheep, would, under the new patent rule, have to prove that his sheep was worth $20 or more in order to make the finder pay the legal expenses. There is little danger of these patent bills becoming law, but the case forms a good text for the discussion of the needed revision of patent law. The public need to be protected against patent sharks, but this can be done without going beyond the ordinary rules of court practice. The question of the amount of royalty can but be adjusted, as we have often suggested, by following the new English rule of a royalty fee commission. Honest inventors ought not to object to this, and infringers cannot do so in reason. The vote on one of the House bills was very small. Out of a membership of about 300 only 120 voted altogether. When these bills were debated several winters ago the attorney-general pronounced them unconstitutional, and it is very evident that their passage would complicate rather than settle a very much misunderstood question.

Midland Industrial Gazette.

Why Patents are Necessary.

Henry M. Smith, in his address on "Farmers and Patents," says: "The number of patents granted annually is 15,000 to 16,000, and nearly half as many more were rejected last year. Since the adoption of the plan of examination, the number of rejections has been about one-third of the whole number of applications. This weeding out gives a value to the American patent which no patent issued on any other system can possess. It is this assured value of novelty that gives the American patent system its strength, and its value to the inventor, and hence to the public. The whole public is interested in the growth of material resources,

and must be directly interested that the inventor shall be stimulated by a hope of reward, and that his expectancy be so well assured that it can be parted with and assigned to some one who can furnish the means to carry the invention to success.

"Tenfold more inventive skill is now called for than could have possibly found employment in a simpler age. Discovery is being pushed in directions only now for the first time possible. It is found in the history of inventions that inventions come in separate eras. The era of agricultural machinery is not old. It begins first with any solid meaning in 1850, yet what has it wrought! To-day the farmer can more easily feed 100 men than his grandfather could, with the old farm appliances, feed his household. It is shown by the recent census that we have 8,500,000 agricultural laborers in a total of about 17,500,000 workers of all classes, yet we export $288,000,000 worth of breadstuffs, or more than three times the amount of export per agricultural laborers ten years before. Agricultural machinery has been supplemented in advantages to the farmers at a multitude of points in the patent list.

"We need new inventions to meet a multitude of demands for the commonest processes and utilities. It is not the time to say now we have enough. When the steam engine itself, after one hundred years, is still so far short of perfection that it utilizes only a small amount of the power residing in its fuel, we need new motors, and we shall get them; new metals and new methods of manufacture in the oldest metals."

The Patentees' Rights Endangered.

A correspondent in the New York *Times*, referring to the obnoxious bills recently passed in the House of Representatives, the text of which was printed in the last issue of the SCIENTIFIC AMERICAN, justly confirms what we have said would be the serious consequences to patentees and patent property if the measures should become the law. The provisions in these bills are of a most dangerous and pernicious character, and so unusual in their scope that it is doubtful if the Supreme Court would not adjudge them unconstitutional.

Adopting the language of the *Times* correspondent, we proceed to state substantially what has appeared before in these columns on the same subject.

The bills provide that no damage shall be recovered for an infringement where, upon the trial, it shall appear the defendant was a mere user for his own benefit of an article purchased in open market, without notice that the same was subject to patent. An inventor suing for infringement can only know at a trial if he will have a heavy bill of costs to pay for suing an infringer. A person owning a patent has not the same right that a person owning a bundle of rags has. A wrong doer may take away from him the exclusive right to his discovery, but cannot convert a bundle of rags purchased in open market. A greatly improved or perfectly adapted article bears on its face the result of study and invention, and nine out of ten thinking men would presume it was worthy of a patent, so that it carries with it actually, if not legally, a notice of its being the intellectual property of some one sufficiently to put any ordinary, careful man on his guard, as much so as though the tags of an owner were appended to it.

Would a man have the right to your horse simply because he did not know it was yours and had bought it in open market? Is this the exercise of the power conferred on Congress to promote the progress of science and useful arts by "se-

curing to inventors the exclusive right to their discoveries"? Let inventors and manufacturers apprise their representatives in Congress personally and by letter of the dangerous and hostile character of such legislation. Such suits every lawyer knows are extremely rare. Who sues for such small damages? But it is in effect a bill for aiding infringers while pretending to protect innocent users. It is a dangerous shamard an entering wedge to hostile legislation.

Scientific American, Feb. 9th, 1884.

The Patent Committee's Error.

One of the strongest safegards of movable property lies in the fact that stolen goods are not readily salable. The market for stolen property is spoiled or greatly restricted by the circumstance that in law the receiver is as bad as the thief, and the innocent possessor of stolen goods is likely to lose the purchase money, if he does not get into more serious trouble, when the rightful owner's claim is made good. For a large class of patented inventions meeting popular needs this proper safeguard has been their chief safeguard. The infringing manufacturer is usually irresponsible, and the unauthorized vender cannot be found when the infringement is discovered; but the fact that the wrongful user is also liable has made prudent men cautious in dealing in such things; and enough men are prudent to diminish materially the profits of infringers, and so discourage the dishonest rom making over-free with the rights of others.

In asking Congress to take away this element of protection, hitherto accorded by the law to property held under patent rights, the Patent Committee alleges that they do so on the ground that it has led to grievous abuses. There has been, they say, much complaint of hardship arising from the practice of owners, or pretended owners of patents in allowing infringements to go on for a term of years, and then sending around agents to demand damages under threats of law, suits, to the distress and loss of many innocent people. This is the only excuse given for legislation exempting the user of infringing manufactures, and confining the penalty for infringement to the maker and vender only. That the excuse would be inadequate, if true, has been amply shown in these columns. But is it true?

In what part of the country and in connection with what patents or pretended patents have the alleged abuses occurred and complaints arisen? And what proportion do the alleged complainers bear numerically to the fifty million people who in every sphere and walk in life are constantly surrounded by and dependent for occupation, income, convenience, or necessity upon articles patented or manufactured under patent rights? Have there come to the ears of the committee one complaint from each hundred thousand patent users, in connection with one in each thousand patents? And what proportion do the pretended hardships bear to the hardships complained of through disputed ownerships of other species of property?

If every person overreached, or who should think himself overreached and damaged, in a horse-trade, were to complain to Congress, the annual list of complainants would be a very long one; but that would scarcely be held a valid reason for legislation destroying or impairing all property rights in horses.

The truth is, the pretext for the recent action of the House of Representatives in connection with suits for infringement, is essentially a false one. There has been no general practice of the sort alleged; from the nature of men and things there cannot be. As a class, patentees are not eager for lawsuits, indeed, suits at law are relatively fewer in connection with patents than with any other species of property of equal scope and value. And the proportion of all the patent suits that could by any forcing be brought into the class complained of by the Patent Committee must be and is extremely small. If pretended owners of patents harass people by threats of suits for infringement, the proper course is to turn the offenders over to the local authorities for punishment, as in the case of all other petty swindlers, and not punish all patent owners for the crimes of a few pretenders to patent rights.

It is not denied that there have been cases—marvelously few, though, in view of the number of patents issued, and the important part which patents play in the industrial world—a few cases in which patentees have been kept from the enjoyment of their rights by litigation, usually against powerful infringers, until other infringers have come to believe that the patentee had no rights or would never be able to enforce them; and then, after a struggle more or less prolonged, the patentee's rights having been established, they have proceeded to claim damages for the unlawful use of their invention. Sometimes the offenders have been morally innocent through ignorance; but more frequently they have discounted the chance of ever being called to account, and after infringing wantonly have complained of hardship when their miscalculation has reacted to their hurt.

It is, however, not this class of complainants whom the Patent Committee ask to have protected, but the victims of those who purposely allow the use of their inventions simply to gain ground for subsequent blackmailing operations under threats of lawsuits against innocent offenders against the law. The possible justice of the committee's requests hinges upon the existence of a considerable class of such evil-minded patentees. With all respect to the sincerity of the committee, we may say that evidence is lacking of the existence, or the possible existence of such a class; and consequently there is, on the committee's own showing, no ground for legislation such as they have asked for and obtained in the House.

The only hope that patentees can now have of protection against the proposed invasion of the rightful privileges they have hitherto enjoyed, lies in the superior knowledge of the Senate, both as to the facts of the case and the conditions under which a large part of the productive industry of the country has been established and is maintained. Senators can scarcely fail to see that the pretext of the House committee, if founded on real hardship and actual complaints, would not justify so grave and costly a remedy, while in the absence of such foundation the proposed legislation is utterly destitute of reasonable, even plausible, grounds to rest on.

Scientific American, Feb. 16th, 1884.

Patent Office Work of 1883.

The Hon. Benjamin Butterworth, Commissioner of Patents, submitted his annual report to Congress January 29. From it we learn that the total receipts of the office for the year 1883 were $1,146,240, and the expenses $675,234. There was in the Treasury to the credit of the Patent Office, at the commencement of the year, $2,205,471; and adding the excess of receipts over expenditures for the twelve months, this fund amounted, on the 1st of January last, to $2,676,476.

The total number of applications relating to patents was 34,576, of which 33,078 were for inventions, 1,233 for designs, and 265 for reissues. There were 2,741 caveats filed, 915 applications for registry of trade marks, 834 for registry of labels, 18 disclaimers, and 640 appeals, making a total of 39,724 cases for investigation and action.

The number of patents issued in 1883, including designs, was 22,216, and there were 167 reissues, or a total of 22,383, against 19,267 patents and reissues in 1882, and 16,584 in 1881. There were also 902 trade marks registered in 1883, and 906 labels, while 8,874 patents expired, and 2,366 were withheld for non-payment of the final fee.

New York State received the largest number of patents, 4,359, Massachusetts following with 2,173, and Pennsylvania with 2,168; then come Illinois with 1,793; Ohio, 1,604, Connecticut, 883; Michigan, 727; Indiana, 712; Missouri, 625; California, 596; Iowa, 445; Wisconsin, 394; Rhode Island, 327; and Minnesota, 310. The United States Army is credited with 6 and the Navy with 3 patents. According to population, the District of Columbia received one patent on the average for 318 inhabitants, Massachusetts one for 320, Connecticut one for 705, and Rhode Island one for 845, the fewest patents in proportion to population being issued to Mississippi, which received one for an average of 22,186.

The patents issued to citizens of foreign countries numbered 1,259, or 124 more than were so issued in 1882. England takes the lead with 435, followed by Canada with 251, Germany 235, France 179, Austria 33, Switzerland 22, and Belgium 20.

The Commissioner closes his report by directing attention to the inadequate room allowed for conducting the great and steadily growing business of the Patent Bureau, the insufficient force, and the necessity for paying better salaries to command a higher grade of talent in the examining corps. Similar views were expressed by Commissioner Marble last year, but they were unheeded, and the growth of the business now invests them with added force. It is not as though the cost of such additional help and improved service were to be made at the expense of the tax payers, for the funds therefor have already been accumulated from the fees paid by patentees, and it is no more than justice that sufficient should be appropriated from the receipts to insure the best possible administration of the business of the office.

Scientific American, Feb. 16th, 1884.

The Position of Inventors.

An accurate conception of the meaning of a patent and of the true status of an inventor is far from common. The fact that inventors are the possessors of a limited monopoly, that is frequently of great value, weighs against them in the estimation of the less enlightened class. To form such a conception, regard should be paid to the opinions of those most familiar with the subjects of inventions, with patent laws, and with the structures themselves. The most enlightened source for an opinion leading to such conception will be found in the decisions of the judges of the courts in which patent rights have been decided. Some of these judges have acquired great eminence in this field. In preparing their decisions they had to study the patents, their scope, utility, and in many cases their commercial importance. Besides having the judicial mind, developed by years of experience upon the bench, they were familiar with the practical aspect of the subject from the studies alluded to.

Of the older judges none attained higher reputation than Judge Story. It is he who gave to Patent Law its famous appellation, "the Metaphysics of the Law." His opinion of the dignity of inventors and the value of their services to the country at large is worthy of record. In one of his early decisions, given over fifty years ago, he says that "patents are not to be treated as mere monopolies, odious in the eyes of the law, and therefore not to be favored." It appears from this that the monopoly part of the question had been even then agitated. But this judge was always opposed to such views as these referred to. In another place he says that the Constitution of the United States, in giving authority to Congress to grant such patents for a limited period, declares the object to be to promote the progress of science and the useful arts, an object as truly national and meritorious and well founded in public policy as any which can possibly be within the scope of national protection. It seems a pity that our Representatives, before considering the bills for the limitation of the rights of inventors, did not study and apply these principles to their actions.

Judge Story declares the protection of patents to be a matter of public policy. How impolitic, then, does the recent action of the House of Representatives appear. But he is not alone in his ideas of the rights of inventors. Other judges at more recent periods reaffirm these views. One, speaking in 1847, says that the true rule of construction in respect to patents is to apply to them plain and ordinary principles, and not to yield to subtleties and technicalities . . . likely to prove ruinous to a class of the community so inconsiderate and unskilled in business as men of genious and inventors usually are. A little earlier Judge McLean had stated that the patent law gives a monopoly, but "takes nothing from the community at large, but secures to them the greatest benefit." The same judge, later on, speaks of the patent right as a compensation awarded the inventor. Following these judicial utterances to a later period, we find patents declared not to be odious monopolies or restrictions on the rights of the public. To still further define the monopoly side of the question, we may quote from Judge McLean again. In 1855 he said: "A monopoly takes from the public what belongs to it, and gives it to the grantee, whereas the right of a patentee rests entirely on his own invention or discovery of that which was useful, and which was not known be-

fore." Thus we find the monopoly of a patent declared proper compensation, and a politic one on the part of society. There should be no reason for disturbing it.

If patent lawyers be consulted, they will be found generally of the opinion that a patent is a contract between the inventor and the Government. The case of Ransom *vs.* New York is cited in support of this view. Accepting this as the correct doctrine, the Government would play a poor part in changing the status of patents already granted.

But there is another point of view that may be found indicated in the judicial opinions we have cited. The real policy of the Patent Law is a selfish one on the part of the Government. Vastly greater benefits have been reaped from it by society at large than by the inventors themselves. It has evolved the enormous amount of ingenuity represented by a quarter of a million of inventions. All this work is devoted to the manufacturing industries of the country. By the law only human inventions can be protected, so that no natural principle can be monopolized. It would be hard to imagine where we would stand in the industrial world unbacked by these inventions. If an inventor seems in some instances to receive an undue reward, this is only the exception. It is because of their unselfishness and devotion to the arts that inventors are apt to lose the reward due to their industry and talents. The public often reaps the benefit of inventions long before the patent has expired.

Every American prides himself on his country's progress in this path. With the abrogation of the patent laws invention would cease almost entirely, and we should have to look to other countries for new devices in machinery and processes. The national position would be a humiliating one in place of a proud one. Every such measure as those recently passed in the House of Representatives aims a blow at these laws. We can only hope that it will prove as ineffectual as it it ill-judged and impolitic.

It will be noticed that the views given on the position of inventors favor them and their rights. They are given by eminent judges, who were especially dispassionate and impartial in the decisions cited, because no appeal to favor from them is discernible in the history of such cases. Their opinions would form the safest basis of legislative action, were any needed. But the statute now in force is the fruit of many additions and amendments. It has done well in the past, and is good for some time to come, as it seems reasonably near the goal of adaptability and efficiency. It is not only inventors, but the public at large, that should resis any change in it that will affect its efficiency and range of action. The public are more interested in it than are the inventors. This is no paradox, for inventors are the servants of the public, and protected inventions are the property of the world of industry, withheld from common use for a short term of years.

Scientific American, Feb. 16th, 1884.

A Menace to Prosperity.

Sooner or later every act of Congress is brought to the test of Constitutional sanction or to that of practical working. If it fails in the one, it is invalid; if in the other, it is pretty sure to be repealed as soon as its vicious tendency is

discovered. Temporary delusions or local or party prejudices may secure the passage of a bad law; but an unjust and impolitic law is not likely to long withstand the will of the multitude, who directly or indirectly suffer by it.

On this ground it is fairly certain that the invasion of the property rights of patentees threatened in certain patent bills now pending cannot long endure, even if by any misfortune they should pass both houses of Congress and receive the Executive signature. Nevertheless, in a single year, such laws as House bills Nos. 3,925 and 3,934 contemplate would prove very hurtful if not widely disastrous to national prosperity.

The influence of new inventions, as a factor of industrial development and national wealth, is sufficiently conspicuous and generally recognized to make unnecessary any extended argument to prove it here. Nevertheless, a few facts bearing upon the question may be not without interest. Official inquiries made some years ago demonstrated the fact that something like nine-tenths of all the manufactures of the country were of articles recently patented or made by patented machines or processes. The same is not less the case to-day. The census of 1880 found our factories turning out products worth, that year, $5,369,000,000, by far the greater part being manufactures involving patent rights. In 1870 the annual products were worth $3,385,000,000, and in 1860 only $1,885,000,000. Thus, in twenty years, the increase had been nearly three-fold. Meantime, the United States patents issued had increased in number from 26,641, to 223,210; now they approach 300,000.

Inventions were not the only, perhaps were not among the main factors of this phenomenal industrial development, but they were an obvious and potent factor, since the advance was chiefly in industries called out or radically modified by recent inventions. In agriculture, the conditions of labor in which had been materially changed for the better by the inventor's labors, the annual product had increased in value from $1,400,000,000 in 1860 to $1,800,000,000 in 1870 and $2,200,000,000 in 1880. It may be a surprise to some to note that the manufactured products of the country now excel in value the agricultural nearly two and a half times. Both these great productive interests increased in value much more rapidly than did the population of the country, demonstrating a largely increased individual capacity of production, thanks wholly to the labors of inventors. In 1860 the population was 31,000,000; it rose to 38,000,000 in 1870, and to 51,000,000 in 1880.

Meantime the aggregate wealth of the country increased from $16,000,000,000 in 1860 to $30,000,000,000 in 1870 and $43,000,000,000 in 1880; all this in spite of the grievous legacy of debt, depreciated credit, heavy taxation, and all the other evils incident to an exhaustive civil war.

Thus twenty years of unexampled progress were coincident with a period of unprecedented activity on the part of inventors. No one presumes to say that such progress was not desirable and beneficial, or that it could have existed or is likely to continue without a continuance of a like degree of activity on the part of those who more than any others make industrial progress possible.

Yet there seems to be in Congress a majority disposed to change all this by removing the great incentive to inventive effort, the hope of large reward through the inventor's absolute control of his invention for a term of years.

It seems to us that the country has not yet reached that stage of industrial pre-eminence and stability at which it can safely say to inventors, "There is no

further need of your efforts," or "We cannot any longer afford to protect you in the ownership of your inventions."

Our example in the matter of liberalty to inventors has set half the world at work along the same line of policy, looking to the development of useful arts and manufactures through increase of invention called out by guaranteeing to inventors some chance of profit from their labors. Everywhere (save in the House of Representatives) the tendency is to increase rather than lessen the inducements held out to inventors and introducers of new inventions; and other nations are not likely to take the back track if we do. Hitherto the advantages of liberal patent laws have been on our side; reverse this condition of things, and how long will we be able to lead in the industrial race?

Curiously, those legislators who profess to be most anxious to extend and expand our foreign trade, to build up an American mercantile marine, and all that, are those very ones whose anti-patent tendencies would soonest make it impossible for Americans to command their home market, much less invade successfully the neutral markets of the world in competition with our increasingly inventive rivals. The last improvement in any article commands the trade if we cease to make these improvements, or the majority of them, our hope of ever attaining commercial eminence will have nothing to rest on.

But a more immediate menace to our industrial prosperity appears in those bills which take away the legal safeguards of the patent rights of those establishments which contribute most of the five billion dollars annual product—a product that would in two years purchase all the farms of the United States at their assessed value. Deprived of the power to defend in the courts their property against infringers, there would be little to induce manufacturers to undertake the commercial development of a large part of the most widely useful of all new inventions; and millions of dollars now invested in the manufacture of specialties would be lost, or withdrawn for safer uses. To take from the patentee the absolute control of the manufacture and sale of the article patented would in many, perhaps most, cases forbid his making any effort to develop it, or prevent his getting financial assistance for such work; for who would run the risk of proving the utility of an invention and making a market for it when the control would be wrested from him as soon as his pioneering and perhaps very expensive work was done?

The experience of Canada and other British colonies that hoped to enjoy "free trade in inventions," in other words get for nothing the inventions of other nations by allowing no patent rights for foreign inventions, is instructive here. Naturally the plan failed. So long as foreign inventions were free to all, no one cared or dared to bear the expense of introducing them; their manufacture began as soon as protection was given to manufacturers under patent rights insuring an absolute though temporary control of any new industry they might establish.

Our manufacturing interests are too vast and too intimately dependent on patent rights to endure a wanton disturbance of such security without national injury. Even the threat of such disturbance should call out protests from every honest manufacturer.

Robbery as a Basis of Property Right.

It is commonly believed that the natural tendency of legislation in all civilized countries is toward a reversal of the "good old plan, that he shall take who has the power, and he shall keep who can." And so it is; but unfortunately the tendency is not universal. Under the specious plea of correcting alleged wrongs, it is still possible for legislators, presumably civilized, to propose (if not to secure) the enactment of laws which do not help to make it easier for men to retain and enjoy what is rightfully theirs. Nevertheless, one cannot but feel a degree of surprise at the sight of legislators calmly considering acts which would put a premium upon robbery, by making it impossible for the owner of any species of property to reclaim it after it had been taken from him by force or fraud; and that is precisely what is aimed at in bill No. 1,558, now before the Senate.

This is a strong assertion, yet the facts will bear it out; for the bill frankly discriminates in favor of the receiver of (admittedly) stolen property against the claims of the real owner.

The bill in question was introduced Feb. 16, by the Hon. D. W. Voorhees, Senator from Indiana, as a substitute for the bill (S. 1,115) to amend Section 4,919 of the Revised Statutes relating to the recovery of damages for the infringement of patents, the text of which is nearly the same as House bill 3,925, printed in the SCIENTIFIC AMERICAN for February 2, 1884. The proposed substitute reads as follows:

"*Be it enacted, etc.*—That it shall be a valid defense to any action for an infringement of any patent, or any suit or proceeding to enjoin any person from the use of a patented article, that the defendant therein, or his assignor, purchased the patented article for use or consumption, and not for sale or exchange, in good faith and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such articles and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner."

In brief, though the seller of a patented article have no right to sell, the sale shall be valid, and the real owner cannot reclaim his property.

All the talk of "good faith," "the usual course of trade," "for personal use," and all that, goes for nothing, except to cover the naked injustice of the closing provision. In not one case in a million could the patentee prove an absence of good faith or the existence of collusion between the fraudulent seller and the "innocent" buyer, whatever the relations of the two might be.

The courts have held the property rights of patentees to be as sacred and inviolable as any other species of property rights; and public interest demands that they shall be as scrupulously respected and quite as carefully guarded, for they contribute their full share to the public well-being. Exact figures cannot be given; but any one who will inquire into the value of property vested in, or contingent upon, patent rights on New York Island alone—property whose value would be unsettled or destroyed outright by the proposed legislation—will soon arrive at a sum that would go far to purchase the entire farm property of whole States.

On the score of sound policy, not less than that of common justice to inventors and patentees, Congress ought not to play fast and loose with interests so gigantic and vitally important. The public injury might be more readily apparent, but it could scarcely be greater, if cattle, or horses, or houses, or lands were similarly deprived of legal protection, by enabling any thief or trespasser to give a valid title to any one he might induce to buy of him in "good faith."

If the spirit of the proposed bill were not so plainly in harmony with that of other bills, on this and other subjects, proposed or enacted by the present Congress, one would be almost forced to think that its purpose must be not to secure a change in the cited section of the Revised Statutes, but rather to expose the inherent viciousness of other patent bills that seek, though less frankly, the same end.

It would be too hazardous, however, to treat the measure other than seriously, in view of the manifest temper of certain members in both houses of Congress, and the apparent unacquaintance of others with respect to the importance of our manufacturing interests or their intimate dependence on the integrity of the patent laws.

Scientific American, March 1st, 1884.

Patent Bills in Congress.

To the Editor of the Scientific American:

Noting in issue of Feb. 2 the short article, "A Bill to Reduce the Lifetime of a Patent to Five Years," as comment upon H. R. 3,617, introduced by our own representative, the Hon. Jno. A. Anderson, I was the more fully impressed with the growing importance of this most frantic and insane cry of the general public against the patent laws, and begin to feel the necessity of inventors and all others interested in the advancement of the arts and sciences doing something. The trouble lies in the fact that those who should be most interested in having wholesome and just patent legislation for their own protection and that of the general public really give the least attention to it. We leave these vital and all important matters to our legislators and senators, who as a rule do not come from the class fully knowing the needs of the case, and thus we have imperfect laws upon the subject; and under the press, as at present, of popular excitement and indignation on part of farmers and the public generally against so many recent patent frauds, patent abuses, and royalty jumpers, especially in the West, we are liable to have some serious mistakes made, and our patent system partially if not wholly crippled, by hasty and inconsiderate amendments under these circumstances. And the matter coming so close home as to have my own townsman introduce so objectionable a bill, I feel that it at once behooves those interested to wake up and see if there is not really some cause for dissatisfaction, and if so what it is; and to suggest from a just and mechanical standpoint some reasonable remedies. And in pursuance of such motive I desire to do my little share.

It suggests itself to me, and has for a long time, that our present laws are all right so far as they go, but are by no means sufficient to fully protect both the inventor and the general public. The original intent and purpose of our laws was evidently to protect the inventor, that is, to pay him for his work and study, and for the free publication to the world, the result of his work and study, he should be protected for seventeen years in the exclusive use, etc., of his invention. But as our country grows broader, and varied interests more developed, we find the general public requiring some protection as well. Now, how can it be arranged that the inventor shall be fully and amply protected in his rights, and at same time the general public not be put to great annoyance and inconvenience? Certain it is our present laws do not do this; and further, the interests of the public are generally paramount to those of the individual.

But let us see. The policy of our system is to regard the rights of the inventor as to what is termed *property, i. e.*, that which can be *bought* and *sold*—something that can be made the subject of ownership and personal control. Now, a horse is property, and is so regarded; is capable of being sold, and also of being *stolen*. When anyone appropriates to his own use another's horse, he steals—is a thief—and the law says he shall be tried as a *criminal* for a *crime* against the *law, not against* the individual, and on conviction shall be punished by fine and imprisonment. It is not so with a patent, or rather with rights conferred by the patent laws. Why should it not be? Again, if a man falsely and knowingly represents himself to own or control property which he does not, thus interfering and injuring the rights of others and the public, he is a criminal. Therefore *my* suggestion as a remedy for most of the evils, I think, of our present system would be to place the right of property under patents upon same footing as other property rights, and would call for legislation making it a criminal offense, punishable by fine and imprisonment, for any one to willfully and knowingly make use or vend any article or process upon which a valid patent existed, and would further make it a criminal offease for any one to claim rights protected by letters patent willfully and knowingly (thus preventing the public use of such article), unless he really had a valid existing patent.

And to simplify doubtful cases, it would be well to arrange a means for knowing promptly whether a claim made by any one to patent rights was valid or not by a *writ of inquiry* instituted before a proper court provided for the case.

This seems to me a more tangible means of correcting abuses of our patent laws than any other way, for in no way can we better protect the rights of property in anything, whether it be an invention or a horse, than by making the appropriation or wrongful use of such property a criminal offense. Whether this is the *best* course or not we must see; but I am convinced of one thing, and it is that the mechanical world must take hold of this question and have some

voice in the matter, or there is grave danger of a complete nullification of the very system which has done most for our country during the last fifty years

SAM. KEMBLE, JR.

Manhattan, Kansas, Feb. 4, 1884.

[Our correspondent is well known as an enterprising manufacturer and inventor. The grant to him of patents for his inventions has enabled him to introduce and put into successful operation an improved industry, thus giving employment to many persons and contributing to the prosperity of his town and State. In the same manner, by the efforts of inventors, fostered by the patent laws, thousands upon thousands of industries have been established in all parts of the country, and as a result the United States is to-day probably the most prosperous nation in the world. Her agricultural products have reached enormous proportions, owing chiefly to the labor-saving machinery which patentees have studied out and supplied to the farmers.

In view of such considerations it seems almost like an insult to the common sense of the nation for honorable members of the House to disclaim against the patent laws and strive to pass enactments that will cripple and destroy industries created by those laws. Think of the votes given in the House January 21 in favor of the passage of bill H. R. 3,934, which forbids the inventor from recovering damages for the use of his patent—114 ayes, 6 noes, 200 members not voting, and not a single man with pluck enough to stand up and breathe a word in behalf of his constituents, whose property and rights were by the enactment of the bill sure to be injured. The inventors, workers and manufacturers of this country are strong enough to have not only one but many representatives of their interests in Congress; at present they have none—none but dumbheads. With a little unity of effort to see that no man is hereafter elected who will not pledge himself in advance to the encouragement of home industries and home inventions there will be a different spirit exhibited in Congress, and inventive manufacturers like Mr. Kemble will not be obliged publicly to complain of their townsmen in Congress for introducing foolish bills.

