

NEW BOOKS AND PUBLICATIONS.

THE ILLUSTRATED ANNUAL REGISTER OF RURAL AFFAIRS and Cultivator Almanac for the Year 1874. With 150 Engravings. Price 30 cents. By J. J. Thomas, Editor of the "American Fruit Cultivator," etc. Albany, N. Y.: Luther Tucker & Son, 395 Broadway.

THE FLASH LIGHT TELEGRAPH, or Telegraphing Made Easy. By M. Gustin. Troy, Pa.: Gazette Office.

A code of signals for telegraphing by means of lights

LECTURE ON PHYSICAL ASTRONOMY. Delivered before the Austin Library Association. By Matthew Hopkins.

PHARMACOPOEIA GERMANICA: The German Pharmacopœia. Translated by C. L. Lochman. With an Appendix explanatory of the French Metrical System, and Tables of Weights and Measures, etc. Philadelphia, Pa.: David D. Elder & Co., 430 Market street.

THE SCIENCE OF HEALTH: a new Monthly, devoted to the Restoration and Preservation of Health on Hygienic Principles. Amply Illustrated. Volume III, July to December, 1873. New York: S. R. Wells, 389 Broadway.

THE GALVANOMETER AND ITS USES: a Manual for Electricians and Students. By C. H. Haskins. With Illustrations. New York: D. Van Nostrand, 23 Murray and 27 Warren streets.

THE VIENNA EXPOSITION EXHIBIT OF KRUPP'S STEEL WORKS, Essen, Prussia. Messrs. Thomas Prosser & Son, of 15 Gold Street, in this city, agents for Fried. Krupp, have forwarded us a photograph of the world-renowned steel works, together with a catalogue of the articles exhibited by the firm at the recent Vienna Exposition.

THE AQUATIC MONTHLY has recently changed publishers, and is now issued by August Brentano, the very enterprising dealer and importer of foreign periodicals, No. 33 Union Square, New York.

SCRIBNER'S MONTHLY for January contains a ludicrous burlesque scientific story about the great air line to the moon, adapted from the French of Jules Verne. With just enough scientific truth to give the narrative a semblance of fact, and with much detail, the plan for shooting a hollow projectile, out of a gun 900 feet long and six feet thick, sunk in the earth, is described; and a number of engravings, one showing the interior of the shell with the voyagers inside, are added.

OUR old friend the ECLECTIC MAGAZINE begins the new year and its nineteenth volume (new series) with a lumber brimfull of good things, selected with excellent discrimination from foreign and American periodicals. Those interested in Lieutenant Steever's present explorations in Palestine will find, in the paper on the "Land of Moab," some valuable information concerning that famous country.

ST. NICHOLAS is unquestionably the best children's journal that has yet appeared in this country; and we can say so with all the more certainty since it has been consolidated with that standard juvenile periodical OUR YOUNG FOLKS.

THE ATLANTIC MONTHLY has changed publishers, and is now issued by Messrs. H. O. Houghton & Co., 219 Washington street, Boston. The number for January is remarkably attractive, and will be of especial interest from the fact of its containing the last writing of the late Professor Agassiz—a paper setting forth his convictions on the Darwinian theory, and beginning a series of which his death has prevented the completion.

THE GALAXY for January opens with a paper on the Duke of Argyll, by Justin McCarthy, in which is condensed considerable information regarding apparent anomalies in the English peerage. Call Benson discourses on "Physical Impediments to Social Success," and Richard Grant White contributes a scholarly paper on "Linguistic and Literary Notes and Queries."

DECISIONS OF THE COURTS.

United States Circuit Court---Northern District of Illinois.

PATENT MACHINE FOR PRESSING AND STAMPING SHEET METAL.—REVOCAATION OF PATENT.—FRANK STURGES, OLIVER H. LEE, and WILLIAM S. POTWIN vs. ISAAC VAN HAGEN.

This cause having come on to be heard upon the bill of complaint, answer, and replication herein, and the proofs, documentary and written, taken and filed in said cause, now, therefore, on consideration thereof, and on motion of N. C. Grisley, counsel for complainant, it is ordered, adjudged, and declared, and the Court doth hereby order, adjudge, and decree that the Letters Patent of the United States of America, No. 114,068, bearing date April 25, A. D. 1871, and issued to the said defendant Isaac Van Hagen, be, and the same is hereby revoked, vacated, and declared null and void, and of no effect, and that the said defendant Isaac Van Hagen be, and is hereby, divested of all right and interest he had, under and by virtue of said Letters Patent, in and to the "Improvement in Machines for Pressing and Stamping Metal" therein described.

NOTE.—The above decision of the United States Circuit Court appears to be confirmatory of the action of the Commissioner of Patents in 1872 in setting aside the claims of Van Hagen.