Because there are thieves abroad who try to steal property is no reason why Congress should pass laws to prevent honest people from owning or defending property.]

Scientific American, March 1st, 1884.

Ruinous Legislation.

There seems to be some very strong influence at work, not only to deprive patentees and inventors of their rights, but to cripple and retard our national rosperity, which so largely depends upon new inventions and improvements.

Our country would never have attained its present gigantic proportions and great prosperity had it not had the benefit derived from the great inventions of the last half century. Had the intelligence of our early statesmen been on a par with our present House of Representatives, it is more than likely that the 114 members who voted for bills, 3,925 and 3,934 would now be ornamenting their own firesides, and the other 6 would have had to make their way to the capitol of the nation in a stage coach.

Even with our present laws the inventor has very little encouragement, as he proverbially lacks capital to protect his inventions, and with that little withdrawn he most assuredly is not going to work his brain for the benefit of capitalists, and like Charles Edouard Jacot, of Switzerland, referred to in the article of Feb. 2, will have to emigrate to a country where Government is wise enough to protect inventors and encourage improvements. It is to be hoped that the intelligence of our senators is of a higher order, and that they will not dishonor their record by passing bills so damaging to their constituents and the interests of their country.

W. L. B.

Manufacturers' Gazette.

Have Inventors Any Rights?

The *Manufacturers' Gazette*, referring to recent bills passed by the House, nullifying the rights of patentees and other hostile legislation now before both branches of the national legislature, says:

"The moment any such legislation as this takes effect, our mechanical progress will be in its decadence. Why not pass one more law, that hereafter no patents shall be allowed to anybody for any length of time, and thus stop the outlay for the Patent Office, patent lawyers, etc., and that no future litigation shall be had as to rights vested in patents? Thus cutting the whole thing down and wiping out at one fell stroke millions of dollars of property, or what has been supposed to be property, and also wiping out totally one of the strongest branches of American industry, the inventors and perfecting mechanics. We might as well do the thing right while we are about it; wipe out everything that refers to it; let them start again, but make the thing sure that no man has rights that another one is bound to respect."

The St. Louis Miller.

Ray's Bill.

"There is a vast deal of twaddle in many of the arguments of those who try to break down Government grants of rights and franchises on the ground that monopoly should be discouraged. The people at large are quite indifferent as to the cost of a public benefit, until after it is secured. Then they too often seek to prevent the originators of the benefits from reaping any permanent or extended profits therefrom. The public is totally conscienceless on this point, and is ready to evade the terms of a distinct contract whenever it can be done in a slightly roundabout way. The repeated and continuous attacks upon the effectiveness of our patent law which has been made in Congress after Congress are abundantly illustrative of the spirit to which we allude. . . . Under this proposed law some piratical adventurers with a little money could readily inform themselves

regarding a few meritorious articles just patented by poor and obscure inventors, could quickly manufacture immense stocks of the goods, and could then throw them on the market so suddenly and extensively that stopping the traffic by the service of notice would be simply impossible. Moreover, honorable manufacturers who might be willing to allow inventors a reasonable royalty would be afraid to make a bargain for the legitimate production of the patented novelties. They would fear to do so lest others less honorable might be even then secretly making the same goods and might soon flood the country with them. The New Yorker's bill is an unjust one, and should be forever tabled."

Scientific American, March 1st, 1884.

Opposition to Patent Nullification.

Perhaps the principal reason why there has not, thus far, been more general and forcible protest against the bills now before Congress nullifying our patent laws, is to be found in the fact that such proposed legislation has been frequently attempted before, and without success. Patentees and inventors should not, however, rest in any feeling of security on this account. The attack on our patent system was never before more bitter, and never apparently so well sustained, as it has been during this session of Congress. The most earnest appeals should be made, therefore, to both Senators and Representatives, though they can be supported by no stronger arguments than heretofore advanced, in order that no one of these most pernicious bills shall be allowed to slip through both houses, and become law, on any plea of inadvertence, or of failure to understand the full scope of the injury it is proposed to inflict upon the industry of the country.

Among other opponents of proposed patent nullification by the last Congress a committee of the Franklin Institute, Philadelphia, did good service in Washington. The bills then were of much the same character as those now urged, and of one of them the committee used the following language: "This bill legalizes theft, and is clearly unconstitutional. It is a short sighted and iniquitous piece of legislation, and should properly be entitled 'An act to discourage American invention,' since, if it become law, it would nullify the grant of all patents." The urgency for these bills was then attributed to a few grangers, whom the politicians wanted to please, and to the powerful moneyed influence of the Eastern and Western railroad associations, organized ostensibly for fostering invention, but in reality to "freeze out" all inventors who had any patents of value in the railroad business.

Mr. Reed, of Maine, a member of the present as he was also of the last House, forcibly put the objections to laws nullifying patents in the 37th Congress as follows: "The Constitution has a right motive in protecting patentees, because the public gets value received, and unless you pay inventors men will not invent. If you rob them of the proceeds of their invention after they have invented, you stop the business. And every man knows that, notwithstanding thousands of dollars are taken away from innocent men by fraudulent practices such as are complained of, there are millions of dollars conferred upon the public by this very inventive faculty. . . . What would this country be without the inventive faculty? Without the patent laws to-day it would be poor instead of rich. We owe the cheapness of everything that enters into the production of our

daily bread, of everything that we wear, of everything that we use, to the inventive power. Do not strike it down; it is not wise to do so."

Apropos, however, of the foolish prejudices which sometimes influence law makers on important matters, a valued Philadelphia correspondent calls our attention to the occasion when Oliver Evans first ran a high pressure, self-propelling steam engine. It was only run from the shops in that city to the Schuylkill, but in its progress accidentally knocked down an old lamppost, whereupon a law was promptly enacted forbidding "any more such nonsense," the only law existing there to-day prohibiting self-propelling engines, although the engine thus sought to be annihilated was the precursor of the thousands of locomotives that now reach every corner of that State and of the United States.

On Infringements of Patents.

To the Editor of the Scientific:

I see by your valuable journal that you condemn the bills now before Congress altering or amending the patent laws. That shows that you are fully alive to the interests of inventors and patentees, for if the bills referred to become law, patentees may throw their patents into the fire, for they will be of no more value then than so much waste paper.

The plea that these bills are intended to to protect innocent purchasers is too thin, for the *Gazette* records of the Patent Office are to be found almost everywhere and persons who are anxious to avoid being swindled can get sufficient information from the records, and from other available sources, to guide them in their purchases; and if people get swindled, the best way in my opinion to put an end to that sort of business would be to authorize the Commissioner of Patents to keep a *patentees' register* in his office, in which patentees or owners of patents could, by paying the Commissioner proper fees, get the names of their attorneys and agents registered, including the proper address of all such; and it should be made a rule that no attorney or agent should be permitted to act as such until he had first obtained, from the Commissioner of Patents, a certified copy under seal of the authority filed in the Patent Office by the owner of the patent, and it should be made a law or rule, also, that any person who should attempt to sell patented articles, without having in his possession a certified copy of the authority of the owner, should be liable to arrest and fine. If some such amendment as this could be made to the patent laws, ample protection would be given to the public against swindling dealers in articles covered by a patent, and there would be no need of the dubious bills now before Congress.

The keeping of such a register as I have named would only entail a little extra work on the Patent Office, for which the fees to be collected would more than make up, for they would largely increase the revenues of the Patent Office for all time to come.

I have more than one invention of my own, for which I intended to ask you to apply for patents for me without delay. To these I have given much valuable time, but if Congress is going to tamper with the patent laws, as it is threatening to do, then I shall not apply for patents in this country, but send my inventions to England, believing that the new patent law of that country offers now superior inducements to inventors and patentees.

H. F. Ross.

San Francisco, Feb. 10, 1884.

[It must not be forgotten there are stringent laws now in force, State and Federal, for the severe punishment of any person who practices any kind of fraud or misrepresentation, whether in respect to patents, other personal property. real estate, etc. Those who, like some of the Congress members, aim to destroy property in patents because they fancy that somebody is cheated by patent rogues, ought to go a step further and pass laws to depreciate the holding of real estate because there are so many real estate knaves.—EDS.]

Scientific American, March 8th, 1884.

The Rights of Inventors and the Policy of the Patent Law.

To the Editor of the Scientific American:

The main cause of difference between the civilized man and the savage is, one labors to till the soil as a foundation for civilization, and the other does not. One has tools and machinery to work with, the other has not. Tools and machinery render our present civilization possible. Take away permanently all the tools and machinery of civilization from the world, and civilization would have to cease.

All the tools and machinery that exist have been invented by somebody. Invention is simply adapting means to ends to render man's life on earth easier and more comfortable. Two centuries of labor, by the aid of tools and machinery, have made this country what it is to-day. The savage without tools for ages had done nothing to break the wilderness. Now, if our life as a nation is any better or more comfortable than that of the red man before us, we may as well thank the inventors of the world for the tools which have enabled us to go as high up as we are. Stop invention to-day, and the world will go no higher than our present inventions will allow us to go.

The right of the individual to what he produces or obtains by his labor is recognized by law, and protected; but if a man is foolish enough to spend his time and means, and go through poverty and self-denial to give a machine, or a convenience, or composition of matter to the world, which it never had before to use, and which will give civilization a higher plane of life, he is not protected as an inventor, and as a matter of justice to him, but on the principle that the patent law is based upon—that of good policy on the part of the public to offer him a patent for a limited time—17 years—and then his ownership ceases, and the great public own it. During this brief protection what is his condition? If a man steals a horse, the State attorney stands ready to prosecute, and the court casts him into prison at the State expense. But let a man steal an invention, and it is only an infringement, and you may get damages enough to pay your lawyer, and perhaps not. I suppose horses are of more consequence than inventors or their machines.

The patent law is based on public policy, not on justice to the inventor. It is said that an invention is a monopoly, but it does not monopolize anything the world has had before. It does not make a corner in breadstuffs, and oppress the millions, or raise the price of anything men have already; but invention cheapens the things we already have. An invention is not corn or wheat, that the public must have, and the public won't buy unless convinced they are the

gainers by so doing. If an invention is held too high in price the public won't buy, so nobody is hurt but the inventor.

The bill lately passed by the House of Representatives seeks to shield the buyer of a patented article from liability to the inventor for royalty or damages. The innocent buyer of a stolen horse has no redress when the rightful owner takes his horse. It is safe to presume, on the part of the buyer, that a new and improved article is patented, and the purchaser should act accordingly, and buy of the rightful owners. If we have no sense of justice to the inventor, I do not believe we can afford to commit suicide by curtailing the limited protection at present thrown around inventions, and stay the progress of civilization and improvement. I do not believe the majority of people of the United States are in favor of any such movement. Let the people be heard.

A. F. ANDREWS.

Avon, Conn., February 16, 1884.

The New York Star, March 11th, 1884.

Patents in Peril.

BILLS IN CONGRESS WHICH ARE CALCULATED TO ALARM INVENTORS.

Much anxiety is felt by inventors and owners of patents concerning what is believed to be a settled determination on the part of a considerable number of members of the present Congress to enact laws that will virtually destroy the value of property in patents by taking away from them the legal protection they now have, and actually encouraging infringement and open robbery. The excuse offered for the proposed action is the admitted desirability of instituting such reform as will put a stop to vexatious and almost blackmailing suits brought against innocent purchasers of infringements upon patented articles, the protection of which by patent has not been made matter of public knowledge until the infringements have had time to pass into common use. Under the guise of protecting such innocent purchasers two bills have already passed the House (Nos. 3,625 and 3,934) which, if they become laws, will have the effect of making legal prosecution of infringements so costly, vexatious and ineffective that owners of patents will be almost helpless. Even worse bills are, however, those now pending in the Senate, consideration of which is made the special order for this (Tuesday) afternoon. A gentleman largely interested in patent rights, speaking as a representative of the feeling of many thousands of inventors, patentees and licensed users of patent inventions, said yesterday, in explanation of the bills pending:

"The provisions of the House bills are such that a patentee must give bonds to pay all costs of an infringement suit before beginning it, and must pay them, although he gains the suit, if he is awarded less than $20 damages. He must also pay, in addition to the costs, a fee of $50 to the defendant's attorney in case the defendant by any means gains the suit. The user of an infringement is held not to be liable to prosecution, but simply the manufacturer or vender. Even if the patentee wins the suit against the user of an infringement made by himself or his employé for his own benefit, and not to use in manufacture of articles for sale, the measure of recovery must be simply a license fee, to be fixed by the jury, and

not by the patentee, whose property is thus valued for him and disposed of without his consent.

"It is readily apparent that such restrictions would leave the patentee without remedy at law. Think of the bonds he would have to give to fight infringers all over the Union! Remember, too, that suits against users—'innocent purchasers in good faith'—are, as a rule, merely to fix the legal right to a patent, and if possible through them to get at the manufacturers and venders of the infringements. The damages from them are always petty, hardly ever anything approximating to $20 in any of the class of patents that this law would throw open to everybody, so the patentee would always have to pay his own costs. If the infringer shows that he is simply an 'innocent purchaser,' and not a manufacturer, or at least chooses to swear that he is, he even has his lawyer paid for him. If these bills pass the Senate and become laws patents on small articles of easy manufacture and wide utility will be valueless. Stoves, lamps, agricultural implements, tools, trimmings, toys and a thousand other things will be made and sold by irresponsible infringers everywhere, and the owners of patents upon them can hope for no redress.

"There is a bill before the Senate, however, introduced by Senator Voorhees, by the side of which those proposed enactments are almost white. It provides that:

"'It shall be a valid defense to any action for an infringement of any patent or any suit or proceeding to enjoin any person from the use of a patented article that the defendant therein or his assignor purchased the patented article for use or consumption and not for sale or exchange, in good faith and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such an article; and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner.'

"In other words, the patentee must prove the defendant's knowledge of a fact—rather a hard thing to do—or that the seller of the infringing thing, when selling it, warned the purchaser that it was an infringement—which he would hardly be likely to do—and, after all, the only satisfaction the plaintiff gets when he has proven both facts, if you please, is that the defendant can go right along enjoying the use of the thing he has no moral or legal right to, any more than he would have to a stolen watch or overcoat. It is an old saying that 'possession is nine points of the law,' but here, in the law according to Voorhees, possession is the whole ten points.

"There is still another bill that should not be overlooked (H. 3,617), which proposes to reduce the life of a patent from seventeen years to five; but that would be too unutterably foolish, unjust and injurious to the country to stand much show for passing. It is a rare thing that any money is made on a patent in the first five years, and certainly it would be much rarer if those other House bills should become laws. The effect of such a reduction would be to put a stop to patenting, and inventors, instead of helping, as they do so enormously, to build up the wealth of our country and keep our progress ahead of the world in the useful arts and sciences, would flee to other lands where they would receive better recognition and reward for their genius and labors. It will indeed be the effect of those other bills, each and all of them, to compel inventors to leave this country to seek patents abroad, if they become laws. And if that time ever comes it will

be a sad day for the United States. And that day will be a peculiarly sad one for the demagogues who have brought such ruin upon the country when the people see the effect of their work. Our factories, in 1880, turned out $5,369,000,000 worth of products, the greater part involving use of patent rights, and dependent on them for the production. What will be the effect when the capital invested in them is imperilled by such legislation as this? Our production, agriculturally, that year was $2,200,000,000, in which inventions were a prominent factor in cheapening and increasing the amount. We can only prosper by encouraging our inventors, not by slaughtering them.

"These laws will benefit not the poor but rich corporations that, especially by Voorhees' bill, were it a law, could unrestrainedly grasp any patent they please."

The N. Y. Star, March 12th, 1884.

Legislation on Patents.

It is a singular conception of right in property that animates a considerable number of the members of the present Congress, as demonstrated by the measures they have proposed affecting patent interests. A patent is virtually a contract between the Government, representing the whole people, and an individual who has something, of his own invention, creation, or discovery, that would be of practical value to the people were it known to them. In consideration of his making known, for common benefit, the results of his study, genius or skill, he is guaranteed a reward in the form of an exclusive right, for a term of years, to whatever profits may accrue from the common use of that which before was his alone, he being given the right to control that use so as to reap pecuniary benefit from it. After the expiration of that term, the patent—except in a small percentage of cases in which there is reissue—becomes free to all, the presumption being that his reward is by that time sufficient.

The first principle of value in a patent, as in any other form of property, is stability in possession; protection by law against theft. But the patent, though more liable to be stolen than almost any other property, is actually least of all protected, and were the bills now before Congress to become laws, would be practically deprived of almost all protection.

It is a notorious fact that inventors and patent owners, as a rule, make nothing on the first five years of the lifetime of a patent. During that time they are mainly occupied in fighting patent thieves in the United States Courts—a very expensive business—and in introducing their inventions to popular knowledge. But one of the bills now pending in the House proposes to reduce the lifetime of a patent from seventeen years to five. And even for that time the value is to be destroyed by the ingenious devices to protect infringers which other bills comprise. The preposterous conceptions of making the owner of a patent pay all the costs of prosecuting an infringer, even though he may win his suit; of expecting him to prove guilty knowledge on the part of the user of an infringement when he purchased the thing; and finally of permitting an infringer to continue his use and enjoyment of the infringement even after he is duly informed that he has no legal right to do so, and to use it even in manufacturing processes, the license fee to be fixed, not by the patent owner, but by a jury—all these are in the proposed bills. The owner of a patent that has been over and over again

declared valid in courts of competent jurisdiction, it is proposed, shall give bonds before he can begin suit to bring an infringer to justice, just the same as would one whose patent had never been put to test. All these things are calculated to amaze any just and intelligent person who will stop to think of the moral right of the patent owner to his property and of the impolicy of depriving the community of the great benefits that accrue to the country from the inventor's genius, of which we shall certainly be deprived if our patent system is to be thus destroyed.

The bill already passed by the House will be pressed in the Senate to-day, no doubt. It is honestly intended, we believe, to redress some glaring abuses which have fallen most heavily on Western farmers, the innocent purchasers of articles such as wire fence and machinery which infringed existing patents. Nevertheless, the property right of the owner of the patent should be incontestible. To establish any other principle would be to discourage invention and promote fraud.

New York Sun, March 13th, 1884.

Attacking Inventors.

Serious apprehension is felt among inventors and patent owners lest great and very injurious changes in the existing patent laws should be effected during the present session of Congress. Over twenty bills, most of them bad, have been introduced to alter these laws. One of the most striking reduces the life of a patent from seventeen years to five. Another empowers juries to fix the license fees to be paid by users of patent infringements, without regard to the patent owner's valuation of his property right. Another enables any user of an infringement to evade punishment by the simple plea that he did not know that the thing was patented or that the person selling it to him had no right to patent it. Another authorizes the user of an infringement to continue its use where it would be of the greatest benefit to him and most injurious to the owner of the patent, nothwithstanding ample legal notice after his purchase that it was an infringement. Then we have bills to compel the owner of a patent repeatedly declared valid by the United States courts to give bonds for the payment of costs before commencing suit against an infringer; to make the plaintiff in such suits pay all costs if he does not recover damages to an amount seldom reached in such prosecutions, except where the defendant is a vender or a fraudulent manufacturer of the infringement; and to make the plaintiff liable not only for the costs of suit, but for the payment of the defendant's attorney when these and other ingenious devices to thwart justice chouse him out of an award of damages.

There may have been some instances of injustice to innocent users of infringements through the peculiar methods of certain patent owners, either in securing their supposed rights or through the vexatious uncertainties affecting contested ownership of patents. The extent of such injustice, however, has unquestionably been greatly exaggerated. Even at the worst, it is in a very small ratio to the patent interest of the country as a whole. If the evils alleged exist in any degree, they may certainly be remedied by a less radical process than the destruction of all protection for property right in patents. To make laws of the proposed bills would annihilate the owner's benefits on a great number of patents,

ruinously unsettle the values of all not made absolutely worthless, and affect injuriously all manufacturing interests dependent to any extent on patented processes or machinery. It is surprising that three members of the Senate Patent Committee who represent States in which enormous sums of capital are invested in patents, and in which the prosperity of nearly the entire population is intimately connected with the maintenance of the rights of inventors and patent owners, should permit such measures to pass through their hands without careful scrutiny and strenuous opposition.

These are questions in which the honor and material prosperity of the nation are opposed by the interests of petty rogues who wish to steal the fruits of others' brains.

The New York Star, March 14th, 1884.

The Menace to Patents.

In 1883 there were issued in this country 22,216 new patents and 167 reissues were granted. This brings the aggregate of American patents up to over a quarter of a million. During the same year 8,874 patents expired and became common property. Official inquiries have demonstrated that nine-tenths of all the manufactures of the country were of patented articles or productions of patented articles or processes. According to the census of 1880, the products of our factories that year amounted to $5,369,000,000, and of our agriculture to $2,200,000,000. How far both sources of national prosperity were due to and dependent upon patented inventions, is a matter so well known to everybody that it need not be dwelt upon here, any farther than to suggest that the reader think, if he can, of any interest or material thing of pecuniary value in the production of which no patented article, mechanism or process bore an important part. Ours is, above all others, a land of inventors, and to the fruits of their genius, above all else, must be credited the swift advancement of our material prosperity, through the ready utilization, in the best and cheapest ways, of our vast natural resources. In 1880 our aggregate wealth amounted to $43,000,000,000, an increase of $27,000,000,000 upon what it was in 1860; and United States patents had increased from 26,641 to 223,210. That increase in wealth was achieved despite the enormous evils consequent upon our civil war, and it was in greatest measure resultant from our unexampled progress in the field of invention.

Judge Story declared the object in granting patents to be the promotion of progress in science and the useful arts, an object as truly national, meritorious and well-founded in public policy as any which can possibly be within the scope of national protection. The facts cited above show with sufficient clearness how well the ends in view in the granting of patents have been attained, and in that attainment have accrued to our material well-being and glory. How unwise, then, as a matter of public policy must be the legislation that would throttle inventive genius? Yet that is just what is being attempted now by the movers of a score of bills pending in Congress. The direct and immediate effect of their enactment would be to discourage all invention, render valueless a vast number of patents and unsettle—irremediably while such laws should be maintained in force—the value of all property invested in or dependent upon patents.

And there is still another consideration, apart from that of the effects upon vested property rights, which is too important to be overlooked. The granting of

patents, and thorough protection of rights in them, is a constantly offered national aid to the advancement of the personal prosperity and dignity of every intelligent working man and woman who has the ability to grasp the prize. It is a reward to encourage genius—a weapon in the battle of life that puts labor upon equal ground with capital. Every toiler has within his reach, if he has brains to find out some new thing that the world will want, a competence that labor alone could never bring to him; perhaps even great wealth, as has fallen to the lot of many within every person's knowledge. This is not at all a sentimental consideration, but an intensely practical one, particularly for the consideration of lawmakers in a Government like ours, which is affirmed to be "of the people, by the people and for the people." But the first element of value in that offered reward must be its reality. It must not be such a sham as it would be made by restricting the lifetime of a patent to five years, or by laws to shield thieves who steal the patentee's inventions and to hamper him in legally maintaining his rights.

If the Senate, before passing upon either of the proposed measures, will take time to consider the vast importance of the issues involved, it is hardly possible that they will become laws. The gross impolicy, the manifest injustice and the unconstitutionality characterising nearly all these bills make it an imperative duty to return them to the Committee on Patents for careful, intelligent digestion and revision. Thus, and thus only, will it be practicable to get before Congress a bill which will achieve certain desirable reforms without doing great wrongs, and doing them in a stupid and perhaps unlawful way.

Scientific American, March 15th, 1884.

Prospects of the Patent Bills.

The hostile patent bills that have passed the House, and other bills now before the Senate have not yet been reached. Meantime hundreds of letters and remonstrances against the passage of these bills have been sent by individuals in all parts of the country, and hundreds more will soon be sent forward. If the friends of the patent laws continue to pour in their protests for a short time longer, it is believed this mischievous legislation may be postponed and at last defeated. Nothing has a more powerful influence with Senators and Representatives than forcible letters from their own townsmen and constituents. We therefore urge upon inventors, manufacturers and all who wish to uphold the industries of the nation, to write directly to Senators, and give reasons why these bills should be set aside. Legislators need to understand the views and feelings of the people they represent, and then they will speak and act accordingly.

No person should defer his protest in the hope that others will do something or that some combined movement will take place. Let each individual promptly organize himself into an association of one, and send forward his arguments, resolves and letters, without hesitation or delay.

For the convenience of readers we here repeat the numbers and general nature of some of the bills now before the Senate.

Patents and Politics.

It is estimated that between 30,000 and 40,000 citizens of the State of New York, have received patents for their inventions which remain unexpired. Nearly

every manufacturer in the State is an owner, or is interested in or works under some patent. It is probable that at least 100,000 voters in New York State are directly connected with industries that will be greatly damaged if these bad patent laws are passed. The majority that carries the State in the approaching election will not probably be very large. Which of the two great parties will sweep the State?

Certainly it will not be the party whose senators and representatives in Congress are doing all they can to destroy the interests of their constituents at home. What is true of New York is true of several other States. The inventors and manfacuturers of the country will have power enough in the coming elections to determine upon which side the victory shall rest; and that power is likely to be exercised. A little ingenuity, a little determined and united effort, will do the business.

Manufacturers' Review and Industrial Record, March 15th, 1884.

No more dastardly blow has ever been aimed at the private rights of individuals, and particularly inventors, than is concealed within the bills now pending before Congress. Should these bills or one similar in terms become law, the value of vested rights in many patents now existing would be practically destroyed, and the incentive to the exercise of inventive genius be withdrawn.

Inventors could see before them no prospect of reward when the security usually afforded by law to personal property was destroyed, and the fruits of their labors were practically at the mercy of any vandal who might choose to seize them. Our manufacturing industries owe too much to inventors to witness with composure this wholesale onslaught upon their rights, and it is to the interest of every person in any way connected with patented machinery or processes used in the textile traders to cast his influence heavily against the passage of these or any similar bills. Prompt action is needed, as, in view of the fact that the first two bills originated in the House, and the third in the Senate, it is highly probable that they will unite upon a bill identical in spirit if not in terms, with the foregoing. No opposition seems to have been raised hitherto, and they passed both branches of Congress by overwhelming majorities.

It is late to bring influence to bear against them; but there is still time to do much if action be prompt and vigorous.

The Hydraulic Sanitary Plumber, March 15th, 1884.

Threatened Congressional Violation of Patent Rights.

A prominent characteristic of the present House of Representatives is a certain hostility to inventors, whether through ignorance of the character of proposed legislation or a desire to abridge their rights and privileges as regards the unauthorized use of patents.

It is not quite clear to us what special purpose is covered by the House Bill 3,925, whose operation would be more of an annoyance to inventors than any injury to their patent rights. The principal effect of such a measure would be that it would tend to discourage any litigation in the way of small infringements of any patent.

Again, in the case of suits for infringements, the second section would have the effect of closing the law courts against struggling patentees with little money and few friends, as the plaintiff would have to file a bond, with sufficient security, for not alone all the costs in the event of the suit being unsuccessful, but an allowance for defendant's counsel in the judgment of the court up to $50. This would be an innovation in law practice which should not be permitted, as, if the principle would hold good in one class of cases, it would be only reasonable that other suits at law would be brought within its provisions. Besides, it would work with great hardship in cases where a poor patentee would have to contend with a corporation able to contest a case and carry it from court to court on some flimsy legal quibble. He would have to give up his case and his bondsman would be liable not alone for the costs but for an allowance on account of the defendant's counsel fees.

This House Bill 3,934 is little short of clear robbery without any redress. Under its operations Smith may, after years of patient labor, perfect something deserving a patent, which in due time he obtains and puts his invention on the market. Brown, a shiftless, irresponsible shark, living mostly by the labor and ingenuity of others, picks up the patented article and takes it to some distant part of the country where he sells it to Jones and Robinson *et al.*, and they use it without any inquiry whether Brown had the right to sell it inasmuch as they had not received notice of its being patented. Finally, Smith finds out that Jones and Robinson are using his patent, and he notifies them of the fact. He can claim no damages for the unauthorized use of his patent, and can only hold the infringers liable in the future by exacting a license fee.

Another piece of injustice contemplated by this bill is that if the user of the patent manufactures the article for his own use he shall be liable for a license fee only, the amount of which—in the absence of other provision—to be fixed by the court. How well such a bill would meet a rich railroad corporation requires very little demonstration. In addition to the House bills under discussion there is yet another pending known as House Bill 3,617, which limits the lifetime of a patent to *five* years. This will probably pass.

Pittsburgh Chronicle Telegraph, March 15th, 1884.

He Thinks it a Bad Bill.

Great opposition has been aroused here and elsewhere among manufacturers to the Calkins patent bill, now pending in Washington. Mr. A. J. Nellis, of Allegheny, who has been there fighting the bill, states that it provides that any owner or inventor of a patent to sustain his rights must pay to the infringer's lawyer a fee of $500 and receive no costs. It deprives inventors of the use of their patents, and will work enormous loss to manufacturing interests in the country. Hundreds of leading firms have sent in protests, and a delegation of manufacturers will be present on Monday when the bill comes up. Mr. Nellis thinks the Chamber of Commerce should take some action on the matter.

N. Y. Sun, Mar. 15th, 1884.

Prospects of the Patent Bills.

The hostile patent bills that have passed the House and other bills now before the Senate have not yet been reached. Meantime hundreds of letters and remonstrances against the passage of these bills have been sent by individuals in all parts of the country, and hundreds more will soon be sent forward. If the friends of the patent laws continue to pour in their protests for a short time longer, it is believed this mischievous legislation may be postponed and at last defeated. Nothing has a more powerful influence with Senators and Representatives than forcible letters from their own townsmen and constituents. We therefore urge upon inventors, manufacturers, and all who wish to uphold the industries of the nation to write directly to Senators, and give reasons why these bills should be set aside. Legislators need to understand the views and feelings of the people they represent, and then they will speak and act accordingly.

"No person should defer his protest in the hope that others will do something or that some combined movement will take place. Let each individual promptly organize himself into an association of one, and send forward his arguments, resolves, and letters without hesitation or delay.

The following are the names of members of the Senate and the States they represent; Address U. S. Senate.

ALABAMA.

James L. Pugh.....Eufaula.
John T. Morgan.....Selma.

ARKANSAS.

James D. Walker.....Fayetteville.
Augustus H. Garland....Little Rock.

CALIFORNIA.

James T. Farley.....Jackson.
John F. Miller.....S. Francisco.

COLORADO.

Nathaniel P. Hill.....Denver.
Thomas M. Bowen.....Del Norte.

CONNECTICUT.

Orville H. Platt.....Meridan.
Joseph R. Hawley.....Hartford.

DELAWARE.

Thos. Francis Bayard....Wilmington.
Eli Saulsbury.....Dover.

FLORIDA.

Wilkinson Call.....Jacksonville.
Charles W. Jones.....Pensacola.

GEORGIA.

Joseph E. Brown.....Atlanta.
Alfred H. Colquitt.....Atlanta.

MISSISSIPPI.

James Z. George.....Jackson.
Lucius Q. C. Lamar....Oxford.

MISSOURI.

George G. Vest.....Kansas City.
Francis M. Cockrell....Warrensburg

NEBRASKA.

Charles H. Van Wyck...Neb'ka City.
Charles F. Manderson...Omaha.

NEVADA.

John P. Jones.....Gold Hill.
James G. Fair.....Virginia City

NEW HAMPSHIRE.

Henry W. Blair.....Plymouth.
Austin F. Pike.....Franklin.

NEW JERSEY.

William J. Sewell.....Camden.
John R. McPherson.....Jersey City.

NEW YORK.

Elbridge G. Lapham....Canandaig'a.
Warner Miller.....Herkimer.

NORTH CAROLINA.

Zebulon B. Vance.....Charlotte.
Matt W. Ransom.....Weldon.

ILLINOIS.

John A. Logan.....Chicago.
Shelby M. Cullom.....Springfield.

INDIANA.

Daniel W. Voorhees.....Terre Haute.
Benjamin Harrison.....Indianapolis.

IOWA.

William B. Allison.....Dubuque.
James F. Wilson.....Fairfield.

KANSAS.

John J. Ingalls.....Atchison.
Preston B. Plumb.....Emporia.

KENTUCKY.

John S. Williams.....Mt. Sterling.
James B. Beck.....Lexington.

LOUISIANA.

Benjamin F. Jonas.....N. Orleans.
Randall L. Gibson.....N. Orleans.

MAINE.

Eugene Hale.....Ellsworth.
William P. Frye.....Lewiston.

MARYLAND.

James B. Groome.....Elkton.
Arthur P. Gorman.....Laurel.

MASSACHUSETTS.

Henry L. Dawes.....Pittsfield.
George F. Hoar.....Worcester.

MICHIGAN.

Omar D. Conger.....Port Huron.
Thomas W. Palmer.....Detroit.

MINNESOTA.

Sam'l J. R. McMillan...St. Paul.
Dwight M. Sabin.....Stillwater.

OHIO.

George H. Pendleton...Cincinnati.
John Sherman.....Mansfield.

OREGON.

James H. Slater.....Le Grande.
Joseph N. Dolph.....Portland.

PENNSYLVANIA.

J. Donald Cameron....Harrisburg.
John I. Mitchell..... Wellsboro.

RHODE ISLAND.

Nelson W. Aldrich.....Providence
Henry B. Anthony.....Providence

SOUTH CAROLINA.

Wade Hampton.....Columbia.
Matthew C. Butler.....Edgefield.

TENNESSEE.

Howell E. Jackson.....Jackson.
Isham G. Harris.....Memphis

TEXAS.

Sam Bell Maxey.....Paris.
Richard Coke.....Waco.

VERMONT.

Justin S. Morrill.....Strafford.
George F. Edmunds....Burlington

VIRGINIA.

William Mahone.....Petersburg.
H. H. Riddleberger....Woodstock.

WEST VIRGINIA.

Johnson N. Camden....Parkersb'g.
John E. Kenna.....Kanawha.

WISCONSIN.

Angus Cameron.....La Crosse.
Philetus Sawyer.....Oshkosh.

Elevated Railway Journal, March 15th, 1884.

Ruinous Results of Unwise Changes in Patent Laws.

An able editorial in the New York *Sun* entitled "Attacking Inventors," illustrates and condemns in vigorous language, none too strongly, the ruinous possibilities which would ensue upon the unwise changing by Congress of the existing patent laws. We are an inventive people, and among our noblest national lawmaking is that which allows a poor man to profit by the product of his brain work. Some of the largest vested interests in the United States are in patent

rights. The men who invested their capital did so on the existing basis, and to lessen the tenure of their investments would savor as little of justice and equity as the wildest plans of the socialist or communist. Every inventor, manufacturer, merchant, capitalist and class journalist in the country should move against this threatening evil and defeat it in its immaturity.

Brooklyn Eagle, March 16th, 1884.

Attacks on the Patent Laws.

Tinkering the patent laws has been made a special order of business in the Senate. On the sound hypothesis that there are many people in the country who would prefer to enjoy the property of others without paying for it, various Congressmen have seemingly sought to cultivate popularity among that class by the introduction in both House and Senate, of a series of remarkably pernicious bills. Professedly to shield innocent purchasers of patent infringements from the rapacity of patentees—who, it is assumed, habitually lie in wait to amass fortunes by vexatious suits—there have been over twenty bills proposed, almost any one of which might justly bear the title, "An act to promote and protect transactions in stolen goods." They are of two classes, but have the same end in view, which is simply the destruction of property right in invention and discouragement or annihilation of all creative genius that tends to promote progress in science and the useful arts. One class, represented by House bill 3,617, boldly strikes at the root of the patent system by a proposition to reduce the lifetime of a patent from seventeen years to five. It is to be hoped that, even in the House of Representatives, there is not sufficient unwisdom to enable the passing of such an unjust and injurious measure. Were the life of a patent to be restricted to five years a vast majority of inventors would utterly fail to derive any benefit from their inventions. The earlier years of his supposed enjoyment of an exclusive right to the possible profits of the fruit of his genius, study and skill are generally to the inventor a season of vexatious disappointment, anxiety, conflict and loss. Almost always he is forced to seek the aid of capital to develop and utilize his invention, having found that—not always an easy task by any means—he must be prepared to fight in the courts the army of thievish infringers, who are certain, if his invention is a meritorious one, to endeavor to rob him of its benefits. These difficulties, added to the natural one of adequately bringing his invention to public knowledge and use, are almost certain to consume the first five years after his patent is obtained, without yielding him any returns. At best, the well demonstrated law of returns on patents is that they yield to their owners but about five per cent. on the saving they effect in manufacturing production or on their direct benefit otherwise to the community. That the direct and inevitable effect of such a shortening of the life of a patent would be equivalent to repeal of the patent laws, and the driving of inventors to foreign countries, where they would receive justice and protection, must be apparent to any well balanced mind. There is, therefore, little fear that the promoters of wholesale thievery in patents will achieve anything by the bold, brigandish blow of bill 3,617. But in the second class of these bills, those which aim more indirectly, but not less certainly, at attainment of the same nefarious ends by withdrawal of legal protection from property rights in patents, there is real danger. One of them (House

No. 3,984) provides that the user of a patented article purchased in open market for personal benefit, and not for manufacturing purposes, shall not be liable for damages or profits, but in all cases the manufacturer and vender only shall be liable; and, further, that when the infringement lies in the use of an article made by the defendant or his employé for his own benefit, and not in the manufacture of an article for sale, the measure of recovery shall be a license fee, to be fixed by a jury in case no license fee has previously been established. Another bill (No. 3,925), which has already passed the House, provides that in a suit for use or infringement of any patented article, device, process, invention or discovery against a purchaser in good faith, where the plaintiff does not recover damages of $20 or over, he shall recover no costs; and, further, that the plaintiff, before beginning such suit, must give a bond for the payment of all costs and attorney's fees that may be adjudged against him, and also for the payment of a sum not exceeding $50 for the defendant's counsel fees in case the defendant prevails. In other words, whichever way the case goes, the plaintiff, who is the party injured, must pay costs of suit. As a matter of fact, suits brought by patentees against users of infringements are not for the recovery of damages, which are generally but nominal, and are only for the establishment of legal right and to close the market against fraudulent manufacturers and venders. Hence, it is not uncommon for the costs of such a test suit to amount to tens of thousands of dollars, and the damages, when the case is finally won, to be no more than a few dollars, frequently not so much as $20. How unjust it is that under such circumstances the patentee, who is simply protecting the rights supposed to be guaranteed to him by law, should be saddled with the costs of the fight, in which the defendant has, in all probability, been merely a figure head, with nothing at stake, the real combatant being the capitalist, manufacturing or vending infringer, who is seeking to rob the patentee! And the gain of the patentee, when he wins his suit, is simply the privilege of having somebody else put upon his property a valuation at which the infringer may go on enjoying it. But the infamous ingenuity of the patent law tinkers go still further. Senate bill 1,115 makes it necessary for the plaintiff in a suit for infringement of a patent right to prove that the defendant—that mythical being, the "innocent purchaser in good faith,"—"at the time of such purchase or practical application had actual knowledge or notice of the existence of such patent and of the claim that such use was an infringement of the same," to recover costs of suit from the defendant, and even then he must get damages to the amount of $50, or over, or no costs are to be allowed him. Senate bill 1,558 is more shamelessly explicit in its rascality, for it provides that it shall be a valid defense to any action for an infringement of any patent, or any suit or proceeding to enjoin any person from the use of a patented article, that the defendant purchased the patented article for use or consumption and not for sale or exchange, in good faith and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such an article, "and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner."

The title of that proposed enactment, "A bill to protect innocent purchasers of patent articles," is clearly wrong. It should be either "A bill to invite perjury or "An act to endow thieves with a legal right to stolen goods."

It is worthy of reflection if, after all, the pretense of "protecting innocent purchasers" of patent infringements is not, in reality, but a common device to serve the ends of great monopolistic corporations. Were Mr. Voorhees' bill to become a law, there would be nothing to prevent a railroad company seizing upon any of the many inventions applicable to the operation of railroads, either buying from irresponsible venders or manufacturing for themselves, as might best suit their convenience, without paying a cent to the inventors or patentees, and, so long as they did not offer them for sale to others, no amount of proof of their dishonest use would impair their "right as absolute owner." In like manner mill and factory companies of all sorts might with impunity appropriate all inventions that would serve them, and the owners would have no redress at law. The poor are not those who would benefit most by such iniquitous enactments, but the rich, and when that fact should come to be felt throughout the land the people would assuredly avenge themselves upon the dishonest and short-sighted lawmakers who had put such folly and shame upon our statute books.

Philadelphia Press, March 16th, 1884.

Striking Down the Patent Laws.

Inventors and patent owners are not a little concerned at the disposition shown by the present Congress to revolutionize our patent laws. At present these laws favor the patentees, while the changes proposed are all in the interest of infringers. The Senate has not yet acted on any of these bills, but the House is evidently in favor of allowing the widest liberty in the use of other men's ideas and inventions.

The wildest and most communistic of all the anti-patent measures, however, is a Senate bill fathered by Vorhees, of Indiana. It provides that if any one purchase a patented article without notice that it is covered by a patent, or without notice that the seller had no right to sell such article, such want of notice shall be a good defense in an action for infringement, and subsequent notice "shall not impair in any way the right of such purchaser as absolute owner." In other words, you may buy a man's stolen ideas and get a good title, although if you buy his stolen goods you do so at the risk of having them summarily taken away from you when claimed by the rightful owner. Anderson, of Kansas, proposes to reduce the life of a patent from seventeen to five years. This has not yet passed the House, but its action on kindred measures supports the presumption that it will pass this also. There are some twenty bills pending proposing alterations for the worse in the patent laws, and of these two have passed the House of Representatives and await the action of the Senate. The first, introduced by Calkins, of Indiana, provides that the owner of a patent bringing a suit against infringers shall recover no costs, and shall pay the other side a lawyer's fee of $50. The other is by Representative Vance, of North Carolina, and provides that any person using patented articles ignorantly shall not be liable for infringement, but shall become liable if he continues to use them after receiving notice of the existence of a patent, but he may then require the patentee to give him the use of the patent for a royalty named by the court.

This last measure recognizes and meets what has become a serious grievance and hardship in connection with our present patent law. It is impossible for the purchaser of an article to know every time whether or not it is protected by a patent. At the most, he is no worse than the innocent purchaser of a stolen article, and should not, in justice, be made to suffer any more than he. Yet under the law, innocent infringers are liable for their unwitting infringement in such amount of damages as the owner of the patent can convince the jury he has sustained, which damages found by the jury the Court may treble at its discretion. The farmers of the West have been annoyed and harassed exceedingly by suits for infringement in the use of articles purchased by them of traveling salesmen, who had concealed the fact that a patent existed on the articles. The bill of Representative Vance, so far as it aims only to protect innocent purchasers, is not unreasonable, though the further claim, to take the control of the patent from the owner, is entirely indefensible. The other anti-patent measures are simply pernicious.

The policy of stimulating and protecting inventions which this country has pursued from the beginning has been amply vindicated by the results. The country has grown rich through the labor-saving devices and the more perfect workmanship that have resulted from this particular form of protection, and a departure from it would be the height of unwisdom, as well as grossly unjust to present patentees. The House legislation on the subject is quite in character, and we expect nothing better. To the Senate, however, we look with confidence to see these hostile patent bills voted down or quietly dropped out of sight.

The Pittsburgh Dispatch, March 16th, 1884.

The Patent Projects.

It is very much to be desired that Congress make haste very slowly about the passage of the bills with reference to patents that are now before the Senate, one or more of which has already succeeded in the House.

There is a strong opinion prevailing that legislation of this character is an attack upon rights, the preservation of which is necessary for the continued advancement of a nation of inventors in which the developments in every department of new forces, new machines, new applications of scientific principles, and new discoveries from careful researches have made the American industries the wonder of the world. It is the duty of Congress to inquire carefully whether these projects of certain statesmen will not be a serious and damaging blow to our best industrial interests.

Philadelphia Times, March 17th, 1884.

Dangerous Patent Legislation Proposed.

Some of the most surprising legislation proposed during the present session of Congress relates to patents. More than twenty bills have been introduced bearing on this subject. They are generally brought forward by men who know nothing of the importance of the interests at which they so freely strike, and have no idea to subserve higher than ability to catch a few stray votes in their districts.

One of these bills reduces the term of a patent from seventeen years to five. Another provides that a patentee must give bonds to pay all the costs of an infringement suit before beginning it, and must pay then, although he gains the suit, if he is awarded less than twenty dollars damages. It is also provided that the license fee may be fixed by a jury and not by the patentee. By another bill, if the user establishes that he was an innocent purchaser he may continue to use the article even after he is served with notice of infringement, thus creating a new and unheard-of property in stolen goods and placing a premium on perjury.

These bills are no better than agrarian in their character. Because some obscure or ignorant person in some backwoods locality has been imposed on by a smooth-tongued adventurer or some rogue has stolen a patent and begun manufacture under it, it is proposed to overturn the laws under which our inventors and manufacturers have been able to protect themselves and thus develop the varied resources of the country. It is seldom that a patent is profitable in the first five years after it is granted, and in many cases useful and valuable articles covered by patents give little return to their inventors even during the term of seventeen years.

Patents protect industry in even a greater degree than tariffs. They keep down that unnatural and dangerous competition which has no investment in brains, or skill, or invention; nothing but the mere cost of raw material. It has been the boast of this country that ingenuity has found ample encouragement and rewards. That it has been inseparably connected with our industrial progress should preserve the patent system from the senseless attacks of demagogues and agrarians.

The Philadelphia Times.

The Patent Laws.

VICIOUS CHANGES PROPOSED WHICH IF ADOPTED WOULD SERIOUSLY RETARD INVENTION.

Special Correspondence of the Times.

WASHINGTON, March 16.

Happily this week has passed without the Senate having permitted itself to be pushed into the hasty action upon changes in the patent laws that has been so ardently desired by some reckless Western demagogues. There is now at least a reasonable hope that the purposes animating the proposed measures are so fully exposed that it will be impossible to carry through this body any such mischievous bill as that already tricked through the House. The sober second thought of the Senate committee on patents will surely, when the whole subject is referred back to them—as it should be—sift with care the various propositions before them, and, as a result, produce a much more conservative and commendable bill than any yet offered. It is manifest that all the present agitation for changes in the patent laws comes from certain Western members.

In view of what they have already shown a desire to do, it is not too much to say that they seem to care infinitely more for their chances of re-election than for the good of the country. The aggregate of the nation have a direct personal interest in rewarding men who think, labor and invest means and time in im-

provements upon existing affairs, cheapening and increasing the profitable production of material things or bettering the conditions of life. They can only see a hardship to themselves in having to pay any sum, however small, to one who simply has a perfectly solid legal and moral right to a thing that they have bought cheaply from some thief, who had no right to sell it. In a limited number of instances there may have been some improper pressure exerted upon innocent users of patent infringements, but such cases, both in number and degree, have been greatly exaggerated. The simple fact is that for one innocent user of an infringement there are many who are quite willing, knowingly, to patronize fraudulent manufacturers and venders, and are loudest in their ululations when their short-sighted and dishonest selfishness is punished. These are the men who demand of their representatives in Congress the passage of laws such as the bills introduced by Calkins and Voorhees, of Indiana; Anderson, of Kansas; Senator Harrison and others during the present session.

Supposing these bills were made laws, here is the direct effects of their operations: An inventor or patent owner, notwithstanding repeated declarations of the validity of his patent by courts of competent jurisdiction, would have to give bonds to pay costs in every suit brought against the user of an infringement; would, owing to the ingenious devices to that end, have to pay the greater part of the costs in each suit, even though he won a verdict in his favor; would have no right to fix the value of a license fee for the use of his own property, but must leave it to others; would be debarred from judgment by the defendant's easily accomplished perjury in most instances; would have no right to debar an infringer from continued use and enjoyment of the advantages of a patent process or machine, even after knowledge that it was an infringement; could only hold his patent, even under these astonishing restrictions from protection of it, for a term so short that there would be absolutely no use in taking out a patent, since it could not be shielded by law from thieves.

Of course all these evil propositions are not in any one bill. But they are sprinkled through all, have been made so nearly harmonious in all as to suggest a common understanding among their movers to obtain the same effect from all of them together as if they were massed together, and have been here so massed just to show what that effect should be.

A petition has been largely circulated and signed all through those sections of the country in which great numbers of persons interested in patents and their application could easily be reached, asking that such bills as are now before the Senate be recommitted to the patent committee, that all those whose interests are identified with patents may be afforded an opportunity to present their objections to what they deem the mischievous features of the bills referred to. The prayer of the petitioners is a reasonable one and should certainly have the effect of enforcing delay.

Philadelphia Record, March 17th, 1884.

Laws Against Inventors.

General legislation to attain a specific object is at best a doubtful expedient. The law intended and designed to right a particular wrong may, quite unexpectedly to its author and advocates, be made the means of working gross injustice in other and unforeseen cases. It is possible that the patent legislation now pending

in Congress is open to this objection, if not, as claimed by many inventors, to others even more serious. Incited to action by the complaints of rural constituents who have suffered from the visitations of barb wire and driven well agents, a number of Congressmen and Senators have introduced bills intended primarily, as shown by reports and debates on these measures, to prevent the farmers of their districts from being subjected to the annoyance of wholesale suits for damages, instituted against unconscious offenders whose only crime was ignorance. Two bills of this import have already passed the House by overwhelming majorities, and will soon come before the Senate. While they effectually attain the end sought, it is contended on the part of inventors that the effect of their enforcement, should they become laws, will be to work a practical forfeiture of the rights of many patentees, depriving them of the control of their inventions, and in effect nullifying the statutes upon which inventors have depended to secure them in their rights of property.

Other measures still more radical and more directly threatening the interests of inventors have been placed upon the calendars of the House and Senate. Very soon the House will be called upon to consider a bill, presented by Mr. Anderson, of Kansas, which reduces the lifetime of a patent from seventeen to five years. The reason for so marked a departure as this from the uniform current of previous legislative action with regard to patents has not been made apparent. If, instead of encouraging American inventive genius, the intention is to deny the right of property in the results of brain work, this bill does not go far enough; if it is based on the assumption that the reward of the inventor is disproportionately large, memory and experience will unite in pronouncing such a proposition without foundation when applied to ninety-nine cases in a hundred. It is not easy to conceive a measure affecting the rights of original discoverers and patentees which might be seriously presented for legislative consideration that would be more flagrantly indefensible than this. Yet such evil pre-eminence must be awarded to a bill introduced in the Senate by Mr. Voorhees, which is on its face, to all intents and purposes, a declaration that patents of whatever nature shall from the passage of the act be common property. The text of this almost communistic bill is a remarkable commentary on the loose views that may be held by many in high positions. It defines a valid defense in any action for infringement to be "that the defendant therein, or his assignor, purchased the patented article for use or consumption, and not for sale or exchange, in good faith and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such article." This fairly exhausts the possibilities of pernicious patent legislation. If such a law should by any mischance get on the statute books of the nation the inventor's occupation, if not entirely gone, would be only a work of charity and self-renunciation.

The measure now before the Senate, for which it is proposed to substitute that already passed by the House, the objects of the two being identical, may be necessary to protect agriculturalists unused to the devices of agents for patents, which may be either genuine or invalid. It shields the innocent user of a patented article only when the use is exclusively for his own benefit, and not when he sells it or employs it in the manufacture of any article for sale. In seeking to accomplish this end, however, proper precautions should be taken to secure inviolable all the inventor's legal defenses against robbery and spoliation. The inventive talent of Americans ought not to be put under the ban of quasi prohibitory legislation.

The Boston Daily Globe, March 17th, 1894.

Beginning at the Wrong End.

The windings of legislative wisdom are not always to be followed. The numerous patent bills now before Congress form a case in point. In another column will be found a resume of the important points in these bills. It will be noticed that in every case their tendency is to lessen the rights of the inventor and reduce the value of his property in the products of his genius. From the overwhelming majorities by which several of these bills have passed one or the other house, it would appear that legislative wisdom has come to the conclusion that the tendency to increase the rights of property, and so foster monopolies, ought to be checked. In that case legislative wisdom has come to a commendable conclusion. But it might have found a better starting point.

Inventors are very seldom troubled with an overplus of this world's goods, and it is not often that they become Crœsuses through their inventions with the laws as they now are. The legislators have got hold of an excellent idea if they are starting off with the aim of equalizing the conditions of society. But they would better begin where there is a chance for more of it than there is in the patent laws. When they really want to lessen the power of monopolies and reduce the harmful effects of great masses of wealth they would better turn their attention to the conditions which make possible the building up of colossal fortunes and do a little equalizing there.

The inventive and mechanical spirit of Americans is universally recognized as one of the most distinctive traits of the nation. That spirit has been fostered and increased by the protection given to inventors by our patent laws, and to lessen that protection while other conditions of society remain the same will be an injustice to our inventive genius. As the rewards of labor now go the inventor receives nothing disproportionate. The legislators are beginning at the wrong end in their desire to lessen the burdens of civilization.

Proposed Patent Laws.

IS THE GOVERNMENT ABOUT TO VIOLATE ITS FAITH TO INVENTORS?

"What is the feeling among patentees regarding the bills now before Congress proposing to amend the patent laws?" was asked of a citizen well versed in patent matters.

"'The general feeling is one of indignation among those who realize what is attempted. There are many who are not awake to a realization of the danger which threatens their patents."

"What is the general purport of the proposed laws?"

"One of the bills provides that patentees shall recover no costs in suits against infringers, unless the amount recovered amounts to or exceeds $20. Now the costs of bringing and prosecuting a suit against an infringer of a patent, including counsel fees, will amount to $50 or $60. In the case of infringement of a patent upon a small article, the amount recovered would necessarily be small, and if the costs amount to two or three times the amount recovered, the patentee is only paying $30 or $40 for the privilege of bringing suit. This, of course, practically nullifies his patent."

"What are some of the other provisions of the bills?"

"There is an avalanche of them and all are more or less mischievous. Another provides that the patentee shall recover nothing from an infringer, unless he has previously served written notice of such infringement upon him. Of course, then, he can recover nothing for the use of his patent previous to the time of serving the notice, however valuable may be the patent and however long the infringer may have used the article patented."

"Are these the most mischievous of these proposed bills?"

"There is still another which provides that a patentee shall not recover if the user of the patent, without right, shall prove his ignorance of the fact that the article is patented. That is simply putting a premium on perjury. The bill, too, does not regard information to the infringer, which ought to put him on inquiry, as at all equivalent to knowledge in the matter. He is under no sort of obligation to make inquiry, and his knowledge must be proved to be actual and positive to allow the patentee to recover damages."

"Then, in short, this proposed legislation is hostile to the holders of patents and favorable to infringers?"

"Exactly so. Should these bills pass Congress and become laws, hundreds of patents, for which inventors have spent thousands of dollars, will become practicably invalid and useless. Certainly no good can result therefrom to the holders of patents, and nothing but evil. The government has taken the money of the inventors, and promised them protection for seventeen years. One of the bills, by the way, proposes to reduce the life of a patent to five years. If these bills pass, the patents are practicably worthless, and the government has violated its faith."

The Daily Post, Pittsburgh, March 17, 1884.

Punishing Inventive Genius.

It is the testimony of those in other countries, qualified to judge, that the United States owes much of its wonderful industrial progress to the encouragement given inventors by its liberal patent laws. Disregarding the fact, Congress seems disposed to ignore this important element of our national progress, by making patents valueless to the inventor or promoter, and thus discou[illegible] invention. In a very quiet way bills have recently passed the House, and [illegible]w pending in the Senate, one virtually depriving the patentee of his legal remedies against infringers, and the other requiring the patentee to surrender his patent to public use on a royalty to be fixed by the courts. Besides these there are bills pending reducing the lifetime of a patent from 17 years to 5 years, and another, which caps the climax, by making all patents free to the public. A dead set seems to have been made against American ingenuity and genius.

A leading manufacturer said to us the other day, that the patent system of the United States had done more for American manufactures than all the protective tariff laws that ever existed; and it is a fact that at this time of business depression and competition, a large share of our manufactories are only enabled to keep their heads above water, by the production of patented articles or the use of patented processes in turning out their unpatented products. This is a fact well understood in Pittsburgh and other industrial centers. Vast material interests,

to say nothing of common honesty, are involved in the maintenance of our patent system. There are few manufacturers in this State not interested in patents. On the other hand is the class who wish to steal the fruits of other's brains, by legislative sharp practice.

A Convention to protest against the pernicious legislation proposed in Congress has been called by leading inventors to meet at Cincinnati, the last week of this month. A large attendance is looked for, and in the meantime telegrams and letters to Congressmen are pouring in to Washington, protesting against the pending bills. The bills that have passed the House went through without opposition, and it is reasonable to suppose their real character was unknown, and that there was either sharp practice or false pretenses in their passage.

The Pittsburgh Commercial Gazette, March 17th, 1884.

THE attempt by Congress to destroy the rights of inventors promises to raise a bigger row than the tariff agitation. We cannot see how such schemes can be seriously entertained by men professing to have ordinary common sense, to say nothing of statesmanlike qualities. The free traders must not extend their schemes to a point where a man may be robbed of the fruits of his brains and genius.

Boston Herald, March 18th, 1884.

Granger Legislation.

AGAINST THE PATENT RIGHTS OF AMERICAN INVENTORS.