NOTE.—This case appears to have been a deliberate attempt, by a party who was not the inventor, to obtain and hold a patent for an invention which rightfully belonged to another. It is rare that such attempts are made, and in general they ignominiously fail, as in this case.

NOTE.—The original decision of the Commissioner, giving the various facts, will be read with interest, and we therefore present it in full.

HUNTINGTON vs. VAN HAGEN.—Interference.

(Appeal from the Board of Examiners-in-Chief in this matter of the interference between the application of Frederick M. Huntington, filed June 26, 1871, and Letters Patent No. 114,068, issued to Isaac Van Hagen, April 25, 1871, for MACHINE FOR PRESSING AND STAMPING SHEET METAL.—Decided July 25, 1872.

LEGGETT, Commissioner: The invention in controversy is an attachment for a machine used in the manufacture of sheet metal covers for can boxes, etc. The question at issue is not which party made the invention first, but which invented the device. There is no pretense that each invented the device independently of the other. Each swears positively that he made the invention and disclosed it to the other.

At the time the invention was made, both parties were employed in the shops of Frank Sturges & Co., in Chicago—Van Hagen as general superintendent, and Huntington as foreman of one class of work. Van Hagen claims to have conceived the invention in May, 1869, and says the improvement was first referred to his attorney. In this statement he is fully corroborated by his attorney, but by no one else—not even by the other witnesses called by himself. The attorney only testifies as to the time that Van Hagen consulted him, and fixes that time in the summer of 1869.

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COMMISSIONER'S DECISIONS.

INTERESTING DECISION IN RELATION TO ASSIGNMENTS OF PATENTS.—HOLMES AND SPAULDING.—Reissue.

[In the matter of the application of Daniel Holmes and John Spaulding, for reissue of patent No. 19,465, dated February 23, 1858, reissued May 13, 1862, No. 1,307, and extended February 27, 1872. Subject, CARPET BEATING MACHINE.—Decided December 4, 1873.]

LEGGETT, Commissioner: The question has been raised under Rule 63, in making up the file of his application whether all the parties in interest had joined in the application. The inventors were Joseph Harris and Daniel Holmes. Previous to the grant of the patent, and on the day of making application therefor—to wit, the 15th day of December, 1857—they executed an assignment of the invention to Holmes, and requested that the patent be issued to him, which was done.

The Supreme Court of the United States, in *Nicholson v. The Pimento Company vs. Jenkins* (Official Gazette, vol. 1, p. 465), said: "An assignment of an interest in an invention secured by Letters Patent is a contract, and, like all other contracts, is to be construed so as to carry out the intention of the parties to it." There is no artificial rule in construing a contract, and effect, if possible, is to be given to every part of it, in order to ascertain the meaning of the parties to it.

A deed assigning in terms all one's right, title, and interest in a patent, it is well settled, does not convey the extended term. It must be expressly conveyed; and the intention to convey it must appear from the language of the deed, or it will not pass. But both the legal and equitable interest in the extended term may be conveyed and the extension has been granted. (*R. R. Co. vs. Trimble*, 10 Wallace, 367.)

Taking this whole deed together, in accordance with the rule stated by the Supreme Court, above referred to, so as to give effect, if possible, to every part of it, I think it quite clear that there is no intention exhibited to convey, and therefore that there was no conveyance of, the extended term. The only words which, without qualification, might clearly indicate such an intention are the following in the recital: "And whereas Daniel Holmes aforesaid has agreed to purchase from us all the right, title, and interest which we have or may have in and to the said invention, and in and to the said Letters Patent to be granted therefor." Then follows the granting clause, conveying "all the improvements made by us, as fully set forth and described in the specification, preparatory to obtaining Letters Patent therefor."

Value of Patents, AND HOW TO OBTAIN THEM. Practical Hints to Inventors.

PROBABLY no investment of a small sum of money brings a greater return than the expense incurred in obtaining a patent even when the invention is but a small one. Larger inventions are found to pay correspondingly well. The names of Blanchard, Morse, Bigelow, Colt, Ericsson, Howe, McCormick, Hoe, and others, who have amassed immense fortunes from their inventions, are well known. And there are thousands of others who have realized large sums from their patents.

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HOW TO OBTAIN Patents. This is the closing inquiry in nearly every letter, describing some invention which comes to this office. A positive answer can only be had by presenting a complete application for a patent to the Commissioner of Patents. An application consists of a Model, Drawing, Petition, Oath, and full Specification.

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When ordering copies, please remit for the same as above, and state name of patentee, title of invention, and date of patent. Address MUNN & Co., Patent Solicitors, 37 Park Row, New York city.

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