"It is surprising," said a gentleman interested in patent rights yesterday, in the course of conversation upon the doings of Congress, "that the daily press of New England has taken practically no notice whatever of the contest that is now going on in Congress in the granger interest against the patent system of the country. I venture to say that not one in a hundred readers of the HERALD knows that there are a number of bills before Congress to-day which, if enacted into law, would practically sweep the whole ground of proprietary right from under the feet of inventors or owners of patents. The bills now before Congress are four or five in number, but three of them may be said to contain the entire animus of the whole movement. In regard to these proposed laws (Senate, 540; Senate, 1115, and House of Representatives, 3,925), it may be said that each provides that the plaintiff in any suit hereafter brought against a party who has purchased a patented article, device, process, invention or discovery, for his own personal use, and not for sale, unless he shall recover a certain sum by the one bill, $20 or over, and by the others, $50 or over, shall recover no costs against the defendant, unless it shall appear that, at the time of such purchase or practical application, the purchaser had actual knowledge or notice of the existence of such patent, or unless the defendant puts in issue the plaintiff's right to recover anything in the suit. The effect of either of these bills, should they become laws, would indisputably deprive the owners of any patents where the recovery was less than the sum named of any remedy worth pursuing, as the costs of a suit in any court having jurisdiction in patent cases would amount to more than the recovery, to

say nothing of the expense of counsel. Now, as these bills are drawn, it may be well to understand that, though the thing is patented, yet the plaintiff, suing on a particular patent, will come within its mischief unless he shall show that the defendant knew of such patent, that is, the

SPECIFIC PATENT SUED ON.

Information that ought to put the defendant on inquiry will not be enough, should he refrain from inquiring, and the effect of the passage of such a bill would be a direct premium on perjury. The advantage to the country from the improvement of small articles is very great, and patents on them, should either of these bills become a law, will be so completely destroyed, that no incentive will remain for making this class of improvements. Small and irresponsible manufacturers and pedlers would spring up, and would find a market for products of the stolen inventions with parties who would receive virtual protection in their use, in contravention of the rights of the owners of the patents. The patentee is left no remedy against such a course of infringement, unless he can make the community shy of irresponsible venders. Nor is it any hardship that an individual user, who has bought cheap, should afterward be required to pay a license fee. It but puts him in the same position that he would have been had he originally purchased the article from the patentee or his proper representative. There is a good deal more to this whole matter than I can give you in a hurried way. One of the Senate bills (Senate, 1,558) introduced by Mr. Voorhees, of Indiana, is a novelty in its way. The Scientific American says it provides in effect that all patents shall be free to the public, and that it caps the climax in the matter of proposed patent legislation. You ought to give this bill. It is short, but to the point. There is no beating about the bush in it. It says 'be it enacted, ect., that it shall be a valid defense to any action for an infringement of any patent, or any suit or proceeding to enjoin any person from the use of a patented article, that the defendant therein, or his assignor, purchased the patented article for use or consumption, and not for sale or exchange,

IN GOOD FAITH

and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such article, and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner.' That is the spirit of this granger legislation."

"What is the animus of the whole thing?"

"I presume that hostility to the barbed wire fence and the driven well patents at the South and West is at the bottom of it all; but you can readily see that if such legislation prevails, our inventors might just as well give up inventing, or at least give the Patent Office the go by, and try to get along without patent protection which will not protect if the bills now before Congress become a law. A friend of mine in Washington recently remarked, in regard to the people of the South and West, that they were very willing to have the brains and money necessary to develop their enterprises from the East, but they wanted to reap all the benefits themselves. I think our inventors and manufacturers should be alive to the importance of at once sending remonstrances to their representatives in Washington, and urge them to do all in their power to defeat such legislation.

Public sentiment, also, should be set right in regard to the thing. The granting of patents and thorough protection of rights in them, it should be understood, are simply a constantly offered national aid to the advancement of the personal prosperity and dignity of every intelligent working man and woman who has the ability to make a useful invention or improvement of such. A citizen has as much proprietary right in his invention under the law as he has in any other property owned by him, and ought to be and must be protected. That is the plain way of putting it."

Boston Herald, March 18th, 1884.

Practice in Patent Suits.

WASHINGTON, D. C., March 17, 1884, Ex-United States Senator Norwood of Georgia, made an argument before the Senate Committee on Patents to-day in opposition to the bill to regulate practice in patent suits. He took the ground that it was unconstitutional and against public policy. It would eventually, he said, destroy four-fifths of the patents in the country. He was followed by Thomas Kayes, Thomas Ewing and Wm. D. Andrews, the latter the owner of the driven-well patent, all in opposition to the bill.

Boston Post, March 18th, 1884.

The rights of inventors and patent owners have been the object of insidious attack in the present Congress, and we fear that more progress has been made against them than is just, because of insufficient examination of the merits of the measures proposed and a failure to clearly understand their drift. One of the worst of these compels the owner of a patent repeatedly declared valid by the United States courts to give bonds for the payment of cost before commencing suit against an infringer; to make the plaintiff in such suits pay all costs if he does not recover damages to an amount seldom reached in such prosecutions, and to make the plaintiff liable, not only for the costs of suit, but for the payment of the defendant's attorney when not granted an award of damages. The peaceful glory of our country rests largely upon our inventions, and we should suppose that those intrusted with the great interests of the people would be very jealous of any proposition that should threaten in any way to abridge or weaken them. But this bill proposes a premium upon piracy and would have a tendency to drive legitimate invention out of the field. Our patent laws may perhaps need modification, but if they are sometimes unjust to the public, this fact furnishes no reason for so violent a change that the inventor would be compelled to spend his time fighting at great odds the sharks that ever stand ready to seize another man's ideas.

Boston Journal, March 18th, 1884.

The Raid Upon Patents.

The Western people have of late suffered somewhat by purchasing patented articles or patent rights of those who had no right to dispose of them. As the result they have been prosecuted by the owners of the rights and made to pay. They are angry with the people who invent and who have their money, experience

and brains invested on patents instead of those who stole the rights of the patentees and sold them the stolen goods. As the result of their feeling their Congressmen have presented several bills which are designed to deprive inventors and the owners of patents of their rights and their property. Already several of these bills have been rushed through the House, and others have been presented in the Senate. The Senate Committee on Patents, consisting of Messrs. Platt of Connecticut, Hoar of Massachusetts, Mitchell of Pennsylvania, Lapham of New York, Coke of Texas, Call of Florida, and Camden of West Virginia, now have these bills under consideration, the first hearing occuring yesterday. There is an army of inventors in New England, men who have done as much to promote the progress and comfort of the people as any class of men in the country. But for them the power of the West would be without that machinery which now makes her industry profitable. There is not an industry which does not owe its progress to the inventive genius, quickened by the rewards and the rights which our patent laws confer. Of the measures designed to deprive the inventors of their rights attention is called to the provisions of two or three. House bill 3929, introduced by Mr. Calkins of Indiana, provides substantially that the inventor or owner of a patent bringing a suit against infringers shall recover no costs and shall pay the defendant's lawyer $50! And yet this measure, so ridiculous in every respect, was passed by the House by a large majority. House bill 3934, introduced by Mr. Vance of North Carolina, declares that any person may use a patented article without liability, until he has received notice that the patent exists, when he may require the patentee to give him the use of the patent on the payment of such royalty as the courts may name. This bill passed the House by a vote of 114 to 6. Mr. Anderson of Kansas has introduced a bill which reduces the existence of a patent from seventeen to five years. But the most remarkable bill is that of that most remarkable legislator, Senator Voorhees of Indiana. It provides that if any person purchases a patented article without notice that it is covered by a patent or without notice that the seller has no right to sell such article, such want of notice shall be good defence in action for an infringement, and subsequent notice "shall not impair in any way the right of such purchaser as absolute owner." That is, one may buy another's stolen ideas and get a good title. All of these bills proceed upon the theory that patents are not property—a theory hostile to our laws and precedents. The United States has surpassed the world in the production of labor-saving machinery, in inventions to make life comfortable and to bring luxuries within the reach of all. No class of people, on the whole, are more worthy of protection than those who devote their time and money to efforts to discover machinery and methods that will tend to lessen the burdens of life and increase the comforts of the human race.

Those who believe that patentees should be secured in the future as in the past in the results of their discovery, and those who are interested in patents, should lose no time in informing their Senators in regard to the species of robbery which the bills now in the hands of the Senate committee involve.

Daily Evening Traveller, Boston, March 18th, 1884.

There is some patent legislation now before Congress of a very mischievous character, and it behooves the holders of patent rights to make their protest against its passage promptly heard. Several bills, of Western authorship, are now pending in the Senate and House, which may well alarm patentees all over New England, which is the great inventive and hence the great patent-holding section of the country. House bill 3,929 virtually provides that no patentee bringing a suit for infringement shall be able to recover costs. This the House has already passed by a large majority. House bill 3,934 requires every patentee to give infringers notice of his patent before holding them liable, and compels him then to allow the continued use of his patent on the payment of the royalty which the court may fix. This bill, too, has passed the House by a heavy majority vote. A bill, fathered by Mr. Anderson, of Kansas, reduces the life of a patent from 17 to 5 years, which to many inventors would mean the absolute confiscation of their property. Senator Voorhees, however, has outdone all his competitors in this business of patent-plundering. He is the father of a bill which provides that any person may buy a patented article and continue to own and use it, in spite of its being an infringement, unless he had notice before he bought it ; that even after such notice his right to own and use the article shall not be impaired. If this is the spirit which is to govern national legislation affecting invertors' rights, it is a poor outlook for American inventive genius. Congress might as well pass one general bill abolishing all patent rights, and declaring that hereafter there is no property in inventions ; that the old robber maxim is the American law touching all discoveries and creations whether in art, science, or mechanics, that

"He shall take who has the power
And he may keep who can."

New England has a vital interest in the defeat of such nefarious legislation, and her Senators and Representatives will be looked to to do their whole duty in defending it.

The Spectator, March 20th, 1884.

There are four or five bills before Congress that are calculated to destroy property rights in all kinds of patents, and, as a natural sequence, to abolish every incentive to the inventive genius of the country. The worst of these bills—the purport of which is to rob inventors of every shadow of right to their inventions, and make their use free to the public without cost—have passed the House of Representatives and are now before the Senate. Manufacturers and inventors have taken the alarm, and petitions are being sent in to the Senate requesting that the bills be recommitted to the Committee on Patents, and all persons interested given a hearing. The subject is one of great importance to all citizens, for no country owes so much to its inventors as this. Life is made easier for every man, woman and child in consequence of the many labor-saving devices that owe their birth to the patent laws that have given protection to the inventors ; the fact that the laws have recognized property rights in ideas put in practical forms of useful-

ness, has developed a wonderful talent for invention among our people, and made them famous the world over. It is claimed that there have been abuses under these laws, and, consequently, that they should be wiped out. So there have been abuses in legislation, but Congressmen would feel aggrieved if an attempt should be made to abolish all legislative bodies. Where there has been one instance of abuse of patent privileges there are hundreds of instances of benefits conferred to offset it. The press generally has espoused the cause of the inventors, and urges the Senate to give them a hearing; we cheerfully concur in this request, believing that inventors and manufacturers of patented articles have rights that should be respected, and that a man has vested rights in ideas quite as absolutely as he has in any other kind of property. Congress has as much right to steal purses as it has ideas, and we protest against robbery of any kind. The interests of underwriters in this subject may be somewhat remote, but we venture to say that as individuals they are sufficiently identified with various patents to appreciate how gross an injustice would be done to a large class of their fellow citizens by the passage of a law that would make all patented articles free for everybody to use without making any compensation whatever to the inventor, owner or manufacturer of them. Such is the purport of the several measures that have passed the House, and everyone who feels a personal interest in the matter should join in a petition to the Senate to delay concurrence till the other side can be heard.

Sewing Machine Journal, New York, March 20, 1884.

Keep your Eyes on Congress.

If the inventors and patent-owners of this country do not bestir themselves, they will soon have abundant cause to regret their very unwise inaction. Sharpers, swindlers, infringers, and all that large class who would rather beg than work, and steal than beg—provided they can steal under cover of some legal technicality which will protect them from punishment—appear to be making common cause in an assault upon the present United States patent laws. And in this assault they seem to have ample assistance from persons in high positions, persons who should be the last to lend their influence in effecting the removal of the legal safeguards which have been thrown about individual property. Can it be that the members of the Senate Committee, who above all men should understand clearly the wide difference between *meum* and *tuum*, and in at least their official capacity should act upon that understanding—can it be that they have examined into the merits or demerits of the demoralizing measures which they have allowed to glide so smoothly and silently through their hands? Can it be that while fully recognizing their own rights to their individual watches and chains, and to the magnificent salaries which the tax-payers of the nation give them for devoting their attention to public affairs—can it be that while fully and clearly understanding the principles which protect their own pockets, they yet believe it just and proper to turn the inventor over to the mercies of a lot of sharks and sharpers, that his pockets may be picked and his ideas used without recompense? Or were the members of this expensive committee asleep while such bills passed unstrangled through their hands to strangle the struggling industries of those constituents whose votes enable them to doze and draw big salaries.

Some twenty bills have already been introduced to tamper with our patent system. Of these twenty bills a few are bad, others are worse, many are scandalous, while at least one or two are simply infamous. And who among all our law-makers, selected as they are for their uprightness and ability, has lifted up his voice in defense of the rights of the inventor? There may have been two or three, or a dozen, but their voices were feeble, for the public have heard them not. The daily press has been silent about them. We fear there is not an inventor among them all, and inventors as a rule are not below par intellectually, though some of t[illegible]m may be so pecuniarily.

Some of the bills now before Congress, notably those of Mr. Anderson and Mr. Voorhees, should they become laws, would prove a death-blow to our most flourishing industries. They would be more disastrous in their effects than an immediate adoption of absolute free trade. They would rob honest men of the fruits of their brain labor in order to benefit a few who are too lazy—mentally, morally and physically—to exert what little ability the Lord in his generosity saw fit to waste on them.

Shame on all who do not stand up manfully in defense of the right of every man to enjoy the honest fruits of his labor, mental or physical! More shame on those who, being intrusted with the duty of protecting those rights, neglect that duty, and are silent when their voices should be heard in vigorous protest! But greatest shame of all on those who willfully betray their trust, and besmirch their reputations by advocating this wholesale robbery of a class of men to whom the nation is indebted for much of its present greatness!

Pittsburgh Commercial Gazette, March 21st, 1884.

Against the Patent Laws.

A special meeting of the Chamber of Commerce was held yesterday morning, and after some discussion the following protest and resolution were adopted:

Protest of the Chamber of Commerce of Pittsburgh against the passage of hostile patent bills by Congress:

The Chamber of Commerce of Pittsburgh earnestly requests our Senators and Representatives to give the various bills before the Committee on Patents a careful consideration, and endeavor to prevent legislation which, in effect, will discourage active minds from engaging in the development of machinery and appliances such as have been and are of so great benefit to all our agricultural and mechanical interests.

We call special attention to House Bills 3,617, 3,925, 3,934 and Senate Bill 1,558 and all others of like import, proposing legislation of a mischievous character, of wrong to inventors and injury to our manufacturing interests.

Resolved, That copies of these proceedings be forwarded to our Senators and Representatives.

The Pittsburgh Commercial Gazette, March 21st, 1884.

Hostility to the Patent Laws.

The present House seems prolific of measures dangerous to the interests of the people, and if the Senate does not hold a steady check upon the vicious tendencies exhibited in the House we may expect a batch of most pernicious laws. The wholesale attack made upon the Homestead and kindred acts has been followed by the introduction of no less than fifteen different bills intended to cure defects in the Patent laws and protect the farmers of the West against impositions practiced upon them by patentees and their agents.

There should be no objection to a judicious amendment of any law which experience has shown to be defective, but the various measures proposed are so radical and sweeping that they overturn the existing order of things, unsettle long-r ognized principles, and deal very harshly with the rights of individuals.

Tal as a whole, the tendency of these bills is to lessen the rights of the inven and faciliate infringements on the part of those who feel disposed to deprive patentees of the profits resulting from their inventive skill. Should the bills pass in the form proposed, hundreds of patents which have cost their owners much labor and many thousands of dollars will become practically useless because they cannot be successfully protected against infringements.

America has become renowned as the home of inventive genius, and it would be impossible to estimate the advantages which have resulted, not only to the United Stated but to the whole civilized world, from what is generally known as our "Yankee ingenuity." Our patent laws are essential to our prosperity and development, and unless it can be clearly shown that they are something more than just and equitable they should not be nullified and thrown into hopeless confusion. There is not much prospect that the House will stop short of the most radical changes, but the Senate should give this matter their most careful and deliberate consideration.

The Mining and Industrial Journal, March 21st, Bangor, Maine.

Adverse Patent Legislation.

Every inventor, every holder of patent rights, every manufacturer, every mechanic in New England, should view with the greatest alarm the patent legislation now pending in Congress. Several bills of the most mischievous character are now before the Senate and House, all of them, it is scarcely necessary to say, of Western or Southern origin. If they secure a passage—and anything in the shape of legislation adverse to the business interests of the country may be expected of the present Congress—the result will be a practical wiping out of all patent rights, and a declaration that hereafter there is no property in inventions

One bill which has already passed the House by a large majority, virtually provides that no patentee bringing a suit for infringement shall be able to recover costs. Another requires every patentee to give infringers notice of his patent before holding them liable, and compels him to allow them the continued use of his patent on the payment of the royalty which the court may fix; this

has also passed the House. Still another bill, fathered by a Kansas member, reduces the life of a patent from seventeen to five years. But the cream of all this patent-plundering is reached in a bill of which Senator Voorhees is the father, which provides that any person may buy a patented article and continue to own and use it, in spite of it being an infringement, unless he had notice before he bought it; and that, even after such notice, his right to own and use the article shall not be impaired!

It is evident that those interested in the defeat of these bills—and that means the people of the entire country, but of New England in particular—may hope for nothing from the House; the bills must be killed, if at all, in the Senate. We have too high an opinion of our Maine Senators to have any fears of their supporting any such measures. Nevertheless, it is a matter of such overwhelming importance that their attention should be at once called to it by their constituents generally throughout the State. Such correspondence could possibly do no harm, and it might be the means of leading them to make increased efforts towards preventing an unparalled outrage upon the business interests of the country.

The Bee, Lynn, ass., March 22d.

There is a great commotion among inventors and those interested in patents, and judging from recent legislation at Washington there seems to be just cause for indignation. The house bill introduced by Mr. Anderson of Kansas would if it became a law reduce ownership of a patent from seventeen years to five. Such a dangerous bill would simply be a death blow to our American inventive genius. Ours is, above all others, a land of inventions, but it is a well-known fact that many of our most valuable patents do not develop to the state of remuneration during the first five years of their existence. How then can it be expected that scientific study would extensively continue to perfect useful articles which the government would protect during the short space of five years. It is most unaccountable why so many injurious patent bills have been engineered through Congress. It is assumed, however, that powerful railroad monopolists are using the lobby in favor of these hurtful patent bills, as all railroads pay large amounts yearly for the benefits inventors have produced. But if one considers the safe guards of life and property derived through the means of inventions why should railroads seek to throttle American industry by manipulating Congress in their own selfish interests.

Scientific American, March 22d, 1884.

Breaking Faith.

AN OPEN LETTER TO THE HON. D. W. VOORHEES, SENATOR IN CONGRESS FROM INDIANA.

HON. SENATOR D. W. VOORHEES:

Dear Sir: In the matter of your bill, No. 1,558, for the purpose of amending the patent laws, I feel myself personally interested, and would like to come to a definite understanding as to my rights in this patent business.

I have had five patents granted to me, and on my part I have paid Government fees and complied with all the conditions of the law, and in consideration of this

the Government has virtually agreed that I shall have the exclusive right to *manufacture, sell,* and *use* the invention patented for seventeen years.

Now, I understand that you propose without my consent to repudiate the contract; and while I supposed that the Government would stand by me and protect my rights in this species of property, you seem to be taking sides with those who by *fraud* or *theft* will appropriate my property to their own use.

A law to this effect has already passed the House of Representatives, and is now before the Senate, and is being vigorously pushed by Senators. I hereby wish to enter my most solemn protest against the infamous fraud.

The law which you now contemplate passing provides in substance that a man may sell my property, although he has no right to it whatever, yet the sale shall be valid, and this thief can convey a good title. The following is the text of your bill, which wears unmistakable marks of fraud on every syllable of it:

"That it shall be a valid defense to any action for an infringement of any patent or any suit or proceedings to enjoin any person from the use of a patented article, that the defendant therein, or his assignor, purchased the patented article for use or consumption, and not for sale or exchange, in good faith, and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such article, and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner."

Now, suppose I should steal your jack knife or your horse, and sell it to a third man; in order to save your title you must hasten and notify the purchaser, before he buys, that it is stolen property; for after he has purchased it he is the "absolute owner," and you will be barred forever after; and this is precisely what your bill proposes to do with inventors and owners of patents.

You say, if the man purchase the patented article for *use*, that will clear him; but that is just what I own—the *use* of the article; or if he purchase "in good faith," that shall make his title valid, but how am I to prove that he did not purchase in good faith? Or if he purchase it in the "usual course of trade," he becomes the "absolute owner;" any notice that I may give him after he has purchased will avail me nothing. In conclusion I would say that I have often heard of wickedness in high places, but I think this is the most flagrant attempt at legalizing theft of anything that has ever transpired in the Congress of the United States.

But hoping that there is wisdom enough in the Senate, or the President, to defeat the measure, I remain,

Respectfully,

D. L. Carver.

Hart, Mich., March 10, 1884.

Inventors should work like Politicians.

To the Editor of the Scientific American:

The strong arguments you have published concerning the matter of the bills before Congress affecting our patent system, should be republished in the form of a supplement, to be carefully distributed among our people. As it is, I am certain that the matter will be overlooked by many persons who would be of service at this time in opposing measures which without opposition will soon assume gigantic proportions, to the detriment of inventors and the general public. I, for one, will make good use of a large number of such supplements, and many people interested in the subject will undoubtedly do the same thing, so that the burden will not rest too heavily on a few persons.

Let Congressmen disguise themselves as patent purchasers and approach the records of the Patent Office, where the ownership of a patent exists, and they will come away satisfied that a purchaser is swindled only through his own carelessness, just as might be the case in a purchase of real estate without a search of title.

Let inventors for once come down to the level of politicians and "go to work," as they call it, and their rights will not long be tampered with by Congress.

R. M. FRYER.

New York, March 10, 1884.

[The world moves too fast, and there are too many new things each week engaging the attention, to justify the republishing of what has before appeared in our columns touching the proposed destruction of our patent system. But we can supply the back numbers containing these articles to those wishing them.—ED.]

Scientific American, March 22, 1884.

The Plot Against Patents.

For several weeks past we have been calling the attention of our readers to the remarkable series of bills introduced in Congress for the purpose of breaking down the patent laws, and also to the extraordinary attitude exhibited in the House of Representatives in respect to patents, by the passage of two of these bills by immense majorities. Such of the newspapers as share in the Congressional feeling of hostility to the holders of patents are found to be owned or controlled by railway officials.

The general, all-pervading impression among the people is, that nothing has so greatly contributed to the prosperity of the nation, as our excellent system of patent laws. How it is that Congress, at this late day has been brought around into its present hostile attitude appears to most persons unaccountable. It has been accomplished, in all probability, by a very cunning and adroit system of operations pursued by the combined railroad companies. The aggregate amount which they are annually obliged to pay to the inventors and patentees of new inventions rises to hundreds of thousands of dollars every year; and naturally they reason that, if by hook or crook they could nullify the patent laws, their

profits would be increased and great annoyances overcome. For a number of years they have made efforts in this direction, but so far without much success. For a long time they have had their combined patent bureau in operation, under which they make a common defense against paying patent royalty for any patent, when there is a chance to escape. They now have a head center at Washington, through which, this year, they are making a desperate effort to carry laws in their favor, and pull up all patents by the roots. They have stuffed the grangers, making them to think that inventors, who are really their best friends, are their enemies; that the charge of ten dollars for using a patent drive well, which saves them two hundred dollars, or the cost of an open well, is a hardship; that payment for patents is nothing but robbery, and in this free country can no longer be tolerated.

With falsities like this the railroad agents have induced farmers to ask Congressmen to vote down the patent laws. They have drafted various forms of adverse patent bills, and caused them to be sent from different parts of the country, to different members of Congress, purporting that these bills represent the feelings of large numbers of their constituents, and asking that the same be introduced and passed. This system of deception has been so extensively worked up and manipulated by the railroad head center, that at last it has had its effect in the House of Representatives; and in that body there is to-day actually a large majority of members who are willing to encourage the false idea that new inventions and new industries are a bane to the people instead of a blessing; and these members are now ready to execute the wishes of their railway masters by passing laws that will give relief from paying further tributes to inventors.

The worst is that these hostile laws, while they undoubtedly increase the dividends of the railway people for the time being, will also deal a terrible blow to industries in all parts of the country. Every establishment in the land that manufactures under a patent, all workmen employed in such concerns, two hundred thousand patentees and their families, all must now have their property struck down or damaged to gratify the railway kings.

They wave their wands, and their newspapers cry out against patents; they manipulate Congress through false bills and deceptive representations, and that august body is unable to hold its own against them.

If Mr. Anderson's patent bill passes, all new patents become free for use by railways and the public at the end of five years.

If Mr. Voorhees' bill passes, the free use of all existing patents is at once taken from the patentee and given to the railways.

It seems to us that the passage of these bills, or of any of the other bills which impair the rights of inventors to hold their patents, or prevent them from recovering damages against infringers, would be disastrous to the country and destructive to the interests of a large portion of the people.

There is at present writing a strong probability of their passage. But if effort is promptly made, they can be defeated. Let every patentee, every inventor, every manufacturer, every workman, every farmer, every individual, who believes in the maintenance of home industries and the encouragement of the useful arts, write letters personally, at once, to the Senators and Members of Congress, urging them not to sacrifice their interests and property in this wanton and unjustifiable manner.

Read the letter of Mr. D. L. Carver, in another column.

The Fireman's Journal, March 22d, 1884.

How Congress Proposes to Defraud Patentees.

There are some twenty bills before Congress proposing to amend the patent laws, and each one is calculated in some way to destroy the rights of inventors, patentees, owners of patents, manufacturers of patented articles, and dealers in the same. So many persons identified with the fire service are inventors or interested in patents, we give much space in this issue to the publication of some of these bills, and to comments upon them made by various journals. Some of the worst of these bills have passed the House of Representatives and are now before the Senate; there is danger that they will pass that body also unless persons interested bring all their influence to bear upon members of that body to p[illegible] Petitions are being circulated for signature, which are to be forwa[illegible]nators as speedily as possible. Every person having even the remotest inte[illegible]n the subject should sign this petition. It simply asks the Senate to refer all these bills back to the Committee on Patents, and give those interested an opportunity to be heard. How vicious and utterly destructive of property rights in patents these bills are, will be seen by a perusal of those we print in other columns.

The development of the immense resources of this country is largely due to the skill of our inventors, that has enabled them to substitute labor-saving machinery for the crude processes of development previously used. In every branch of industry, from agriculture to gold mining, the processes of production have been simplified and rendered more prolific by the skill, industry and intelligence of our inventors. Their incentive to such labor has been in the protection afforded them by the patent laws, which gave them vested rights in their inventions for a term of years. But now Congress proposes to kill the goose that has laid the golden egg, and, by robbing patent owners of all property rights in their patents, destroy all incentive to the further exercise of the inventive faculties of our people.

A patent is virtually a contract between the Government, representing the whole people, and an individual who has something, of his own invention, creation or discovery, that would be of practical value to the people were it known to them. In consideration of his making known, for common benefit, the results of his study, genius or skill, he is guaranteed a reward in the form of an exclusive right for a term of years, to whatever profits may accrue from the common use of that which before was his alone, he being given the right to control that use so as to reap pecuniary benefit from it. After the expiration of that term, the patent—except in a small percentage of cases in which there is reissue—becomes free to all, the presumption being that his reward is by that time sufficient. The first principle of value in a patent, as in any other form of property, is stability in possession—protection by law against theft. But the patent, though more liable to be stolen than almost any other property, is actually least of all protected, and were the bills now before Congress to become laws, would be practically deprived of almost all protection.

It is a notorious fact that inventors and patent owners, as a rule, make nothing on the first five years of the lifetime of a patent. During that time they are mainly occupied in fighting patent thieves in the United States courts—a very expensive business—and in introducing their inventions to popular knowledge. But

one of the bills now pending in the House proposes to reduce the lifetime of a patent from seventeen years to five. And even for that time the value is to be destroyed by the ingenious devices to protect infringers which other bills comprise. The preposterous conceptions of making the owner of a patent pay all the costs of prosecuting an infringer, even though he may win his suit; of expecting him to prove guilty knowledge on the part of the user of an infringement when he purchased the thing; and finally of permitting an infringer to continue his use and enjoyment of the infringement even after he is duly informed that he has no legal right to do so, and to use it even in manufacturing processes: the license fee to be fixed, not by the patent owner, but by a jury—all these are in the proposed bills. The owner of a patent that has been over and over again declared valid in courts of competent jurisdiction, it is proposed, shall give bonds before he can begin suit to bring an infringer to justice, just the same as would one whose patent had never been put to test. All these things are calculated to amaze any just and intelligent person who will stop to think of the moral right of the patent owner to his property, and of the impolicy of depriving the community of the great benefits that accrue to the country from the inventor's genius, of which we shall certainly be deprived if our patent system is to be thus destroyed.

As a single illustration of the incalculable benefits conferred upon the public by patented inventions, we can point with pride to what has been done for the development of the fire service. Compare the fire departments of to-day with thos of fifty years ago! What possible chance would the insignificant little hand squirts of that date have in fighting a fire in some of the immense buildings that now ornament our cities? The efficiency of the present fire extinguishing apparatus is due to patented inventions. We never would have had steam fire engines but for the patent laws that protect inventors in their right to make a profit out of their ideas; the superior brands of hose of to-day are patented; the electric system of sending alarms of fire are patented; relief valves, Siamese couplings, distributing nozzles, hook and ladder trucks, extension ladders, the water tower, and, in short, every valuable device that is now used and tends to increase the efficiency of the fire service, owes its origin to the incentive held out to inventors by our patent laws, that they should have such protection accorded them as would give them property rights in their ideas and enable them to get pay for the labor expended in their development. Repeal these laws and all hope for further progress in the development of the fire service is ended. But the service rendered by inventors has been far greater in other industries, and there is nothing to which they have not turned their attention. Life has been made easier by their labors, and they have fairly earned just compensation.

The hostility to the patent laws comes mainly from the agricultural class, and it is not denied but some glaring frauds have been perpetrated upon credulous farmers by swindlers who have pretended to sell them patent rights. The patent lightning rod man has done a good stroke of business with them; so has the man with the patent dog power; and the other fellows with the patent churn and the patent beehive. But they have generally been the victims of their own credulity or their inordinate ambition to get the best of somebody else. They are the same class of persons as those who patronize the sawdust swindlers, the counterfeit money dealers, the gold brick sellers and the bunco steerers of the cities. It would be just as reasonable for Congress to attempt to punish all the citizens of New York because a few thieves find refuge here, as to punish the useful and

indispensable army of patent owners because some ingenious scoundrel has been peddling bogus patent rights in the rural districts. It is commonly believed that the natural tendency of legislation in all civilized countries is toward a reversal of the good old plan, "that he shall take who has the power, and he shall keep who can." And so it is; but unfortunately the tendency is not universal. Under the specious plea of correcting alleged wrongs, it is still possible for legislators presumably civilized, to propose (if not to secure) the enactment of laws which do not help to make it easier for men to retain and enjoy what is rightfully theirs. Nevertheless, one cannot but feel a degree of surprise at the sight of legislators calmly considering acts which would put a premium upon robbery, by making it impossible for the owner of any species of property to reclaim it after it had been taken from him by force or fraud; and that is precisely what is aimed at in some of the bills now before the Senate.

We give this matter prominence this week because of its importance, and because of the necessity for bringing influence to bear immediately upon the Senate to defeat this hostile legislation. We have already sent a petition numerously signed to the Senate; we have another in our office to receive the signatures of those who have not already entered their protest against this vicious legislation. We invite signatures from all who feel an interest in the subject.

The Fireman's Journal, March 22, 1884.

How Congress Proposes to Rob Inventors and Patentees.

Much anxiety is felt by inventors and owners of patents concerning what is believed to be a settled determination on the part of a considerable number of members of the present Congress to enact laws that will virtually destroy the value of property in patents by taking away from them the legal protection they now have, and actually encouraging infringement and open robbery. The excuse offered for the proposed action is the admitted desirability of instituting such reform as will put a stop to vexatious and almost blackmailing suits brought against innocent purchasers of infringements upon patented articles, the protection of which by patent has not been matter of public knowledge until the infringements have had time to pass into common use. Under the guise of protecting such innocent purchasers two bills have already passed the House (Nos. 3925 and 3934), which, if they become laws, will have the effect of making legal prosecution of infringements so costly, vexatious and ineffective that owners of patents will be almost helpless. Even worse bills are, however, those now pending in the Senate. A gentleman largely interested in patent rights, speaking as a representative of the feeling of many thousands of inventors, patentees and licensed users of patent inventions, said yesterday, in explanation of the bills pending:

"The provisions of the House bills are such that a patentee must give bonds to pay all costs of an infringement suit before beginning it, and must pay them, although he gains the suit, if he is awarded less than $20 damages. He must also pay, in addition to the costs, a fee of $50 to the defendant's attorney in case the defendant by any means gains the suit. The user of an infringement is held not to be liable to prosecution, but simply the manufacturer or vender. Even if the

patentee wins his suit against the user of an infringement made by himself or his employé for his own benefit, and not to use in manufacture of articles for sale, the measure of recovery must be simply a license fee, to be fixed by the jury, and not by the patentee, whose property is thus valued for him and disposed of without his consent.

"It is readily apparent that such restrictions would leave the patentee without remedy at law. Think of the bonds he would have to give to fight infringers all over the Union! Remember, too, that suits against users—'innocent purchasers in good faith'—are, as a rule, merely to fix the legal right to a patent, and if possible through them to get at the manufacturers and venders of the infringements. The damages from them are them start again, but make the thing sure that no man has rights that another one is bound to respect."

The St. Louis Miller, speaking of the bill of Mr. Ray (H. R. 1081) of New York, before the House, says:

"There is a vast deal of twaddle in many of the arguments of those who try to break down Government grants of rights and franchises on the ground that monopoly should be discouraged. The people at large are quite indifferent as to the cost of a public benefit, until after it is secured. Then they too often seek to prevent the originators of the benefits from reaping any permanent or extended profits therefrom. The public is totally conscienceless on this point, and is ready to evade the terms of a distinct contract whenever it can be done in a slightly roundabout way. The repeated and continuous attacks upon the effectiveness of our patent law which has been made in Congress after Congress are abundantly illustrative of the spirit to which we allude. * * * Under this proposed law some piratical adventurers with a little money could readily inform themselves regarding a few meritorious articles just patented by poor and obscure inventors, could quickly manufacture immense stocks of the goods, and could then throw them on the market so suddenly and extensively that stopping the traffic by the service of notice would be simply impossible. Moreover, honorable manufacturers who might be willing to allow inventors a reasonable royalty would be afraid to make a bargain for the legitimate production of the patented novelties. They would fear to do so lest others less honorable might be even then secretly making the same goods, and might soon flood the country with them. The New Yorker's bill is an unjust one, and should be forever tabled."

St. Louis Miller, March 22, 1884.

Granger Influence Pushing Pernicious Patent Bills.

The "average" Congressman is in the majority in the body now killing time and wasting the people's treasure at the national capital. The capacity for blundering is displayed in full in the two bills hostile to inventors and now pending. The bills are simply bids by their authors for "granger" votes, and in their provisions are equally pernicious and reprehensible, robbing the inventor of the fruit of his brain and paralyzing the inventive genius of the land. The bills should be joined and entitled: "A bill to discourage invention and research, and rob genius of its just reward.

Pittsburgh Chronicle-Telegraph, March 22, 1884.

Paralyzing Inventive Talent.

Inventors, as a class, are given to thoughts rather than words, to rumination rather than argument. It is a well-known attribute to the inventor that he is usually the man worst fitted by nature to properly set forth the merits of his own creation. For this reason the half-million inventors of this country have been slow to take up cudgels in their own defense. But the danger which threatens them through pending bills has at last aroused this vast body of thoughtful, earnest men, and the Cincinnati gathering promises to be an at once remarkable and unique assemblage of persons bound together in a common cause—a cause which has for its object the defeat of the passage of four bills, which, should they become laws, will paralyze the inventive talent in every corner of this country. House bill 3,925 was introduced by Mr. Calkins. It virtually offers a premium for infringements, wiping out the costs of such actions and requiring the inventor to pay the infringer's counsel fee. Mr. Calkins, from Indiana, a State whose every arable acre is turned by plows perfected by protected ingenuity, and whose harvests are safely garnered by the ingenious implements created by inventors, takes a seat in a sleeping-car, rendered luxurious by the inventor, rides smoothly Eastward in a train that owes its safety and swiftness to the inventor, puts up at a Washington hotel fitted with every modern appliance—all due to inventive skill—and finally reads from a paper made by ingenious machinery, a bill which takes away the rights of the very men whose brains have enabled this land full of wonderful mechanism to more than hold its own in markets formerly controlled by the cheap labor but clumsier mechanical ability of foreign nations. The same can be said of Mr. Voorhees and his bill (S. No. 1,558), which enables any one to profit by the inventor's skill; of Mr. Vance of North Carolina, and his bill, and of others. The eyes of five hundred thousand inventors will rest on the thousand who will meet in Cincinnati in a few days, and the hopes of the army of quick-witted men will center in the Queen City. And an inventor's plank in future political platforms must soon become an important bit of political timber

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Extracts from the Letter of the Hon. Benjamin Butterworth, Commissioner of Patents, to the Cincinnati Convention of Inventors.

UNITED STATES PATENT OFFICE, WASHINGTON, March 23, 1884.

I feel a deep interest in the proceedings of the meeting. I realize the possibilities for good which wait upon its action. Careful investigation has made me more fully to realize how greatly this country is indebted to the inventors, and their practical co-workers the manufacturers, for its unexampled prosperity. A study of the facts warrants me in saying that no equal number of men have contributed more, if so much, as the inventors in building up our great industries, and yet no equal number of men have exerted less influence in the political field, where the needs of various interests are discussed, and the legislation in that behalf suggested and molded.

. . . I want to notice for a moment the objection urged against the patent system by some of those who are most interested in sustaining it. I refer to the agriculturists.

I submit that no man need use an article of modern improvement, unless he finds it to his interest to do so. We may still plow with a wooden moldboard. We may still drop corn with the fingers, and cover it with the hoe. We may still sow wheat "broadcast," and eschew the drill. And we may cut grain, wheat and oats with the sickle, or, if our opposition to improvements is not radical, we may use the cradle. We may leave the reaper and mower, the raker and binder, severely alone if we chose. We may then resolutely thrash the grain with the flail or tramp it out with horses. We are under no obligation whatever to thrasher, and not the slightest to use a cleaner and separator.

We may still haul our crops to market in jolt-wagons. There rests upon us no legal obligation to utilize the railroad. None of us are compelled to use the telegraph. We may in case of sickness send fifty miles by messenger on a horse for a doctor, and bring him back in the same manner; and if the patient dies before he arrives, the relatives and friends need not be summoned by telegraph, nor come by railroad; they can be advised by the postman, and come in the old way, if at all. And in the meantime the corpse can be kept on ice, provided the ice is not manufactured by one of those patent ice machines. It is the right of the citizen to drown, if he prefers it, to being saved through the instrumentality of one of those patent life-saving contrivances which are in common use along the coast. It is my lawful right, if I own a coal mine, to draw the coal up with the old-fashioned windlass, instead of using steam-power and modern appliances. I have an equal right to toil up seven stories in a hotel, instead of riding up on one of those patent elevators. I can pay a dollar a rod to fence my farm with posts and boards, instead of using barbed wire at half the cost.

What I want to show is, that the blood-bought privileges of sticking to the old way remain to us in spite of the patent law.

Had we better do this? Better stick to the old way, or encourage the genius of invention, and improve our methods, lighten our labors, increase our comforts, embellish our homes, and add thus to the sum of our happiness?

But those patents levy on the people. Yes, they levy a dime, and in return give a dollar, and often ten. I can mention half a dozen inventions which alone have saved more to the people of the United States than our whole population have paid in the shape of tax and royalty to inventors since the foundation of our government, and more than they will pay in the next century. I may name the cotton-gin, the spinning-jenny, the power loom, the locomotive, the telegraph, the reaper and mower. Then let me add the power printing press. All except one, with their aids and auxiliaries, produced and perfected in less than a generation—less than fifty years. By the old method there are not adult laborers enough *in all the Southern States* to prepare the present cotton crop for the loom. By the old methods it would take *all the adult laborers of the North* to plant, tend and gather the crops. *Not a shop or factory* could be spared a man or woman.

These assertions are not guesses nor wild assumptions, but the result of careful investigation.

I am astonished at the continual complaint made, that the agriculturist is oppressively taxed and burdened by our patent system; and this in the face of the fact that but for the hives of industry, the busy marts of our great cities, which have their origin and growth in the production of the machines, implements, tools and appliances which are the fruits of the inventor's study, research, experiment and labors, the business of farming would not be worth following—there would be no market.

The Springfield Daily Republican, March 24th, 1884.

The manufacturers and inventors of New England have become suddenly exercised over the several patent bills before Congress which completely reverse some of the principles of law as applied to patent litigation. A public meeting will be held at Jackson hall in Lowell this evening for the purpose of protesting against the bills in their present shape. In other cities similar meetings are projected. There is no reason why Congress should not make a thorough investigation into the working of our patent system, but it is very unwise to attempt to reform the acknowledged evils by excepting patent cases from the ordinary rules of law practice. If the proposed bills become law, ignorance will be a good defense in suits for infringement, and an inventor, even if he does establish a clear case of infringement, must get damages to the amount of $20 or more to entitle him to costs in the case. This alone will kill half of the patents now in force; for an inventor does not care to pay $40 or $50 for the luxury of collecting $10 or $15. The number of patents under which specially large royalties are collectable is comparatively limited, and thus the proposed legislation is simply laying the ax at the root of the system and not pruning or improving it.

The Cincinnati Times-Star, March 25th, 1884.

Two Thousand Strong,

THE INVENTORS ASSEMBLE IN MUSIC HALL TO-DAY.

GREAT UNANIMITY OF OPINION.

LOTS OF BRAIN AND INGENUITY REPRESENTED.

"The Convention will please come to order!" shouted a powerful voice at 3 o'clock this afternoon in the great Music Hall. J. S. Zerbe, editor of the "American Inventor," and Chairman of the Executive Committee, was the speaker, and he made himself distinctly heard by the 2,000 delegates who were present.

This Convention is known as the "First National Inventors' Convention, 1884," the results of which will be observed with more than ordinary anxiety by the inventors and patentees all over the country. The TIMES-STAR yesterday had an elaborate account of the object and purpose of this meeting, which showed that this gathering of inventors is for self-protection against the laws lately enacted by Congress, which are infringing upon their former rights.

The indignation of these men with ingenious brains is simply amazing. Never, in the history of America, was there such a body, composed of all classes of citizens, irrespective of religion, nationality, politics, or locality, that exhibited as much unanimity and so much of disapprobation against bills now pending in Congress, as this Convention. The delegates individually and en masse feel themselves hampered, and State sessions in quite a number of places were held prior to this general Convention.

The work accomplished this afternoon was comparatively little. Committees on Permanent Organization and Order of Business were appointed, who met immediately after the adjournment of the Convention, at Burnet House. To-night Mr. Zerbe will read an elaborate paper, and the committees will report the plan of business during the Convention.

A number of letters of excuse, regretting the necessary absence of some inventors, were received to-day by Chairman J. S. Zerbe. Among them is Elisha Gray, inventor of the harmonic telegraph.

The harmonic telegraph is the child of the duplex telegraph. It is found that messages can be sent over the same wire if placed in a different musical tone.

Elisha Gray, Esq., was one of the pioneers in utilizing the discovery of Professor David E. Hughes. At the time Gray was experimenting, in '74 and '75, he discovered a means for transmitting musical tones, and this led him to devise an instrument somewhat similar to the Bell telephone, the application for patent being made on the same day that Alexander Graham Bell made his application for a patent for the present telephone.

Bell, however, made his application before noon, while Gray in the afternoon: Here is the letter:

CHICAGO, ILL., March 24, 1884.

Mr. J. S. Zerbe:

DEAR SIR—It would give me great pleasure to attend the Convention of inventors at Cincinnati, but my engagements are such as to preclude even a possibility of so doing.

Congress seems to have gone mad on the subject of patents, and if they go on as they have begun every inventor had better seek some other source for a livelihood. In no way could Congress more thoroughly check the prosperity of our country than to pass some of the pending bills to destroy the rights of the inventor. What should be done is this: pass stringent laws for the punishment of any one who steals the invention of another. Make it a crime as in the case of any other property. This would go far to check the fraudulent patent schemes of which some of our people complain. Regulate the abuses of the patent system, but don't destroy a law that has contributed more to put this nation in the front rank than any other one thing.

There is a political side to the question that will come to the front in case some of these bills are passed and become a law; and woe to the party that is responsible for the passage of these iniquitous bills. Besides the grand army of inventors there are the manufacturers, all more or less interested in patent property, and the investors in stocks and enterprises depending upon patents; when we count all these their name is legion. It is only necessary to get the facts fully brought out to put a stop to this wholesale destruction of the inventors' hard earned property.

Yours truly,

ELISHA GRAY.

The Boston Daily Globe, Mar. 25th, 1884.

Lowell Inventors Remonstrate.

[Special Dispatch to the *Boston Globe.*]

LOWELL, March 24.—A meeting of inventors and manufacturers was held to-night, with T. P. Byron presiding and O. C. Semple acting as Secretary. B. F. Shaw, for the Committee appointed at the preliminary meeting, reported resolutions remonstrating against the legislation now pending in Congress affecting the patent laws. They were unanimously adopted, and provision was made

for forwarding them to every member of Congress. Bills attributed to Representatives Calkins of Indiana, Anderson of Kansas and Vance of North Carolina, and to Senator Voorhees of Indiana, were particularly enumerated as objection able. That of Senator Voorhees was declared to be unconstitutional. It was subsequently voted to form a permanent organization for the future protection of similar interests.

The National Republican (Washington), Mar. 25th, 1864.

The Patent Laws.

To the Editor:

It is well to revise the patent laws, to improve some details, to lessen the costs, and to avoid evils that have crept in.

Congress recognizes this by a score of bills pending, two of which have passed the house and wait action in the senate.

Most of these are directed to curing certain abuses.

The two bills which have passed the house look to protecting "innocent users" from persecution by parties who travel the country charging pay upon farmers and others for using a variety of things which have come into common use as infringing some patent or other. These bills, I believe, are honestly intended and supposed to be wise.

In house bill 3925, the only purpose of the first section is to cut off the costs of suit, where the recovery is not $20, in a suit on a patent against one who has bought anything for his own use only.

To avail ourselves of this, small as it is, we must confess judgment for $19, or less; and then plead or prove ten separate things, while the prosecutor has to prove nothing at all. Even then we fail if we fail to prove either of these ten things, after confessing to the infringement.

The purposes of the second section are two—one apparent and good and one hidden and evil—which I suppose congressmen did not see when it was pushed. The first is to compel a prosecutor to give bond and surety for all costs of the suit, in case he fails therein, so as to cut off suits brought to force compromises on unjust claims. This is a good purpose.

The second and hidden purpose is to enable railways and rich corporations to use valuable patents with impunity. When the inventor is not rich and strong enough to get security on his bond to "pay all the costs" their money and influence can roll up against him in a long suit to determine his rights, which is certainly an iniquity not intended.

In house bill 3934, the purpose of the first section is to compel an infringer to stop use of an article when he has only bought it, when notified that it is an infringement, and to plead and then prove, when sued, seven different things to escape payment for his prevous use.

It is a question whether the courts would recognize such escape as just to the property rights of an inventor, secured by a patent giving the exclusive right to the three separate things of making, selling, and using his invention.

The second section goes much further, if the user did not buy the thing but had it made. In such case it does not compel him to stop its use, as if he had bought it, but enables him to go on defiantly and compel the inventor to go

through a long lawsuit at great cost and then only get a pitiable license fee, too small to pay his costs. The inventor can be compelled under this section to go through this long course of lawsuits on each license fee he wishes to get, for under it no one would buy a thing made under the patent if he could get it made himself, and the poor inventor would be without practical redress. Was this section set up on the committee by the lawyers of the railway association? It will enable the railways to make, for their own use, all the valuable inventions which relate to railways, and so steal more millions of property. A special provision at the end cuts off from this job the Millers' association and the Boot and Shoe and Leather Association, which are understood to be trying to set up like jobs, as well as all other concerns which make things to sell, which the railways do not do, of course, and so escape.

If both sections of each bill were limited to small cases, such as usually affect farmers—say to suits of less than $100—it would cut off these big jobs. But it is a question how the courts would see them. Whether congress can take away the property invested in inventions where the property itself consists in the protection given by the courts to intangible franchises; and where such protection is implied to be guaranteed by the grant of the patent; and so long as the public get the good intended by the contract for which the patent is the reward offered.

There is a way to get the good objects of these bills and of several others pending, without such constitutional questions. By coupling the use with the making and with the selling of an article, and by making the user the agent of the maker and of the seller, where the article was bought without the question of infringement being known to the buyer, and by enabling the user to have joined with himself as a principal in a suit the maker or the seller, against whom the judgment shall lie, if he is responsible. This would give the user protection from loss, as desired. It would give the inventor protection by enabling him to catch the real criminal through any uses he can find. And it would protect an innocent maker or seller from wrongful injury to his trade by threats to his customers from parties having unjust claims by enabling him to defend in his own right the use of articles made or sold by him. This, it seems, would wisely and carefully recognize and protect all honest interests, and be one of the needed improvements in the patent laws.

S. J. WALLACE.

National Republican, Washington, March 26th, 1884.

The Inventors' Convention.

CINCINNATI, OHIO, March 25.—The first national inventors' convention was opened in Music Hall here this afternoon. Two thousand delegates, representing nearly every state in the union, were present. The afternoon session was devoted to organization. A number of persons sent letters of excuse, among them Elisha Gray, of harmonic telegraph fame. A conversation with several delegates shows a feeling against bills pending in Congress concerning inventions and patents, and discussion of this subject will take a prominent place in the proceedings of the convention.

At the night session a permanent organization was effected as follows: President, James S. Zerbe, of Cincinnati, and one Vice-President from each state and the District of Columbia. Secretaries, Charles M. Travis, of Indiana, and J. Burleigh, of Massachusetts; sergeant-at-arms, John J. Geghan, of Cincinnati. The president, on being escorted to the chair, congratulated the forty-fifth Congress on its enactment of patent laws. He feared, however, that the present Congress would not follow in its footsteps in this direction. Adjourned until to-morrow.

The Cincinnati Times-Star, March 26th.

THE inventors denounce in vigorous terms and with strong emphasis the pending bills that menace the interests of patentees.

Among the quick-witted and ingenious gentlemen who compose the Inventors' Convention there ought to be one who can devise a method of holding the Ohio down in its bed.

New York Tribune, March 26, 1884.

Western Prejudices Against Patents.

General M. D. Leggett, of Cleveland, Patent Attorney.—Under pressure from the clamor of their constituents, the House of Representatives frequently passes bills that are rejected by the calmer and cooler and more mature judgment of the Senate. The Grangers out West have been raising a great cry against patents in general, because of their experience with a few bits of sharp practice. Green's driven well has driven whole sections of farmers wild with rage by forcing a collection of $10 or more from each one of them. They have been moving on their members of Congress, and two bills have passed the House materially affecting patent interests. One compels patentees to look always to the manufacturer instead of the user, in protecting himself from the illegitimate use of his patent. The other gives manufacturers the option of manufacturing any patent, with or without permission of the patentee, on payment of a license to be determined by the courts, if there can be no other agreement reached. In other words, if I want to ride your horse, I jump on, whether you will or no, and we settle the fee afterward. Now, as a fact, no class of people on this continent have been more indebted to the patent system than the Grangers. Under our patent laws the advancement in the character of agricultural implements has been simply wonderful. The farmer, with his improved machinery, can do as much work in a day with one hand as he used to do thirty years ago with five hands. I think when their cooler judgment asserts itself, even the now excited Grangers will desire the defeat of the laws I have mentioned.

The Commercial Gazette, Cincinnati, March 27th, 1884.

Inventors' Convention.

DEMAND FOR A PATENT DEPARTMENT,

WITH A HEAD DULY RECOGNIZED AS A MEMBER OF THE CABINET.

The second day's session of the National Convention of Inventors was opened yesterday morning at Dexter Hall, at half-past ten o'clock, by President Zerbe, Charles W. Travis, of Indiana, performing the duties of Secretary. A motion was offered to the effect that no one be allowed to speak more than once on the same subject and no longer than five minutes, unless by the consent of the convention he be allowed to speak the second time, was adopted.

The following dispatch was read, dated Grand Rapids, Mich.:

"To the Convention of Inventors:

"Extending the hand of fraternity, I send you greeting, as the inspired apostles of civilization and living pillars of progress. M. J. PALMER.

"President National Inventors' and Patent Dealers' Association."

The Committee on Resolutions made the following report, through the Chairman, Mr. L. Deane, District of Columbia:

"Whereas, The incentive and rewards given inventors by the Constitution of the United States and the laws of Congress passed thereunder have done more, perhaps, than any one cause to advance our whole country to the front rank in wealth, resources and industries, among all nations of the world; and

"Whereas, Any material change in those laws would, in the opinion of this association, seriously retard our material progress as a people; therefore

"Resolved, that our Senators and Representatives in the U. S. Congress are respectfully requested to oppose the passage of any bill which would have the effect to discourage inventions by impairing the value of patented property or imposing any conditions on the owners of such property in prosecuting and maintaining their rights to the full value of their said property, which are not equally applicable under the laws of Congress to the rights of all property and the remedies provided to protect the same for all citizens of our entire country.

"Resolved, That the inventors, patent-owners, brain-workers, hand-workers and citizens of the United States, in convention assembled, whose patent interests antagonize no other, but benefit all classes of the community alike, demand the continued protection of our present patent system unimpaired by Congress.

"Resolved, That since the money derived from the fees paid by the inventors of the Government is ample to pay all the cost and charges, it is the imperative duty of Congress to provide sufficient force in the Patent Office to do the work well, and to keep it up to date, and in all details and particulars to thoroughly equip the Patent Office for its work, by providing sufficient accommodations for its force, an ample library of books and publications pertaining to patent and scientific matters, and full and complete digests of inventions in all the classes, and rooms and means to enable the inventor and patentee to search into the novelty of any device, or the state of the art in any given direction.

"Resolved, That the dignity and importance of the business of the Patent Office demand that it should be severed from the Interior Department and made

a department by itself, with a head duly recognized as a member of the Cabinet.

"Resolved, That since the matters adjudicated in the Patent Office are in a very large degree legal in their scope and bearing, it is the evident necessity of the case that there should be a distinctly legal bureau or division of this office, clothed with the authority to hear and decide said matters and enforce its decisions.

"Resolved, That though there have been nearly three hundred thousand patents granted, there have been scarcely a score of patents which the public has objected to, and no patent based on a wrong, which the courts have not finally held invalid."

Resolutions second, seventh and eighth were relegated to the committee, and it was determined that the resolutions, as passed, be signed by all members of the convention, and be memorialized to Congress, a printed copy to be sent to each member of the latter, as well as to each member of the association.

The following dispatch, dated Winterport, Me., was read:

"The United States owes much of her unparalleled progress to inventive brains and energy and pluck of her manufacturers. Both should be protected.

"FRED ATWOOD."

The following letter of Senator Jos. R. Hawley, dated Washington, D. C., March 19, and addressed to William H. Page, Esq., of Norwich, Conn., was read and elicited a great deal of enthusiasm :

"DEAR SIR:—Those patent bills pending before the Senate are not to become law by my vote, or, if I can prevent it in any honorable way. My hope now is that the Senate bill, with the House bill, may be sent back to the Senate Committee on Patents, there to hear arguments which persons interested in patents are desirous of making. I have been wondering for two years that the patent industries of the United States were not more awake to the dangers which threaten this whole system. They are now bestirring themselves. I hope it is not too late.

Yours truly, JOS. R. HAWLEY.

Senator Hawley's letter was enthusiastically received, ordered spread upon the minutes as expressing the sense of the meeting, and the President instructed to send a vote of thanks to him.

President Zerbe announced the following Committee on Plan of Permanent National Organization: Jacob Reese, of Pennsylvania; L. E. Huber, of Kentucky; C. B. Hitchcock, of Indiana; M. Garland, of Michigan; J. T. Dangine, of Illinois; E. V. Caldwell, of Alabama; J. J. Gegban, of Ohio; C. F. Hyde, of Kansas; Dr. N. V. Horton, of Missouri; Leonard Henkle, of New York.

A letter was read from Mr. T. Shaw, of Philadelphia, in which he refers to his great interest in the object of the convention, and expresses the hope that a great deal of good will result from it.

President Zerbe reported that he had received about five thousand letters and communications, several reports of conventions, all of them in reference to the importance of the present gathering of inventors. He was instructed to publish such of these as he might according to his discretion select.

AFTERNOON SESSION.

The afternoon session was opened by President Zerbe, the Secretaries, Chas. M. Travis, of Indiana, and G. Burleigh, of Massachusetts, filling their positions. Mr. Deane, of Washington, D. C., read the following additional report of the Committee on Resolutions:

"Resolved, That since under our law the Patent Office must be self-sustaining, and since there are very large requirements to cover the expenses of properly equipping the Patent Office for the full discharge of its duties, it does not, at present, seem to be expedient to reduce the Government fees on patents.

"Resolved, That protection under the patent system is of more vital importance to us as a Nation than the protection of any other industry connected with our Government."

Both these resolutions were adopted.

Mr. Fehrenbatch read several dispatches, communications and letters of regret, all of them referring to the interests and importance of the convention.

CINCINNATI, O., March 26, 1884.

Hon. George F. Edmunds, President pro tem. U. S. Senate:

The American Inventors in convention assembled, desire, through you, to respectfully enter their solemn protest before the Senate against the passage of any measure tending to impair their rights as inventors, or to deprive them of any of the legitimate points of their hard-earned labor.

By order of the Convention. J. S. ZERBE, Chairman.

CHAS. M. TRAVIS, Sec'y.

The following was also adopted:

"Resolved, That a committee of three be appointed (the same to include the President of this convention), whose duty it shall be to send a circular letter to inventors and patentees, urgently requesting them to write a private letter to their Senators and Representatives in Congress to vote and use their influence in all honorable ways to defeat all bills now pending before Congress, or which may be hereafter introduced, detrimental or in any way impairing their rights under patents."

The Constitution and by-laws for the permanent organization were next read, and adopted as a whole. The annual assessment on delegates was fixed at $2.

The election of officers resulted as follows :

President, James S. Zerbe, Ohio; A. J. Nellis, Pennsylvania, First Vice President.

The meeting adjourned to 9 o'clock this morning.

The Republican Journal, Belfast, Maine, March 27, 1884.

Patents and the Patent Laws.

SEVERAL bills have been introduced into Congress for repealing the patent laws, or for so amending them as to virtually effect the same result, the destroying of all value in a patent and of course the incentive for invention. In some cases these bills have no doubt been presented heedlessly, in others through sheer demagoguery; but at the bottom of the whole agitation is said to be a bureau established by a combination of railway companies. It is very easy to excite a popular feeling against patents among the unthinking. But the facts are all on the side of our present patent laws, which have developed the inventive genius of this country beyond that of any other, and to which we are indebted for countless improvements and contrivances that contribute to the comfort and prosperity of our people. Or, to use the words of the *American Register*, "These laws, protecting men in products of their labors, as does the copyright code authors of books, have induced great numbers of ingenious and original thinkers and mechanicians to devote weary years of toil and poverty to the perfection of devices and machinery which have enriched our country and civilized our race."

If the railroad companies succeed in breaking down our patent laws, so that they will no longer have to pay royalties to the owners of patents, the immediate results would perhaps be increased dividends, but eventually they would suffer from the effects of the blow to industries in all parts of the country. The proposition, aside from its bearings upon the general welfare, is quite as objectionable in that it would take from private individuals the fruits of brain work and invested capital and hand it over without consideration to the railroad companies. And Congress will hesitate before it takes such a step as that.

Industrial World, Chicago, March 27, 1884.

Effects of the New Patent Bill.

The evil results of the attempt in Congress to impair the efficieney of our Patent Laws are cropping up all over the country. Inventors everywhere are asking the question : "Will it pay to spend time and money in perfecting and bringing out inventions, that they may be wrongfully appropriated by an unscrupulous public ?" The following letter, which has been sent to us by the well-known manufacturing firm of W. F. & John Barnes, Rockford, Ill., fairly demonstrates the present feeling of inventors in the premises:

CENTRALIA, KAN., March 12, 1883.

Messrs. W. F. & John Barnes :

GENTLEMEN:—When I wrote you for your catalogue I thought of ordering your No. 5 lathe and other machinery with which I expected to perfect some valuable mechanical inventions; but since Congress seems disposed to enact such hostile patent bills, I have concluded not to waste my time and money. Thanking you for your kindness in sending catalogues, I am,

Yours truly, JOSEPH P. WILSON.

Messrs. Barnes very appropriately remark: "Such letters ought to encourage political managers in making tariff and patent laws, and they should be encouraged by all means. Their success will be as good as a cyclone or an Ohio flood."

The letter given above is only a sample of such as are being constantly received by manufacturers everywhere. The Messrs. Barnes are not the only losers by reason of this crusade against the patent laws; every important manufacturing concern from Maine to California, is experiencing the withering effects of this uncalled-for agitation. Fools may roll back and stay the tide of invention which is sweeping over the land, they may destroy our industrial progress and bring ruin and havoc by their action, but they can give no recompense in return for their deeds of vandalism. Is it not time that manufacturers, inventors, indeed business men of intelligence everywhere, should let their voices be heard in this matter? Every Senator should be fairly deluged with letters of remonstrance against the bills now before the Senate. And these letters should all be carefully written. Senators ought to know the feeling of the people in relation to these measures. and good sound reasons should be urged for their defeat. This is a matter of vital importance, and no time should be lost in demonstrating to Congress that the American nation is not ready or willing to do injustice to our inventors—even to accommodate the crowds of moonshiners or infringers, who, lacking brains to invent anything themselves, are only too willing to purloin the discoveries of those who can.

The Industrial World, March 27, 1884.

The Anti-Patent Bills.

THE Industrial World has repeatedly charged that the anti-patent bills, now pending before Congress, were the product of selfishness and time-serving, and that they were not promulgated with a view of promoting the public welfare, but rather to placate a horde of patent-right infringers who seek immunity from their piratical offenses. We find a most ample verification of our charges in the following brief dispatch to the Chicago *Times* from its Washington correspondent. This dispatch, which bears date March 20, reads as follows:

"The Senate Committee on Patents has also given some consideration to the bill which has passed the House, and which is entitled 'A bill to regulate practice in patent suits.' It is intended to protect innocent purchasers of patented articles from suits of infringement, and is mainly designed to protect the farmers from suits by the owners of drive-well and barbed-wire patents. The *Senate Committee does not favor the bill, but will probably report in its favor on the ground that the agricultural interest demands it, and that it would not do to give offense to all the Western farmers.*"

Can anything be more pitiable? Here are the members of the Senate Committee—men sworn to perform the duties of their high office faithfully and honestly—who are reported as about to recommend a bill which they believe is unwise and unjust, merely that by so doing they may not give offense to some Western farmers! If the bill is wrong it should not be reported at all—no matter whose interests are affected. Congressmen are not elected to peddle out the laws to political favorites. There doubtless is a very large constituency that would like

immunity from the penalties prescribed for horse-stealing; will these subservient Senators favorably report a bill to grant these latter law-breakers such favor? Will it do to give offense to horse-stealers any more than to patent-appropriators?

The claim that the Western farmers want these anti-patent laws is a false one. We indignantly deny that the majority of these farmers wish to rob the inventor. The charge is a libel upon them, and the Senate Committee will find that the political capital which it will make by favoring the anti-patent bills will be inconceivably small.

But suppose the farmers do desire this bill, should the hundreds of thousands of inventors of this country—most of them poor men—be robbed for the benefit of the farmer? Should our magnificent patent system be wrecked in order that a few men may infringe with impunity the barb-wire and drive-well patents?

If the Western farmer wishes to rob the Western inventor and go scot-free, why should not the latter be permitted to rob the former and receive a like immunity? If it is no robbery to steal an invention, why should it be to steal a horse or a pig? If the farmer can appropriate the products of the mental labor of the inventor, why should not the latter be empowered to as freely appropriate the products of the physical labor of the farmer?

The pretense that the farmer is wrongfully harrassed with suits for innocent infringements of patents is nonsensical. The inventor or assignee who brings suit for infringement of his patent must sustain his case or else pay the costs of prosecution. Those versed in patent litigation know that it is the patentee who has the most to fear when going into law to assert his rights. Patent litigation is not a cheap luxury, and hence the whole number of suits for infringements is very small in comparison with the number of actual infringements. In rare cases suits have been wrongfully brought on spurious patents, but have not suits equally as baseless been brought on every other conceivable claim? The wrongs done by a few patent-right adventurers should no more be charged against the legitimate inventor, than the wrongs of forgers be charged at the door of those who legitimately issue negotiable paper.

These are facts which the Senate Committee undoubtedly know, and which cause them to feel that the anti-patent bills before them are unwise and unpolitic, and which would actuate them to report adversely on them, were it not for the very ignoble political reasons which the *Times* correspondent divulges. A few lessons on civil-service reform might very appropriately be read to the Senate Committee.

Newark Daily Advertiser, March 27, 1884.

Inventors Protesting.

OPPOSING THE PASSAGE OF PATENT LAWS NOW BEFORE CONGRESS—MEETING IN THE BOARD OF TRADE ROOMS LAST NIGHT.

A LARGELY attended meeting of inventors, and manufacturers interested in inventions, was held in the Board of Trade room last night to take action in regard to the patent laws now before Congress, which, it is claimed, will, if they become laws, prove very disastrous to inventors and manufacturers.

Andrew Albright was chosen Chairman, and on taking the Chair stated the object of the meeting, and said he was sorry that so many men who ought to be

interested in patent laws are so indifferent about the proposed changes, which will, to a great extent, destroy the present laws. This is a matter that affects the whole people. There are only two industries in the country of more importance and greater magnitude than the system of inventions and patents. First is agriculture, next is mining, and then come inventions. He did not think it possible that Congress could pass two such laws as the bills now before the Senate, but when he learned they had passed the House and that the Senate committee had agreed to report in favor of the passage of both bills, he and other gentlemen went to Washington and saw Senator McPherson, who told them he would do all he could against the bills. Mr. Fiedler said he did not know the bills were of such importance or would do such injury, and he would do all he could against them. The chairman of the Senate committee told him there was a strong pressure from the West in favor of the bills. He had succeeded in getting the bills laid over for a few days. Mr. Albright said if these bills passed, four-fifths of the inventions of the country will be worthless, as any one using an invention could, on being prosecuted for an infringement of a patent, swear that he purchased it in good faith and had no knowledge of the claim of any inventor, and that would end the matter. Many men would take up the manufacture of a host of small articles now protected by patents and flood the country with them, to the great loss of the inventors. He believed these bills would become laws unless the people all over the land bestirred themselves and remonstrated.

Thomas S. Crane suggested that the manufacturers and inventors should flood Congress with petitions against these bills. He said they would work great wrong and injustice to manufacturers and inventors.

James M. Seymour said he went with Mr. Albright to Washington and found things in very bad shape there. He spoke of the efforts made by New Jersey's Senators to defeat the bills when they understood the injury they would work. He said also that he was surprised at the apathy of Newarkers in this matter, as if these bills pass they will undermine the business of the city in various ways. He thought these bills were really gotten up in the interest of railroad corporations. Some years ago they had a similar bill, the real object of which was to allow them to get control of a patent in connection with air brakes. If our patent laws are wiped out or modified so as to make a patent good only five years as our bill proposes, or to allow a man to set up as a defence that he purchased the patent in good faith, we might as well close up many of our workshops. These bills deprive inventors of the fruits of their labors and render insecure a vast amount of capital invested in inventions. They also strike at workingmen for they would deprive many men of employment, If these bills pass we will see many shops closed, and where there are twenty men working there will not be five.

William Lomax, Jr., spoke of what the inventive genius of the country has done for the nation in agriculture and manufactures, in every department of business, and even in the household life, and of the way in which American watches and cutlery are driving others out of the market, and said this was due to the fact that our inventors have been protected by law in enjoying the fruits of their skill and labor. If laws like those before Congress are passed there will be no incentive for an inventor to spend his time projecting inventions, as he will be deprived of the fruit of his toil.

Samuel J. McDonald said he had looked at the two bills. One of them changes the time during which an inventor is protected in his patent from seventeen years to five; another makes it a valid defence to set up on a suit for infringement of a patent that it was purchased in good faith. The whole prosperity of the United States depends on the inventor. We export millions of dollars worth of cotton, but what would our cotton Industry be without the cotton gin? What would our farms be without agricultural machinery? No inventor would spend the best years of his life perfecting an invention if he knew that the fruit of his toil would be snatched out of his hands, as it would be if these laws pass; consequently these laws are a blow at inventors. Mr. McDonald offered the following resolutions, which were adopted:

Resolved, That this assembiy of inventors, manufacturers and mechanics of the city of Newark, in the county of Essex and state of New Jersey, do hereby express their high appreciation of the eminent services heretofore rendered by the Hon. John R. McPherson, Senator in New Jersey, in opposing and defeating legislation tending to defeat patent rights and discourage invention.

Resolved, That we also tender our thanks to Senators McPherson and Sewell, Hon. Wm. H. Fiedler and the other representatives in Congress from New Jersey for their earnest efforts to secure the defeat of the various patent bills now pending before Congress, which, if permitted to become laws, will render almost valueless every patent issued from the Patent Office, and make insecure every dollar invested in the manufacture of patented articles and machinery.

Resolved, That we denounce as iniquitous and unjust, as well as in the last degree unwise, the measures now pending before Congress, having for their object the destruction of our present wise patent system: that these measures are entirely unnecessary and wholly uncalled for save by corporations and capitalists who wish to legalize the robbery from inventive genius of the honest and arduous fruits of its toil.

Resolved, That we call upon the Senators and Representatives in Congress from New Jersey to labor with all zeal and every lawful endeavor to secure the defeat of those unholy measures, and the preservation of our present equitable and efficient patent system unimpaired.

Resolved, That copies of these resolutions be transmitted to each Senator and Representative in Congress from New Jersey, and be also published in the daily press.

Mr. McEwen suggested that the Board of Trade be asked to invite other Boards of Trade to join them in opposing these bills.

After some further discussion the meeting adjourned.

The Cambridge Tribune, March 28th, 1884.

A Blow Aimed at Industry.

The most outrageous legislation is just now being attempted in Congress by taking from inventors their hard-earned rights and making common property of what justly belongs to those who possess the skill to create that which will help and bless the world. Few of the daily papers have cared to ever allude to the matter, which seems passing strange. A contemporary remarks that "Several bills, of Western authorship, are now pending in the Senate and House, which

may well alarm patentees all over New England, which is the great inventive and hence the great patent-holding section of the country. House bill 3929 virtually provides that no patentee bringing a suit for infringement shall be able to recover costs. This the House has already passed by a large majority. House bill 3934 requires every patentee to give infringers notice of his patent before holding them liable, and compels him then to allow the continued use of his patent on the payment of the royalty which the court may fix. This bill, too, has passed the House by a heavy majority vote. A bill fathered by Mr. Anderson of Kansas, reduces the life of a patent from seventeen to five years, which to many inventors would mean the absolute confiscation of their property. Senator Voorhees, however, has outdone all his competitors in this business of patent-plundering. He is the father of a bill which provides that any person may buy a patented article and continue to own and use it, in spite of its being an infringement, unless he had notice before he bought it; that even after such notice his right to own and use the article shall not be impaired. If this is the spirit which is to govern national legislation affecting inventors' rights, it is a poor outlook for American inventive genius. Congress might as well pass one general bill abolishing all patent rights, and declaring that hereafter there is no property in inventions; that the old robber maxim is the American law touching all discoveries and creations, whether in art, science or mechanics, that

> 'He shall take who has the power,
> And he may keep who can.'"

Every Senator and Representative from New England should be aroused to the danger which seems to be impending, and avert a calamity so monstrous and unjust. If either of the bills just named pass it will be a blow struck direct in the face of industry and progress. The country cannot afford such legislation, and the protest should be so strong as to bury it for ever out of sight. May the appeal be not in vain.

The Mining and Industrial Journal, Bangor, Maine, March 28th, 1884.

The Patent Plunderers.

Moved by the complaints of rural constituents who claim to have suffered at the hands of "blarsted monopolists." notably the holders of the barbed-wire and the driven-patents, a number of Western Congressmen and Senators introduced bills which, perhaps, were honestly intended simply for the protection of innocent purchasers of article which infringed existing patents.

Some of the demagogues in Congress, however, ever alert to seize upon so much as a shadow of anything which might serve them as political capital, or further their private ends, magnifying the importance of the public feeling thus manifested, fancied they saw in it a popular uprising against all "monopolies" in the shape of patents and patent-owners in general. Actuated by the same motives that induced the proposed horizontal reduction of the tariff, they have prepared and introduced a lot of bills, all of them bad and several of them of so vicious a character that should either of them become a law it would result in the practical wiping out of the rights of all inventors; and this means not only the discouragement of further research looking to improvements in ma-

chinery and mechanical appliances, but will nip in the bud numerous manufacturing enterprises just springing into existence and bringing disaster, if not ruin, to many important industries already established.

We regret that our limited space does not permit our calling attention to the details of these bills, that our readers might see for themselves and fully realize their mischievous character. Several of their leading features were briefly alluded to in these columns last week. Suffice it to say that the situation is full of peril to the mechanical industries and inventive genius of the country. In the present temper of the House, any or all of the measures proposed are likely to pass that body. In the Senate their fate is not so certain, and yet their is abundant cause for alarm. It is believed, however, that this ruinous legislation may be averted if sufficient effort is made to impress upon the members of the members of the Senate and House the vital importance of the matter and the wishes of their constituents with regard to it.

The Commercial Gazette, March 20th, 1884.

Inventors' Convention.

Closing Proceedings at Music Hall Yesterday Morning.

The third and last session of the Convention of Inventors was called to order yesterday morning at 'clock, by President Zerbe, in Dexter Hall.

The following resolution was adopted :

"Resolved, That J. S. Zerbe, J. J. Geghan and W. J. M. Gordon be, and hereby are appointed a committee to audit all accounts and expenditures of this convention and make due and full report of all receipts and payments in the pub lished report of the proceedings.

"Whereas, We have read with great pleasure and profit the very able letter addressed to this convention by Hon. Benjamin Butterworth, Commissioner of Patents, touching the public importance of patent interests and the needs of the Patent Office, which letter manifests an intimate knowledge and a hearty sympathy in the whole matter, and is moreover a guarantee that he is determined to do his utmost in his official capacity to promote our best interests ; therefore,

"Resolved, That we hereby express our hearty thanks to Commissioner Butter worth for his said letter.

"Resolved, That our chairman be directed to telegraph to him at once the purport of the above, and also to transmit to him in writing a full copy,"

The following resolution was laid on the table :

"Whereas, The obvious tendency of modern judicial construction of the patent laws is to hold the inventor responsible for any and all defects or omissions in his patent when granted, and practically to cut off the heretofore recognized right of curing such defects by a reissue of the patent; and,

"Whereas, The services of an attorney in the preparation of patent applications and their prosecution through the Patent Office are obviously essential, and for their due performance require not only the highest degree of integrity, but both legal and scientific skill, therefore, be it

"Resolved, By this association, that the Congress of the United States be urged to pass a suitable l roviding that no person shall be allowed to practise

as attorney before the U. S. Patent Office until he shall have produced and deposited therein with the Commissioner of Patents suitable evidence of his admission to the bar of the United States Courts upon duo evidence of integrity and competency, and shall have passed a satisfactory examination as to his general legal and scientific knowledge and familiarity with the rules of practice of the Patent Office, before a board of examiners to be presided over by the Commissioner of Patents, and received from such board a certificate of license authorizing such practices."

The following resolution, offered by Mr. John Fehrenbatch, met with unanimous approval:

"Resolved, That the President of this association be, and is hereby directed to issue a circular to be sent to inventors and all others interested in the protection of the rights of inventors, asking for voluntary contributions, to be applied to the payment of the expenses of this convention, and to the payment of of such other expenses as may necessarily be incurred in defeating obnoxious legislation detrimental to the patent interests."

The following additional officers of the association were elected:

C. M. Travis, Crawfordsville, Ind., Secretary.

John Fehrenbatch, Cincinnati, Assistant Secretary.

C. P. Lesher, Lansing, Mich., Treasurer.

J. J. Geghan, Cincinnati, Librarian.

The following Vice-Presidents were elected: M. Garland, of Bay City, Mich.; Josiah Kirby, Cincinnati, O.; J. S. Johnson, Mexico, Missouri; James T. Dongine, Chicago, Ill.; L. C. Huber; Huber, Ky.; J. J. Johnson, Pittsburg, Pa.; K. D. Davis, Cole City, Ga.; John Burleigh, Lawrence, Mass.; J. E. Baker, Madison, Wis.; C. P. Jacobs, Indianapolis, Ind.; Hon. Fred. Atwood, Winterport, Me.; Edward Barrath, Brooklyn, N. Y.; Al. A. Yeager, Knoxville, Tenn.; W. C. Dodge, Washington, District of Columbia; Wm. A. Harris, Providence, R. I.; Frederic Fries, Shenandoah, Iowa; Irving M. Scott, San Francisco, Cal.; Mr. Knapp, Portland, Oregon; C. A. Campbell, Miss.; E. V. Caldwell, Hoopersville, Ala.; C. F. Hyde, Ottawa, Kan.; Geo. R. Flatt, Louisiana; Hon. Clinton B. Davis, Higganum, Conn.; C. A. Barvoios, Bennington, Vt.; A. J. Marberry, Cabot, Ark.

The Committee on Publicatian was appointed as follows: Dr. N. N. Horton; of Missouri, Chairman; Hon. Josiah Kirby, J. J. Johnson, Pa.; J. S. Zerbe, A. J. Nellis, C. M. Travis, John Fehrenbatch, C. P. Lesher, J. J. Geghan.

The appointment of the Committee on Arrangemements for the next convention was left to the President, the names to be suggested by the Vice-President, of New York.

Mainly owing to the diplomacy and exertions of the Hon. J. J. Geghan, Buffalo was selected as the next place for the annual convention, which takes place the second Tuesday in January, 1885.

The thanks of the Convention were expressed to ex-Senator Thos. Norwood, of Georgia, for his able argument before the Committee on Patents, in Washington, to the press for their report of the proceedings, and to the secretaries of the convention for their excellent work.

Amongst the prominent inventors present is D. J. Hauss, electrician of the American Union Electric Company, of this city.

The Globe, Springfield, Ohio, March 28, 1884.

Strenuous Remonstrances Against its Passage—The Patent Laws Good Enough as They Are.

WASHINGTON, March 27th.—The feeling against any change in the present patent laws appears to be universal. Petitions are coming in daily from all parts of the country protesting against the passage of the bills which have been introduced in the present Congress to provide for limiting the duration of the lifetime of a patent, regulating the patent cases, etc. It is a notable fact that almost all the petitions which have been presented thus far have been in the Senate. It would seem from this fact that the people have more confidence in, and a higher appreciation of, the conservatism, and liberal mindedness of the higher branch of the National Legislature than they have of the body which is supposed to represent the people. Springfield has the honor of being the first city from which protests against the proposed enactment of laws changing the present patent system have come. The first remonstrance of this nature came from Mr. Frank W. Bookwalter, and was in the nature of a letter to Senator Pendleton, in which the writer says that, from an experience of over thirty years in manufacturing, he considers the present system as "mutually beneficial to inventor, both large an small manufacturer, and consumer, and that the proposed changes in the patent laws would be an injustice, and would have the effect of putting an end to all efforts at improvement or invention." The letter of Messrs. Evans & Foos appeals to Senator Pendleton and enters an earnest protest on behalf of the inventors of the country against "the attempt to jeopardize the interests of more than two million citizens of our land, who have used their best energies to bring us to our present advancement in the mechanical arts and industries." The bills to the passage of which Messrs. Evans & Foos object are House bill No. 3925, which passed the House January 21st, and which provides that in any suit brought for alleged use or infringement of any patented article, where it shall appear that the defendant in such suit purchased the article in good faith for his own personal use from a person engaged in the open sale of such article, and did not hold the article for sale or to be used for any manufacturing purpose, if the plaintiff shall not recover the sum of twenty dollars or over he shall recover no costs, unless it shall appear that the defendant at the time he purchased the article knew of the existence of such patent. It also requires that in all suits brought against a defendant other than a manufacturer or seller of such patent article, the plaintiff shall give a bond that he will pay all costs and attorney's fees that may be adjudged against him. House bill No. 3934, which passed the House January 22d, and provides that no damages shall be recovered from any defendant for infringement of a patent, when it shall appear that he was a mere user for his own benefit, but provides that he shall be liable for damages if he continue to use the article after he has been notified that the article was subject to such patent, and provides further that the law shall not apply to machinery held for sale or to be used for any manufacturing process whatever; and House bill 3617 which was reported adversely from the House Committee on Patents, and provides that the duration of the lifetime of a patent shall be five years instead of seventeen as at present.

There is very little probability of this last bill passing either House or Senate.

Messrs. C. R. Offield, C. R. Vandercook and H. Harrison, representing the in-

vention and manufacturers of Chicago, have also petitioned against the passage through the Senate of House Bill No. 3925.

Some very curious petitions have been received in reference to these bills. One is especially worthy of notice, and I give it verbatim.

DALLAS, TEXAS, March the 19, 1884.

To the Sentors and Hose of representatives it is Strange to think the Men Who We Send to Washington to Represent us are trying to Brake Down the pattent office and give the inventer no protection of his patent had it not Bin at this time it would have been an ignorance as it was hundreds of years Ago. Such laws as you are trying to pass Will be a Dead Stroke to the united States I hope you Will consider the matter and See your Error and let the pattent law Remain as it Was. very Respectfully yours,

J. C. CHAMBERS,
Dallas Texas.

Another comes from Chicago, is written on a half sheet of note paper, and is as follows:

"Against any bill interfering with the patent laws I protest. "St. Farnoski."

The Senate Commmittee on Patents to which these petitions have been referred will, no doubt, give them careful consideration, and in considering the bills before them will look to the interest of both the inventor and the public.

The Commercial Bulletin, Boston, March 29th, 1884.

The Attacks on the Patent System.

The present attacks upon the patent system of the United States is conducted with the mingled frankness and finesse which might be expected from so curious a combination as the grangers and the railroads. In fact, the grangers are acting as cats'-paws for their former enemies, and the adroitness of the latter it seen in the fact that the attack was begun by the introduction of bills apparently designed for the remedy of acknowledged abuses. There are now about twenty bills before Congress aimed at the patent system, and some have already passed the House. Without stopping at this time to inquire what remedial legislation in regard to patents is required, it may be emphatically said that no alterations at all would be far preferable to the changes which have been proposed. House bill 3617, introduced by Mr. Anderson, of Kansas, reduces the lifetime of a patent from seventeen years to five years, and though it has not yet been passed, no member of the House has ventured to say a word in protest or speak in favor of inventors or the present patent system.

We have examined the Congressional Records to see how much of a discussion occurred upon the bills already passed, and have found a specimen in that of House bill 3925, which was voted January 21, by a heavy majority. The ostensible object of this legislation was to guard manufacturers from the expense of defending unwarranted suits for royalties upon articles improperly or fraudulently claimed to be patented. But the real effect of the bill is to deprive an inventor of the benefit of his patent after he has been encouraged to reveal his invention under the belief that the government would protect him in its enjoyment. The day upon which this bill was passed had been a very busy one in the House. The Greely Relief bill had been argued; it was also the day of Mr. Boutelle's maiden speech upon the Fitz-John Porter bill; and then a protracted

discussion had occurred upon a proposed act in regard to the forfeiture of public lands, in which great quantities of statistics were introduced and the yeas and nays were finally taken,

Upon this land question Mr. Holman (Dem.) had moved to suspend the rules; and after the discussion, his motion was carried and his resolution adopted. Mr. Townshend (Dem.) then moved that the House adjourn, upon which Mr. Calkins (Rep.) rose and said: "It is hardly fair not to hear from this side after a motion to suspend has been made upon the other." The tired House, however, was disposed to adjourn until Mr. Calkins added: "It is only a little patent bill I ask to have passed. It will not take five minutes." The remainder of the proceedings incident to the passage of the bill was as follows:

Mr. Gibson.—I hope the gentleman from Illinois [Townshend] will withdraw the motion to adjourn.

Mr. Townshend.—I am willing to do so if that is the wish of the gentlemen.

Mr. Cox, of New York.—Turn about is fair play.

Mr. Townshend.—I withdraw the motion to adjourn.

Mr. Calkins.—I move to suspend the rules and pass the bill I send to the clerk's desk.

[The clerk then read the bill.]

The Speaker.—Is a second demanded?

No second was demanded.

The rules were suspended (two-thirds voting in favor thereof) and the bill (H. R. 3925) to regulate practise in patent suits, was passed.

Those who believe that Congress fails to treat the business interests of the country intelligently will point to this legislation as proof of their theory. But the climax was reached in the Senate when Mr. Voorhees of Indiana, introduced the following:

S. 1558. *Be it enacted, etc.*, That it shall be a valid defence to any action for an infringement of any patent, or any suit or proceeding to enjoin any person from the use of a patented article, that the defendant therein, or his assignor, purchased the patented article for use or consumption, and not for sale or exchange, in good faith and in the usual course of trade, without notice that the same was covered by a patent, or without notice that the seller had no right to sell such article; and in all such cases notice received after such purchase shall not have the effect to impair in any way the right of such purchaser as absolute owner.

If Mr. Voorhees' bill passes, inventors will have but little protection under our patent laws. If Mr. Anderson's bill passes, all new patents become free at the end of five years; and it is a well-known fact that a vast majority of inventors fail to derive any benefit from their patents during the first five years, being occupied in seeking the aid of capital to develope and utilize their inventions or in fighting in the courts an army of infringers.

The attention of Massachusetts Senators and Representatives in Congress should be urgently called to this subject.

Scientific American, Mar. 29th, 1884.

To the Friends of the Patent Laws.

To the Editor of the Scientific American:

The series of articles published by you within the last few weeks in regard to the numerous bills affecting the rights of patentees and inventors, introduced during the present session of Congress, and which, under the guise of protecting innocent purchasers and the public generally, aim to undermine the very foundation of our patent laws, I have read with a great deal of interest, and am glad you are giving this matter the attention it deserves.

As a general thing, the patent laws are regarded by those not directly interested in them, as a dry and unimportant subject. It is not surprising, therefore, that such bills as these recently passed by the House (H. R. 3,925 and H. R. 3,934) should have met with such little opposition in that body. It would be unfair to say that our representatives in Congress are not aware of the importance of our patent laws as a whole; they fully understand the value and importance of some of the more prominent inventions of the present day with which they come in contact, such as the railway, steamboat, telegraph, telephone, electric light, etc., and recognize the fact that it would be disadvantageous to the best interests of the country to repeal the law to which they owe their existence. The trouble is that the bills in question are so framed as to make them appear to be in the interest of the general public, for the purpose of curing certain real or imaginary defects in the present system, and it is to this feature of the bills that their passage may be attributed.

Had the members who voted for the bills known their real import, it is doubtful if the bills would have passed the House even with the endorsement of the Patent Committee. These bills have not as yet been acted upon by the Senate, and to guard against any recurrence of the mistake made by the House, the Senators in Congress ought to be promptly put in possession of facts which will enable them to see the dangerous ground they are treading; and it is to the interest of every patentee or owner of patent rights to see that this is done.

That there are evils of the nature complained of connected with our present patent system is not denied, but it does not follow that the entire system should be condemned for this reason. It is about time that inventors should stand up for their rights and meet their opponents, whoever they may be, upon an equal footing. Thus far nearly all the bills introduced lately have been against the inventor. Why cannot the inventors of the country unite to protect their interests, and, if necessary, introduce bills to accomplish that end? Just at the present time it might be advisable to frame a suitable bill which may be introduced into the next Congress, which shall do away with the objections urged by the promoters of the obnoxious bills before referred to, and at the same time protect the inventor and patentee. Until this is done, the opponents of our patent laws will continue introducing bills of the character described, to the imminent peril of overthrowing what is probably the most valuable provision of our Constitution.

ELIAS E. RIES.

Baltimore, Md., March 13, 1884.

Scientific American, March 29th, 1884.

Destructive Legislation.

The destructive tendency of much of the legislation of this country is forcibly illustrated by a recent bill which has been introduced into the House of Representatives, to reduce the lifetime of patents from seventeen years to five years. This bill strikes a blow at the very life of our civilization. Americans have signalized themselves in the world of thought in many ways, but in nothing, perhaps, more than in invention. So much encouragement has been given to inventors, by allowing them to reap, to a certain extent, the fruits of their labors, that the inventive powers of men have never before been so active or productive in the history of the world. Inventors made the very discovery of this continent possible; enabled men to subdue and settle it rapidly in its remotest parts; advanced our modern civilization to a degree of perfection never before attained; increased the powers of men and multiplied the application of skilled labor in every department of industry, and made every man in this country richer and wiser, more comfortable and happy. It is not possible for a man to live in this country without enjoying in multiplied forms the benefits conferred upon him by inventors. The benefits of invention are as diffusive as the sunlight, as free as the air we breathe, and as pervasive as the heat that steals into our homes and makes them comfortable. Invention has improved our houses, our clothing, our furniture, our vehicles, our machines, our tools, our instruments, our implements, our apparatus, in fact, everything we possess.

No man can sit, or walk, or ride, or eat, or drink, or sleep, or work, or write, or fish, or hunt, or fight, or legislate without doing it at an immeasurable advantage, compared to one doing the same thing fifty years ago. Aside from Christianity itself, nothing has done so much for this country in all its highest and best interests as invention. To strike down invention is to suspend progress in American science and arts, to arrest advancement in our manufacturing interests, to deal a death-blow to the development of the mechanical powers, and to prevent any further improvement in agriculture. Invention has taken the drudgery out of farming, and made it a pleasant employment. Invention tends powerfully to make every farmer in the West independent, comfortable, and happy. Invention brings to the most distant farmer, on our otherwise lonely and almost uninhabitable prairies, the rich blessings of our modern civilization. most distant farmer is put within easy reach of centers of population, reads morning paper, struck off by modern presses, hears the most important news flashed from all parts of the world, and enjoys life almost as well as if he lived in the very suburbs of some metropolis.

The mechanic finds every tool and machine which he uses improved by inventors, which saves him an immense outlay of muscle. The very capitol building, in which Congressmen sit and strike down invention, is indebted to inventors in multiplied ways for its comfort and elegance. The pens, paper, ink, inkstands, paper folders, stamps, desks, chairs, books, the maps and charts, everything, in fact, which Congressmen use, has been invented or improved by inventors. Invention saves them long and toilsome journeys across the country on foot or on horseback, to and from their homes, during which they would surely earn their mileage.

Seventeen years without renewal for the life of a patent is not a moment too long. The best thoughts of a lifetime are often given to an invention, and a fortune put into it. The invention is studied on all sides, special courses of study bearing on it are sometimes pursued, long and costly experiments made, the inventive moods are carefully watched, until at some rare and happy moment the inventive thought flashes like a ray of light across the mind. Nothing is more divine in this world, or more precious to mankind in all that makes life desirable, than the rare flashes of thought of inventive genius.

Then, when the invention is once made, it has to run the gauntlet of the Patent Office, where it has often been anticipated by some other invention, or for some other cause fails. When the patent is issued, the work is only half done. Inventors often involve their whole means in manufacturing and putting their inventions on the market. And some of the very best inventions, like the first anthracite coal carried to Philadelphia, which no one would buy, take some years before they begin to sell to any extent.

The great majority of the quarter of a million of patents taken out in this country have never produced anything for inventors, but have only been a source of loss of time, effort and money. Some patents have become lucrative, and rarely an inventor, or more probably a purchaser, has made a notable fortune. But every invention which has enriched an inventor has made the world a thousand times richer, more comfortable and happy. To cut down the life of a patent to five years would be to invention like trying to make a horse plow with his backbone taken out. And yet inventors cannot expect much encouragement from any legislators who never invent anything, unless it is mischief.

But this world cannot do too much for a man who, by his inventive genius, enables it to flash thought around the earth, or drive steam carriages across the continent, or make a ship walk the water "like a thing of life," or to render the most excruciating surgical operations painless.

Our world, in a word, is indebted to invention for almost all its comforts and luxuries. The air is clearer, the water purer, the soil more fertile, the cattle fatter, the horses stronger, the sheep and goats have finer fleeces, the grains are more productive, the fruits better, our homes more comfortable and cheery, our clothing warmer, our vehicles safer, our books and papers more numerous and valuable, and our wives and children are more healthy and happy on account of the inventive faculty of men.

Under the light of Christianity, invention has furnished us the very means of translating, publishing and circulating the Bible over the globe. Everything is brighter and better and wiser in the whole world on account of invention, except our legislators, who seem to have lost their wits. If they do not stop trying to quench the lights of the age, and voting us back toward the dark ages, we fear it will not be long before we all, like our grandfathers, will go to mill on horseback, with the wheat in one end of the sack and a stone in the other. We would advise every legislator who votes for this bill to put on a fool's cap, and wear sackcloth and ashes for thirty days, and then try to keep step in the march of our modern civilization.—*Kansas City Centropolis.*

The Patent Bills Before Congress.

The efforts lately made by manufacturers and inventors to arrest the further progress of the destructive legislation concerning patents, have had this much of good effect in the Senate, namely: instead of rushing through the bills with railroad speed, as did the House, the senators have held back; instead of precipitate action they have wisely given a hearing to some of those whose property rights are endangered; still another hearing, it is believed, will be given. This concession has been gained chiefly in consequence of criticisms of the press and the receipt by senators of personal letters and protests from many different parts of the country.

In an emergency of this kind members of Congress are very greatly influenced by the appeals and information received directly from individuals.

We again entreat the friends of home industries, editors, manufacturers, patentees, inventors—all who favor the progress of the useful arts and the maintenance of the patent laws—to persevere with their efforts.

We urge them to adopt all proper methods they can command; especially to write protesting letters without delay, first to their Senators, and next to their Representatives in the House. Each individual should consider it a personal matter, and not wait for some one else to write or act. Every letter, every telegram sent, every effort made, will help, and may prove of importance.

Items Concerning the Patent Bills.

The first meeting of the Senate Committee on Patents since the passage of House bill 3,925 was held on Monday, March 17, at which were present, among others, W. D. Andrews, of New York City; S. J. Houck, of the Champion Works, of Springfield, Ohio; Thos. K. Kays, celluloid manufacturer, of Newark, N. J.; A. J. Nellis, of Pittsburg, Pa.; Andrew Allbright, of Newark, N. J., a number of other manufacturers and inventors, and several patent attorneys. Ex-Senator Norwood made a strong argument against the passage of the House bill, first taking the broad ground that the Constitution prohibited the passage of such a bill, and then opposing it upon the ground of public policy. Its passage, he said, would eventually destroy four-fifths of the patents in the country.

"He that asks for equity," continued the senator, "must do equity. He that asks for another man's property should offer to pay its value. If he does not, he should surrender the property. Who, of all the users of the driven well, for instance, has ever ceased to use it, when asked to pay for it? Any one can have it for life on payment of $10. And when it is offered for $5, many refuse to pay, though they would not do without it for hundreds of dollars. And this is the class who are asking Congress to compel the owners of that property to '*buy justice*, or to submit to conditions not imposed upon their *fellows* (themselves) as a means of obtaining it.' And that, says Judge Cooley, is in violation of the Constitution.

"This bill would divide our citizens into two classes—owners of patents and non-owners. Then, it says to non-owners: 'You can have justice without buying it;' and to patent owners: 'You can have justice, provided you first give bond for $50, and take the chances of buying it or not buying it, as you may make proof or not of $20 damages, and as you may prove guilty knowledge by relying on the defendant's conscience. Then, it subdivides patent owners into two classes, and says to one, if you have a demand for over $20 you need not pay costs, but if your claim is under $20, you must pay your own way, that is, *buy justice.*"

Mr. Thos. K. Kays then argued against the bill from an inventor's and manufacturer's standpoint, saying that he had spent $20.000 in inventing and perfecting a certain invention, which had been patented, both as to the process and manufacture, and that the proposition was now to take away from him the protection that was guaranteed him by his patents. He showed how his invention had benefited the community by reducing the cost of the article over one hundred per cent., and giving a better article than was used before his invention.

He referred to other patented articles where the public benefit had been equally as great, and then denounced the bill as a breach of faith between the Government and the inventors.

Mr. Allbright also spoke as an inventor, and urged the committee to pause before they committed a great wrong in the passsge of the bill under consideration. He believed it was but an entering wedge, which, if passed, would be followed by other bills, until the entire patent industry of the country would be destroyed. He urged that, instead of passing a bill of this character, they should pass one punishing the piracy of an invention with fine and imprisonment just the same as the theft of a horse or a watch.

Mr. Nellis pursued the same line of argument, and then Mr. Andrews spoke in reference to the scope of the bill and its injustice, and illustrated it by showing the course adopted by the customs officers of the government. If goods are brought to the custom house, the duties paid, and they are taken out of bond and sold to other parties, and it is then discovered that insufficient duty has been paid, the government will promptly proceed against the innocent purchaser. The inventor or manufacturer is granted no more power under his patent in defending his rights than has the government in collecting its just revenue; but he is entitled to an equal protection.

Mr. Winans, of Wisconsin, said his people have been harassed by the operation of patents. When pinned down to the character of the patents that caused the annoyance, he admitted that they were mostly in regard to the drive well or barbed wire fence.

Mr. Platt, the chairman of the Senate Committee on Patents, admitted that since the passage of the bill 3,925 by the House, he had received two protests by large manufacturing firms in his State.

Senator Mitchell, of Pennsylvania, also said he had received numerous telegrams and letters from manufacturers in his State, protesting against the passage of the bill, and that these protests were such that they could not be ignored or lightly treated.

Other senators and members have been seen, but who are unwilling at present to be quoted, many of whom are surprised at the storm that has been raised by the passage of House bills 3,925 and 3,934, and who are now beginning to look

up statistics and to realize how widespread an interest is the patent industry and how closely it is interwoven with almost every other industry. Those who voted for the measures in the House do not believe that they are right but think, as one of them expressed it, that "it is a sop to the people who have suffered from suits on account of the drive well and the barbed wire fence."

How seriously the Western farmers and railroad people have "suffered from the barbed fence patents will be understood when we state that prior to the introduction of the patent the cheapest fence that could be had—boards—cost the farmers one dollar a rod, against fifty cents a rod for barbed wire fencing. Statistics show that from 1874 to 1882, a period of only 8 years, the railways and farmers have saved a little over *eight hundred millions of dollars* by the use of the improved wire fencing. Now they begrudge the patentees their slight royalty, want Congress to change the patent laws and destroy all patent property.

The press of the country is doing noble service in opposing this communistic legislation. We have upon our table copies of many influential papers containing vigorous editorials upon the subject. We regret that our limited space precludes extensive quotation.

The whole subject is covered in a very amusing way in the following, which is from the *Spike*, of Prophetstown, Ill. The editor says :

The following has been handed us as a substitute for the amendment to the patent laws lately passed by the House of Representatives : "Now, therefore, these letters patent are to grant unto John Smith, his heirs or assigns, for the term of five years the *exclusive* right to make, use, and vend the said invention throughout the United States and Territories thereof, provided that the said John Smith shall send written notice to each and all persons, throughout the United States and Territories thereof, that might wish to manufacture the articles, that the same is patented. And be it further understood that the *exclusive* right of the patentee does not hold as against persons who may wish to manufacture the said patented article for themselves or for their employers, and not for sale or profit. All such persons shall have equal rights to the invention with the patentee, and the patentee must not under any circumstances harass or annoy the last-named persons by letters, protests or threats, under penalty of forfeiture of the aforesaid *exclusive* right."

Scientific American, Mar. 29th, 1884.

Patent Bills Now Before Congress.

Let no one be backward in expressing, in a decisive way to Senators, their views upon these obnoxious bills.

In addition to personal writing to members, individual effort might accomplish much by securing the passage by associations, societies, municipal governments, and State Legislatures, of resolutions appealing to Congress not to enact these suicidal measures.

On the 20th inst., the Chamber of Commerce of the City of Pittsburgh, Pa., passed resolutions protesting against the passage of various hostile patent bills now before Congress, and requested Senators and Representatives to give them careful consideration, and endeavor to prevent legislation which will discourage invention.

We give these resolutions elswhere. In another column we also publish a very interesting article from the *Kansas City Centropolis*. This contribution, we learn, is from the pen of Prof. John D. Parker, the well-known lecturer on science.

Before this number reaches our subscribers a convention of inventors and all who are interested in the development of the useful arts will be in session at Cincinnati. From their deliberations we hope for good results.

The Salem Observer, March 29th, 1884.

WE have before called attention to the wrong of not affording greater protection to those who take out patents under the laws of the United States. Many a man has secured patents for a valuable invention, and finally lost all the results of his ingenuity and toil because he was unable to bear the expense of a legal sifting of his claims in court. Now, a new difficulty has arisen, several bills having passed the national House of Representatives, one of which provides substantially that if the inventor or owner of a patent shall dare to attempt to sustain his rights, by bringing a suit against infringers, he shall recover no costs. and shall pay to the infringer's lawyer a counsel fee of $50. This bill was passed in the House of Representatives by an enormous majority on January 21, and is now before the Senate for concurrence. Another bill provides substantially that any person may use any patented article he pleases without liability, but shall become liable after receiving notice that a patent exists; and may then require the patentee to give him the use of the patent for a royalty to be named by the courts, thus robbing the patentee in the first instance, and then depriving him of the control of his patent. It does not take much thought to perceive the injustice of these proposed measures,—that it is robbing the inventor of the real value of his invention, —and it is hoped that the wisdom of the Senate will prevent their becoming laws.

The Evening Call, Philadelphia, April 1st.

Communistic Legislation.

PUBLIC attention has been for weeks past drawn to an apparently concerted and eager effort in Congress to pass certain bills which aim at the impairment or total destruction of patent rights. No less than twenty different bills have been introduced, and two have passed the House, to reduce the limits of patents or to impair their validity. Some of these are so utterly destructive of all rights in patents, that wonder has been excited as to the motive for this raid. One bill actually makes it necessary to purchase justice where a patent is invaded. That is, all the trouble and expense is placed on the patentee and no penalty on the infractor. The cause for this strange outburst is said to be wrongs perpetrated on Western farmers, in the matter of piped wells and barbed fences. It is alleged that royalties have been charged where it was not supposed they would be required. As to the merits of even these cases there are two sides; but even if wrongs were perpetrated, it is not a good reason for the sweeping and destructive legislation now proposed.

Congress should never allow itself to be made the medium for violent and destructive legislation. If State Legislatures occasionally indulge in this the scope of the evil is not so large, nor its consequences so serious. But the legislation of Congress affects the entire country, and the protection afforded to patents is not such as to allow greater remuneration than is generally deserved. As a rule, patents that are valuable require time, labor and large expen[illegible]ake them valuable These patents have their chief value in the term du[illegible]which they are protected. As a rule, a portion of this term is lost in experiments before the patents are really available. To destroy this protection is an outrage.

No more direct blow can possibly be struck at our prosperity than that which will be given if these bills become laws. The progress of this country has been largely promoted by patented inventions. Take away our labor-saving machinery and our progress would be greatly retarded. And the protection our patent laws afford inventors is what stimulates effort. But if what a man invents can be at once stolen or taken, and no redress be allowed, we at once check invention. There is another view. A patent is property. As such it is as sacred as other property. If we legislate that this property may be seized with impunity, why not do the same with all other property? Why should a man retain a cow, horse or anything else that can be stolen if he may not a patent that he has created? All such legislation strikes at fundamental rights. And for this reason Congress hould beware.

There will also arise a question as to the constitutionality of the bills now pending. Many patents involve vested rights. They have been sold, or companies organized for their development, and properties acquired under them which will be seriously depreciated by the legislation proposed. We cannot think that such legislation will stand before the courts. It will also be claimed that patents issued under laws as they now are have the character of contracts, and that Congress cannot pass new laws to vitiate them. These and other complications will grow out of the pending bills. And unless these laws apply to the patents now in force, the motive for their enactment will be gone. The whole legislation is thus of a character to be greatly deplored. Congress should act with becoming caution. It is not wise to allow a temporary difficulty to be made the basis of a sweeping law.

The Evening Call, Philadelphia, April 1st, 1884.

Attacks on the Patent System.

Editor of the Evening Call:

THE attempts by Western members of Congress to destroy our existing patent system and thereby remove all incentive to invention and improvement is by no means new. In 1882 a similar effort was made, but defeated in the Senate.

Now, however, they have introduced the virus in some twenty bills, diguised in some cases under the very thin plea of p[illegible]ecting the honest, innocent farmer, who is presumed to sit childlike and bland at his cabin door dibursing greenbacks to a constant string of patent agents, r[illegible] collectors and license frauds. Now, my experience is that the Western G[illegible] is the sharpest, most wide

awake and most unscrupulous of all our citizens, wants everything at hard-pan prices, gets lower railroad rates to the sea from the far West, than a New York or a Pennsylvania farmer or miller a few miles inland. Where are now the valuable flour mills that formerly marked each waterfall in our Middle and Eastern States? Silent and falling to decay, because the Western miller gets his flour carried to the sea at rates with which we cannot compete. And so Mr. Granger puts his own figure on everything, even on patents. By bill 3,934 it is not the patentee who shall fix the royalty on his own invention, but a jury selected at the point where the suit for infringement may be begun—a jury of infringers, or of men liable to become infringers at any time. These men are to say what they shall pay for the use of the patent—the buyer, and not the seller, to regulate the price. And yet this bill has passed the House without a word, and may become the law. By the same bill you can buy and use any patented article you choose. If the patentee comes after you refer him to the irresponsible agent from whom you bought the article. That is enough. You are all right. He must forthwith hunt up the agent and get it out of him if he can! But hold on. Before he sues the agent (bill 3,925) he must give bonds for costs and put up with the court $50 as fee for the infringer's counsel (surely it was a lawyer who framed this bill), and then, having got into court at last, he losses all and is liable for all costs, unless the jury give him over $20 damages. This is more than the royalty on—and, of course, excludes—nearly every patented article in ordinary use. Who would attempt to recover under such a law? Better to come right out like Andrews of Kansas in House bill 517—cut down the life of a patent from 17 to 5 years at once and shut up the Patent Office; or, like Voorhees of Indiana (Senate bill 1,558), open all patents to the public (see *Scientific American*, March 29, pages 192, 197, 200, etc.)

These bills, however, are only clouds raised under shadow of which to pass the real bills, 3,925 and 3,934—to blind the public as the giant squid, when attacked by the sperm whale, belches forth a cloud of ink under which to execute a rapid change of base. No one can question for a moment the great injury of such legislation to all mechanical enterprises. Who would dare to divulge an invention or obtain a patent over which he would *have* no control? Who would build an expensive plant to work an invention, however valuable, when any workman could steal the secret and set up in opposition with impunity? What could not be secretly done in cellars or disguised from prying patent thieves would be utterly lost to the world.

Some quarter of a million patents have been granted by the United States so far. About nine-tenths of all goods manufactured are under patents; their values are two and one-half times as great as the value of all agricultural products. And this gigantic interest must be destroyed, and the country set back centuries, because the Western granger wants the privilege of stealing the poor inventor's brains and robbing the manufacturer's pocket. He wants to escape paying a few cents a rod to the wire fence patentees, or $5 to the drive-well people, although by the first he has saved 50 per cent. on the cost of his fence, and on the second 75 per cent. on the cost of his well; but this is not enough for the horny-handed; he wants all, every time. Now I learn that the wire-fence people have never sued a farmer for infringement, though the farmers have saved probably fifty millions a year in the cost of fences, and the drive-well owners

have not got back their outlay for the patent, though they have saved large sums to over a million who are using their well- Out of the quarter of a million patents how few inventors have made a Has one man in a thousand? Has one in ten thousand? From 1860 to national wealth has increased twenty-seven billions and the patents have ased from 26,641 to 223,210, a direct ratio resultant from our progress in t ld of vention. Can we afford to check in the least the onward flow of ingenuity and enterprise?

Take the Bessemer steel rail industry. In 1867 were produced 2,277 tons of rails at $166 per ton; in 1883 were produced 1,148,709 tons of rails at $37.75; or in sixteen by the Bessemer patents and processes we have increased the yield of 446,000 tons and decreased the price $128.25 per ton!—making a saving to railroad for rails purchased during the period of over $770,000,000. Now this e steel rails alone; add to this the value of these rails to the country when in the road bed; add the wages paid to the workmen, to the ore miner, to the coal miner, to all connected with the industry, the greater speed attainable, the greater safty to the public, where a steel rail is made and sold actually lower than an iron rail can be produced—all this by the Bessemer patents. If you attack one patent you attack all; the entire system must rise and fall together. There are abuses in the patent laws, but they are as against the patentee, not the infringer. Too many patents are granted for absurd and trivial claims. Many are almost identical and only calculated to involve their owners in law.

Only manifestly novel and valuable ideas should be accepted, and once granted the Patent Office should guarantee the patentee against infringers by an especial court, established for the purpose in each State, to which all patent questions should be referred. The Patent Office fees should be raised, if necessary, and patents rendered respectable. This patent legislation is a delicate matter, and will not bear rough handling. There are too many deserving laborers in the field of invention, men who have devoted lives and fortunes to ideas destined some day to work wonders.

"'Neath the stone that waits the turning
Of some mortal hand to sight
Fiery atoms may be burning
That would fill the world with light."

If our legislators are spoiling for a fight, there are several little contracts open for them. There is the rum question, the opium question, the social evil question, the revenue question, the tariff question, stock gambling, corners in breadstuffs, railroad land bounty frauds, Postoffice and Indian Bureau frauds, public building peculations, etc. All would bear watching, to say nothing of the new and not yet patented systems of legalizing murder, as exemplified by the late Pennsylvania and Cincinnati trials. Here is a fair field. They can tear around and hurt nothing, but when it comes to digging about the foundations of the temple of our national prosperity, industry and invention, you want a workman who is perfectly sober and who knows what is to be done and how to do it.

VERITAS.

The Congressional Record, Washington, D. C., April 2, 1884.

Brief Extract from the able and eloquent Speech of Hon. Orville H. Platt, of Connecticut, in the Senate of the United States, Monday, March 31st, 1882.

On the bill (S. 1924) providing for the organization of the Patent Office into an independent department, and for giving it the exclusive control of the building known as the Patent Office and of the fund pertaining to that office.

The growth of our patent system, its vast importance, its intimate connection with and direct influence upon the prosperity of the country demand that it shall receive a degree of attention which it cannot and will not receive while it remains a merely subordinate bureau of the Interior Department.

The patent system has its foundation in the Constitution of the United States. In the grant of enumerated powers, article 1, section 8, and paragraph 8, we find this power granted by Congress:

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

When the fathers wrote that clause into the Constitution of the United States they builded better than they knew. They knew indeed that the prosperity of every nation must depend largely upon the progress of the useful arts. They knew that if this country was to attain the glory and the power which they hoped for it, it must be along the road of invention; but they could not, the wildest dreamer, the statesman with the most vivid imagination could never have dreamed, could never have imagined the blessings, the beneficial results which should flow and have flowed from the exercise of the power thus granted to Congress. The foundation which they then laid of our progress, our welfare, our strength, and our glory were granite, and we have builded wisely upon them; but I think that we may do much to improve the temple which has been raised.

I wish I knew the author of that clause in the Constitution. I have sought diligently the records of those days that I might discover who he was. It was not in the original draft of the Constitution presented by Mr. Pickney to the convention on May 29, 1787. In that draft, immediately after the power given to Congress to establish post-roads, was the power to establish a national university at Washington; but when the Constitution came finally to be adopted the power to establish a national university at Washington had disappeared from the original draft or plan presented by Mr. Pickney, and the present clause granting Congress the power to promote the progress of the useful arts seems to have taken its place.

MR. PRESIDENT: To my mind the passage of the Act of 1836 creating the Patent Office, marks the most important epoch in the history of our development. I think the most important event in the history of our Government from its Constitution up to the time of the rebellion. The establishment of the Patent Office marked the commencement of the marvelous development of the resources of the country, which is the admiration and wonder of the world, a development which challenges all history for a parallel; and it is not too much to say that this

unexampled progress has been not only dependant upon, but has been coincident with the growth and development of the patent system of this country. Words fail in attempting to portray the advancement of this country for the last fifty years. We have had fifty years of progress, dfty years of inventions applied to the every day wants of life, fifty years of patent encouragement, and fifty years of a development in wealth, resources, grandeur, culture, power, which is little short of miraculous. Population, production, business, wealth, comfort, culture, power, grandeur, these have all kept step with the expansion of the inventive genius of this country; and this progress has been made possible only by the inventions of its citizens.

No purely agricultural, pastoral people ever achieved any high standing among the nations of the earth. It is only when the brain evolves and the cunning hand fashions labor-saving machines that a nation begins to throb with new energy and life and expands with a new growth. It is only when thought wrings from nature her untold secret resources that solid wealth and strength are accumulated by a people. Especially is this true in a republic. Under arbitrary forms of government kings may oppress the laborer, kings may conquer other nations, they may extort from, oppress and degrade the men who till the soil, and they may thus acquire wealth; but in a republic it is only when a citizen conquers nature, extorts her resources, and appropriates her riches, that you find real wealth and power.

We witness our development, we are proud of our success; we congratulate ourselves, we felicitate ourselves on all that we enjoy; but we scarcely ever stop to think of the cause of all this prosperity and enjoyment. Indeed, this prosperity has become so common that we expect it. Many men forget to what they owe it; many men, I am sorry to say, in these recent years deny the cause of it all. The truth is, we live in this atmosphere of invention; it surrounds us as does the light and the air; like light and air it is one of our greatest blessings; and yet we pass it by without thought. Some say that the cause of all this wealth, of all this influence in the world, springs from other sources; some say it is the result of our free institutions, of our Christian civilization, of our habits of industry, of our respect for law, of the vastness of our natural resources, but I say inventive skill is the primal cause of all this progress and growth. I say the policy which found expression in the Constitution of the United States when this clause was enacted giving Congress power "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries" has been the policy that has built up this fair fabric.

Concede all you claim: free institutions, Christian civilization, industrious habits; grant respect for law; acknowledge all our vast natural resources; and then deduct patents and patented inventions from the causes which have led to this development, and you have subtracted from material, yes, from moral, prosperity nearly all that is worth enjoying. Subtract invention from the causes which have led to our growth and our grandeur and you remit us, you remit our people, to the condition of the people of Italy, of Switzerland, of Russia. If "knowledge is power," invention is prosperity.

Let us turn a moment from the present and take one rapid glance at the past. Consider the country as it was fifty years ago. The cotton gin, the

steamboat, the railroad, the power-loom, the printing-press, were indeed in embryo, but their development was partial and their use extremely limited. It was still the age of homespun; it was still the age of hand labor. Brain had not, so far as production was concerned, superseded muscle. We had then 26 States. When the commencement of our present patent system really began, there were 26 States in the Union. Twelve new ones and eight Territories added since are, in my judgment, a tribute to the inventive genius of this country and to the perfection of its patent system. There are at least ten Senators occupying seats on the floor of the Senate to-day who would not be here but for the patent system of the United States.

Our conception of history in those days was only that of war and diplomacy. Industrial development formed no part of the history of a country in the estimation of statesmen and publicists.

Let me allude to my own State. I am not a very old man, but recollection carries me back fifty years, when there was no railroad, no coal used, no steam power used; no woolen factories except of the rudest sort; no telegraph in Connecticut. Possibly there were one hundred tons of coal consumed in the State annually. It is possible that there was the rude beginning of a manufacturing establishment in which steam was the motive power; but practically there were none of these improvements in Connecticut. The people were rural and agricultural; a few shops, water furnishing the motive power, were scattered up and down the streams of the State; but almost the entire population were engaged in agriculture. It was a time when the handbrake and the hetchel prepared the flax which was raised within her borders, when hand-spinning and the hand-loom prepared it for use. My mind goes back and takes in the days of my early boyhood, when wool was carded by hand, when it was spun and woven by the mothers and the daughters, when it was then taken to the fulling-mill, and then came the tailoress and in the household cut and made the cloth into garments for the use of the family. It was the day of the village shoemaker, the day of the grist-mill, the day of the stage-coach, the day of the pillion. There was no carpet; no piano; few books; hand-sewing only; hand-knitting; the tallow candle; the unwarmed, unlighted church; the school-house with its hard, rough benches; and the slow post-route, the mail once a week; a weekly paper only. It was a week's journey from Connecticut to Washington; six week's journey from Connecticut to Ohio. Five thousand dollars in those days was a competence and ten thousand dollars was a fortune. What has accomplished all the transformation which we witness as we compare the condition of the country fifty years ago with its condition at the present day?

I insist, Mr. President, that it is traceable directly to invention. The railroad, the child of patented inventions, the production of cotton, silk, broadcloth, and linen, is due absolutely and entirely to the perfection of machinery for their manufacture. The daily press, the teeming books, are part of our civilization. They are all dependent upon patented inventions. The carpet, the piano, and the carriage conduce to our comfort and our convenience, and they also are children of patents. Every comfort which we have, every convenience which we enjoy, every element of wealth which we acquire, has its root and development in the patent system of this country. They are born of patents, and they live only by permission of patents.

New York World, April 3d, 1884.

Patent Right Swindling.

To the Editor of the World:

At every session of Congress for the past seven or eight years there have been presented many new bills purporting to be for the protection of "innocent purchasers" of patented articles from unauthorized sellers. The practical effect of such a bill (House bill 3,925), which is now before the Senate, is to protect the "innocent" purchaser, and also to ruin the still more innocent patentee. The evil sought to be remedied is due to the rascally conduct of persons who sell patented articles under the false representation that there is not any unexpired patent covering the article sold. The true remedy is not to molest the rights of the patentee as they have existed for ninety-four years, but to pass an act making it a misdemeanor, punishable by fine and imprisonment, for any person to sell patented articles under the false representation that they are not patented. There is no such act. Punish such misdemeanants, and you will protect innocent users and not harm inventors. Yours,

J. C. Clayton.

New York, April 2, 1884.

Scientific American, April 5, 1884.

Resolutions of the Erie, Pa., Board of Trade.

A meeting of manufacturers and inventors to take action upon bills pending in Congress which, if enacted, will affect the existing patent laws, was held on Friday evening, March 21st, the Board of Trade Rooms. President Adams, after briefly stating the object of the meeting, called upon J. W. Wetmore, Esq., chairman of the committee appointed Thursday night to draught resolutions expressing the sentiment of Erie people concerned in changes of patent laws. Mr Wetmore read the following:

Resolved, That we look with alarm at such legislation as is proposed in Congress by House bills Nos. 3,925, 3,934, 3,617, and Senate bill 1,558, relating to patents for inventions, and we, therefore, petition the Senate and House of Representatives not to enact those bills into laws. We believe them to be the embodiment of temporary prejudices, not the result of fair consideration of the constitutional provision on the subject and the true interests of the country. We do not ask for any favoritism in the legislation by Congress. The titles of the entire landed property of the United States and Territories are founded on discovery. Laws have been and are constantly being enacted to make such titles perpetual. The discoveries of inventors received no such favors even from the wise ststesmen who adopted the beneficent policy in the Constitution. The title of the author of any book had three times the length of the term of the letters patent. With this early discrimination against inventors they still were stimulated to exertion, not with profit to themselves in the vast majority of cases, but with unbounded advantage to progress in manufacturing, transportation, and agriculture, and all the other elements of our wonderful material prosperity. Their rights as secured are not monopolies in the offensive sense of the term. They have less monopoly than the owners of other kinds of property have secured to them by law.

The inventors have richly returned compensation for the limited protection received, and the disposition to lessen that protection or take it away is an agrarian device held out to flatter people with false hopes of improving their rights and property by destroying those of others. New and unusual laws, specially tending to impair the rights and titles of inventors and manufacturers holding patents and to paralyze the motives to improvement by annulling the patent laws, are but the beginning of a crusade against all rights of property.

We therefore petition the Houses of Congress, that after defeating those attacks on the policy of the Constitution, they increase the scope and efficiency of the patent laws, while placing proper guards against their abuse.

Resolved, That copies of these resolutions be sent to the Pennsylvania members of the House and Senate in Congress.

Professor Thomson, when the president called for remarks on the resolutions Mr. Wetmore submitted, urged the necessity of making a decided protest at Washington. "If the bills become laws," said he, "I as well as others will be injured; I would not give a whistle for all the patents that can be obtained or all now owned. The proposed patent law changes authorize the stealing of the results of brain work. They are as bad as if a law were to be made prohibiting a man who worked ten years to pay for a farm from owning it longer than five years. The effect will be to destroy talent. We should employ every means to defeat these abominable bills."

Scientific American, April 5, 1884.

The War Against The Patent Laws.

To the Editor of the Scientific American:

The interest which is now exciting the discussion upon the importance of scrupulously guarding our patent laws against the machinations of a combination of railroad sharks, rule-or-ruin grangers, and our ignorant and reckless Congressmen, may eventually be the means of casting a ray of light into the dark corners of the craniums of some of these would-be figure heads. It is said figures won't lie, yet they may be so arranged as to completely misrepresent the truth.

In regard to the best interest of the railroads, it is susceptible of demonstration that they are only conniving at their own ruin in their efforts to destroy the protection now given to inventions.

We have just returned from a tour on which we visited some of the most extensive manufactories of agricultural machinery at Dayton and Springfield, Ohio, where unusual opportunity was offered for comprehending the character and magnitude of the business there conducted in the manufacture of every machine used by the farmer, for cutting the furrows, pulverizing the soil, depositing the seed and fertilizers, cultivating, harvesting, and thrashing the crops.

And although it has required half a century of the slow but patient, unceasing efforts of hundreds of thousands of earnest workers, morally and physically, to bring these machines up to their present state of perfection, the sub-

stance of the whole history may be condensed into the space of a nutshell and expressed by a few words—the stimulus offered by the patent laws, giving ownership to the inventor in his own creations, did it all.

Of the vast manufactures of Springfield, the first in order in magnitude and productive capacity are the Champion Mower and Reaper Works, of which there are three distinct plants. The Whitely, Fassler & Kelley, the most recently erected, claims first rank, presenting a continuous and uniform frontage parallel with the railroad track for eleven hundred feet, and nearly as far at right angles, being in form of a hollow square.

The external aspect of the massive structure will suggest to any one that something more than usual is going on within.

It will suffice to say that the combined operations of the three works result in turning out a complete reaping machine in the space of one and two thirds of a minute, during the ten working hours of the day.

An inspection of the wilderness of mowing machinery shows that it has come from the most reputed builders of the country. The entire equipment, almost, of the machine shop is from the Pratt & Whitney Co., Hartford, Conn., and the woodworking from equally distinguished manufacturers, which is a guarantee of the superior character of the work turned out by these factories.

When fully completed, these works will supply from the ore all the steel used in their works.

The old and original Champion Works, which stand near the heart of the town, are hemmed in so that no expansion is possible, while the third works, at Lagonda, a mile out, are on a scale corresponding with the first.

The trains of cars which are continually being loaded with these machines to be distributed throughout the states and territories, while many train loads are taken to the shipping ports to go to foreign countries, should convince any one that the railroad owners were having a good thing of it, and it would be expected that their sympathies were with these manufactories, but, strange to have to say, such is not the truth.

These works constitute but a fraction of the productive power of Springfield. In the article of horse rakes, Springfield and its neighbor town, Dayton, annually aggregate some sixty-five thousand machines; and allowing one hundred and ten machines to the carload, nearly six thousand cars are required to convey this special kind of goods to their destination, while many train loads are shipped to foreign countries.

To bring the raw materials to these factories furnishes employment to a much larger number of cars, to say nothing of the thousands of tons of coal and other articles consumed directly and indirectly by the army of operatives in and about these works.

And when we take into the account the combined products of these factories, and their dependence upon the transportation facilities of the country, and the endless sources of revenue it affords to them, it would seem nothing short of madness on the part of railway owners to in any way restrict their protection under the patent laws.

In further illustration of the fostering influence of patents, since last harvest the new plants for three large industries have sprung up in the town of Springfield, on locations selected to secure unrestricted bounds for expansion from a

future growth of solid business. These men have been induced to invest their capital from the successful operations of the old establishments, which have been producing the same line of goods.

But the first step was to secure the control of patents which would protect them in the business and thereby render the investment secure; and without this reliance upon the plighted faith of the government or its servants these millions of investments would not have been made. This single instance will illustrate the history of the thirty odd manufactories at Springfield; those of Dayton as well.

Now, the inevitable result which must follow the criminal course being pursued by the railroad corporations and our blind and reckless Congress will be to give the privilege to whoever chooses to take these perfected machines for patterns, go further West, where the supply of materials is cheap and inexhaustible, set up business, and in a short time supply the customers of our factories at lower prices than it will be possible for them to do; and the railroads will have only the business of hauling the finished work, and will be relieved from hauling the raw materials, which now is worth more to them than that of transporting the goods.

Can any candid, reflecting, well-disposed man look these facts squarely in the face, and then say there is no truth in them?

It is acknowledged by all civilized people, that he who has succeeded in supplying the means with which his fellow-men can accomplish a greater amount of work, and that in a better and cheaper way than it was possible to accomplish the same previous to the use of his method, is the benefactor of his race; while he who attempts without authority to take that from his fellow-man which is rightfully and justly his own property, is acknowledged by all civilized people to be a thief.

S. L. DENNEY.

Strasburg, Lancaster Co., Pa., March 26, 1884.

Scientific American, April 5, 1884.

Probable Defeat of the Bad Patent Bills.

THE vigorous efforts made during the past few weeks by the friends of industry and invention to enlighten the minds of their representatives in Congress concerning the evils likely to follow the proposed patent legislation have been attended with good results.

In the SCIENTIFIC AMERICAN for March 15 we summarized the nature of the evils that would follow if the bills then under consideration were passed—naming the Anderson bill, for reducing the lifetime of patents to five years; the Voorhees bill, for giving to anybody who wished it the free right of any patent; and the Calkins bill, for diminishing the value of property in patents by obstructing the patentee in appealing to the courts. This article was quoted at some length by the Associated Press, and sent by telegraph to all parts of the country. It had an immediate effect in arousing individual action in many places, which took shape in the organization of public meetings, the passage of resolutions, the sending of hundreds of public and personal petitions to Congressmen, and the pre-

sentation to them of a large mass of valuable evidence, all tending to show how wrong and unwise the proposed enactments were likely to be. That the information thus furnished to Congress has had weight with some of the members is seen in the rejection by the Patent Committee of the Anderson five-year bill, and the further postponement of the other bills. The chairman of the House Committee on Patents, on March 22, read the following :

"This bill (H. R. 3,617) proposes to amend section 4,884 of the Revised Statutes by striking out the word 'seventeen' and inserting the word 'five,' and thereby make a most radical and unjust change in the patent laws of this country, its effect being to limit the life of a patent to five years. Such a change is not consistent with the spirit of our Constitution and laws made for the benefit and encouragement of inventors, and would be an act of gross injustice to the great mass of inventors of this country, who have done so much to develop the growth, wealth and prosperity of the country. As to the right of property which the inventor has in his inventions, a recent and learned writer on patent law says : 'The right of property which an inventor has in his invention is excelled in point of dignity by no other property right whatever.' Contrasted with him who acquires property by inheritance or devise, contrasted with him who acquires property by marriage or donation, contrasted with him who acquires property by revenue from the barter of merchandise or from the yield of money loaning, he who acquires property by invention, by bringing into being things which before were not, stands pre-eminently and confessedly on a higher foundation.

"The same learned writer again remarks : 'The inventor is not the pampered favorite or beneficiary of the government or of the nation. The benefits which he confers are greater than those which he receives. He does not cringe at the feet of power, nor secure from authority an unbought privilege. He walks everywhere erect, and scatters abroad the knowledge which he created. He confers upon mankind a new means of lessening toil, or of increasing comfort, and what he gives cannot be destroyed by use or be lost by misfortune. It is henceforth an indestructible heritage to posterity. On the other hand, he receives from the government nothing which costs the government or the people a dollar or a sacrifice. He receives nothing but a contract which provides that for a limited time he may exclucively enjoy his own.'

"The committee are unanimously of the opinion that the present limit of seventeen years is a reasonable limit, and therefore recommend that the accompanying bill do not pass."

Nothing could be more satisfactory than the promulgation in Congress of sentiments like these, which, it is safe to say, are earnestly shared by the mass of the people of the United States.

This excellent report was followed on the 24th of March by a resolution of inquiry, which we hope will be promptly passed. It was read by the Hon. Mr. Vance, and referred to the Patent Committee of the House :

"*Whereas*, Information has been obtained, from sources entirely trustworthy, which indicates that the full, thorough, expeditious and accurate administration of the laws and regulations which pertain to our great American patent system is being obstructed and impeded on account of a deficiency in the room and an insufficiency of force at the disposal of the Department of the Interior, therefore,

"*Resolved, etc.*, That the Secretary of the Interior be, and he is hereby, requested to report to this House such information as he may have touching the deficiency

of room and the insufficiency of force in the Patent Office, and to what extent, the rights of inventors and the public interests are affected by the present want of room and additional force in that department; and that he be requested to make such suggestions as he may deem proper as to what legislation is necessary to remedy the grievances indicated."

In respect to the other bills, their immediate consideration has been postponed, and their passage looks somewhat doubtful. It is, however, desirable that all who have views to express or information to furnish should send the same to Senators and Representatives—who in this way become informed as to the true needs of their constituents, and are enabled to govern their legislation accordingly.

American Machinist, April 5th, 1884.

Laws to Discourage Invention.

Two bills have been quickly advanced in the House of Representatives, one of which reduces the period for which patents will be granted to five years: the other proposes virtually to permit the buyer of a patented article to assess the value of the patent. The members of the house were so much occupied with purely political business that they did not seem to know what the contents of these outrageous bills were. Most countries that have made leading progress in industrial pursuits have owed some part of their success to wise government co-operation and judicious legislation. This country has been a conspicious exception to this rule, for its industrial progress has proceeded solely from the ingenuity and unaided perseverance of its citizens whose efforts in many instances have been obstructed by adverse legislation. One cannot study the growth of American manufactures without being struck with the apathy or open hostility displayed by our legislatures towards the interests that have done so much to enrich the nation. The national legislature appears to be crowded at present with men hostile to the nation's prosperity, or these two bills destroying the value of patent property would not have escaped earnest protest. The inventive genius of America has enabled our manufactures to be built up on their prosperous base, and the enactment of laws that tend to destroy the incentive to invention cannot fail to have a disastrous effect. It is an outrage on the country that the men sent to Congress for the purpose of watching over the nation's interest should be active in passing measures that will assuredly effect injury to the whole community. These assidious assaults on our patent laws are promoted by unscrupulous rascals who wish to obtain other people's property without paying for it.

The American Machinist April, 12 1884.

The new British patent law, which is much more liberal to inventors than the old law has already operated to stimulate invention to a remarkable degree. The total number of applications for patents for seven weeks ending February 18th, this year, was 3,538, while for the same period last year it was only 894. The total of applications for 1883 was about 6,000, the highest on record. Just as the British are beginning to experience the value of liberal protection to inventors at low cost, our legislative Solons at Washington are trying to carry out some plan to weaken or destroy the protection now accorded to American inventors.

American Machinist, New York, April 12, 1884.

Effect of Threatened Patent and Tariff Legislation.

W. F. & John Barnes, Rockford, Ill., write us: "We inclose you a copy of a letter from one of our correspondents (you can judge from his letter how near a customer) that shows about how it affects this class of American citizens. By the time politicians out of office and in get the patent and tariff laws to suit them, this country will be ready to divide up into another Africa."

The letter referred to reads as follows:

Messrs. W. F. & John Barnes:

GENTLEMEN: When I wrote you for your catalogue I thought of ordering your No. 5 lathe and other machinery, with which I expected to perfect some valuable mechanical inventions; but since Congress seems disposed to enact such hostile patent bills, I have concluded not to waste my time and money.

Thanking you for your kindness in sending catalogues, I am,

Yours truly, JOSEPH P. WILSON.

If we can judge by the speeches of certain prominent Congressmen, both in and out of legislative halls, the squeezing of some of our most useful and valuable manufacturing interests is just what a considerable number of them desire. Goaded by the editorials in free trade newspapers, they rancorously abuse the iron, steel, machinery, woolen, and silk manufacturing interests, and loudly demand laws to make foreign competition easier and home manufacture less remunerative.

In no other country in the world are any number of legislators, or is any portion of the popular press, hostile to manufacturing interests. Here a certain class of editors and statesmen are laboring to destroy the patent and tariff protection under which our manufacturing industries have been built up to their present proud position. They call a halt to our industrial progress, while foreign manufacturers are waiting for the opportunity thereby afforded to crowd our markets with cheap goods and force down wages and selling prices to a point where our shops and factories can make no profit in running, and will shut down.

There is no doubt that a majority of the people of this country are in favor of adequate protective patent and tariff laws. If legislation by the present Congress is not shaped in accordance with that fact, a considerable number of its members will be placed upon the retired list when another Congress is chosen, next fall.

Chicago Tribune.

Patent Bills in Congress.

The large number of bills introduced into Congress to modify the patent laws for the protection of the public against imposition and persecution is undoubtedly the result of popular indignation at the methods of the speculators in patents. It is commonly the fact that the inventor of a new machine or the discoverer of a new process is not the beneficiary of the patent laws. This class of people would be

satisfied with a reasonable reward for their ingenuity. But the men who buy up patents in order to obtain a monopoly and to rob the public are disposed to push their advantage to the utmost, and to that end they avail themselves of every opportunity which the present loose patent laws afford for harassing the the people who use patented articles and for extending the term of their monopoly privileges. It may be that the popular protest against the patent outrages has prompted the proposal of some measures which go too far in the other direction, but certainly some legislation should be adopted for the protection of the public. The mistake which the monopolists and their organs are making is in showing opposition to all measures of relief without regard to their relative merits or defects.

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APPENDIX.

New York Tribune, April 15, 1884.

The Inventors and Users of Patents.

THERE appears to be just now a conflict between the inventors and users of patents. Some of the latter, conceiving themselves abused, have caused the introduction to Congress of measures which the patentees declare aimed at patent-rights generally. There are, of course, rights and equities on both sides. While it is unquestionably the interest of the country to protect and encourage inventors, it must not be lost sight of that the public are also entitled to protection, nor can it be denied that in some notorious instances patent-rights have been so manipulated as to inflict serious injury upon the community. In the farming regions there has, of late, also been much trouble regarding certain patent-rights of very general application, and the farmers who have suffered represent the public opinion which has produced the measures now before Congress Inventors assert, however, that these measures are calculated to destroy the value of all patents. If that objection is sound they ought not to be enacted. But the innocent purchaser nevertheless demands and insists upon protection, and since he represents a strong political power and can urge his claims ergetically, it is the part of wisdom for the owners of patent-rights to consider the feasibility of a compromise.

Mr. J. C. Clayton, a patent lawyer of this city, and familiar with the whole subject, has suggested a new bill, which he thinks may meet the difficulty. It is avowedly framed "for the purpose of protecting innocent purchasers of patented articles or processes." It provides that "Any person who shall sell any "article or process described and claimed in any unexpired letters-patent without "the lawful authority of the patentee or his assigns or licensees, and who shall "at or before such sale falsely represent to the purchaser that there is no unex-"pired patent covering or claimed to cover said article or process, shall be guilty "of a misdemeanor." The penalty upon conviction shall be imprisonment not exceeding a year, or a fine not less than $300 nor more than $3,000, or both fine and imprisonment. It is made the duty of the United States District-Attorney for the districts in which such misdemeanor may occur, upon presentation of proof, to bring it before the Grand Jury, and upon indictment to prosecute the indicted person or persons. When a fine is imposed, one-half of it is to be paid to the patentee, whose rights have been misrepresented or denied.

This act appears in many respects calculated to meet the situation better than the one which the House recently passed, and which has already been favorably reported on in the Senate. It protects the innocent purchaser, and it fixes the responsibility upon those who undertake to tamper with existing patent-rights. By rendering the business of dealing in fraudulent or stolen patents dangerous, it affords protection to the inventor, at the same time that it gives him pecuniary redress without taking it out of the pocket of the innocent purchaser. Such a bill ought to meet the views of the inventors, seeing that some legislation on the subject is assured, and if they can procure its substitution for the pending act, to which they object so strongly, perhaps both sides will obtain comparative justice.

American Manufacturer and Iron World, Pittsburgh, April 16th, 1884.

Threatening the Patent System.

It never rains but it pours, and so it happens that four bills have been introduced in Congress, two of which have passed the House, that are of the gravest importance not only to inventors but to all who understand the patent system of the United States, and desire its maintenance. We have already referred to Mr. Calkins' and Mr. Voorhees' bills; the more they are considered the worse they appear.

The former is intended to make it more difficult for the owner of a patent to prosecute for infringement. Just think of a law putting hindrances in the way of a man's getting the benefit of his own brain-work?

Mr. Voorhees' bill provides that it shall be a sufficient defense in any suit for infringement that the defendant bought the article for his own use "in the usual course of trade," without knowing that it was patented, and that he may continue to own and use the article after having received notice from the owner of the patent.

"Without knowing that it was patented" is good. A more preposterous bill was never introduced into Congress. Besides practically killing the patent laws it would conduce to the most colossal lying that was ever attempted in a civilized nation. On grounds of public morality this bill should be promptly killed, and buried deep under a tall sycamore of the Wabash.

A third bill is about as bad as that of the Senator from Indiana. It provides that the owner of a patent shall recover nothing from a defendant in a suit for infringement if it shall appear that the defendant bought the article in the open market and used it solely for his own benefit without having been told that it was subject to the patent in question; that the only man liable in such cases shall be the maker or vendor from whom the defendant received the article, and that if the defendant himself, or his employé, made the article for his own use, the plaintiff shall recover only a license fee, to be fixed by a jury.

Finally comes the man who proposes that patents shall be granted for five years instead of seventeen. This man only needs to scan the history of the English patent laws for the withering effects of short time on patents.

What does it all mean? Whence comes this alleged demand for such a wholesale revision, or rather destruction, of the patent laws? It means that because the Patent Office has taken action in two patents—driven wells and barbed wire—that is distasteful, and the wisdom of which is doubtful, the whole system is to be smashed all to pieces; any of the bills thus far introduced would do it.

Is it wise? Is it just? Liberal patent laws have stimulated invention for a hundred years. The results have justified the laws. The less liberal laws of other countries have resulted in fewer and less important inventions; a blow at our patent laws is a direct blow at invention. Inventors will not take the trouble to invent if every hope of securing some advantage from it is taken away.

Amend the patent laws, Messrs. Congressmen, if they need amendment, but don't make them any less liberal.

Geyer's Stationer, New York, April 17th, 1884.

Attacking the Patent Laws.

A persistent and apparently concerted effort has been made during the present session of Congress to deprive inventors of the protection afforded them by the existing patent laws. More than twenty bills, most of them making great and very injurious changes in these laws, have been introduced. By the provisions of one the life of a patent is reduced from seventeen years to five. Another gives juries the power to fix the license fees to be paid by users of patent infringements, without regard to the inventor's valuation of his property right. Another makes the evasion of the law easy by allowing any user of an infringement to escape punishment by the simple plea that he did not know that the thing was patented, or that the person selling it to him had no right to patent it. Still another authorizes the user of an infringement to continue its use where it would be of the greatest benefit to him and most injurious to the owner of the patent, notwithstanding ample legal notice after his purchase that it was an infringement.

In addition there are several ingeniously contrived bills, apparently devised for no other purpose than to throw every possible obstable in the way of the owner of a patent when endeavoring to assert his rights, and to defeat the ends of justice by rendering it practically impossible for the aggrieved patent owner to recover damages for infringements.

There can be no valid objection to a judicious amendment of any law which experience has proven to be defective, but the various measures affecting the patent laws now pending are entirely too radical and sweeping. Their enactment would completely overturn the existing system, unsettle long recognized principles, and deal most unjustly with the rights of individuals.

The whole tendency of these bills is to lessen the rights of the inventor and facilitate infringements by those who seek to deprive patentees of the profits derived from their inventive skill. If these bills become laws, hundreds of patents which have cost their owners much labor and many thousands of dollars, will become practically useless, since they can no longer be successfully protected against infringements.

Our existing system of patent laws has been regarded as so nearly perfect that it has been employed by several foreign nations as a model from which to reconstruct their own systems. The patent laws are essential to our prosperity and development, and unless it can be clearly shown that they are not founded on justice and equity, they should not be nullified and thrown into hopeless confusion.

Several of the bills above referred to have been rushed through the House of Representatives with suspicious and inconsiderate haste, and there is probably not much to be hoped from the prevailing temper of that body; but the people have a right to expect that the Senate will give the matter their most careful and deliberate consideration.

Washington Republican, April 22d, 1884.

Mischevious Patent Legislation.

The Senate and House bills relating to the practice in patent suits, both of which were upon the Senate calendar, and the first of which has long been a "special order" awaiting its turn after the bankruptcy bill for consideration, have been, upon motion of Senator McPherson, recommitted, no objection having been made by the members of the committee on patents. This action was based upon numerously signed petitions, embracing hundreds of names of prominent inventors, manufacturers, merchants, bankers and others, who ask that they be afforded an opportunity to appear and point out what they consider the mischievous features of the bill. The measure was not in all respects satisfactory to the advocates of a reform in the matter of practice in patent suits. A widespread sentiment in opposition to the proposed change has manifested itself in all parts of the country, and it is doubtful if the measure makes its reappearance during the present session, or indeed at all, without very considerable changes. An equally widespread sentiment in favor of the measure introduced by Senator Platt to separate the patent office from the Interior Department and make it an independency, has been developed.

Petitions bearing hundreds of signatures of inventors and others interested in patents have been received, and they are still coming in daily.

Pittsburg Commercial Gazette, April 22d, 1884.

Legislation on Patents.

PENDING MEASURES LAID ASIDE IN OBEDIENCE TO PUBLIC OPINION.

WASHINGTON, D. C., April 21.—The Senate and House bills relating to practice in patent suits, both of which were upon the Senate calendar, and the first of which has long been a "special order" awaiting its turn, have been recommitted. This action is based upon numerously signed petitions, embracing hundreds of names of prominent inventors, manufacturers, merchants, bankers and others, who ask that they be afforded opportunity to appear and point out what they consider the mischievous features of the bill. A widespread sentiment in opposition to the proposed change has manifested itself in all parts of the country, and it is doubtful if the measure makes its reappearance during the present session, or indeed at all, without very considerable changes. An equally widespread sentiment in favor of the measure to separate the Patent Office from the Interior Department and make it independent, has been developed. Petitions bearing hundreds of signatures of inventors and others interested in patents have been received and are still coming in daily.