

DECISIONS OF THE COURTS.

Supreme Court of the United States.

In equity.—Appeal from the Circuit Court of the United States for the Southern District of Ohio.—October Term, 1874.]

HENRY J. REEDY, APPELLANT, vs. GEORGE SCOTT.

Mr. Justice Clifford delivered the opinion of the court: The surrender of a patent to the Commissioner is an act which, in judgment of law, extinguishes it. It is a legal cancellation of it; and hence the patent can no more be the foundation for the assertion of a right, after the surrender, than could an act of Congress which has been repealed; and it has frequently been determined that suits pending which rest upon an act of Congress fall with the repeal of it. Antecedent suits depend upon the patent existing at the time they were commenced, and unless it exists and is in force at the time of the trial and judgment, the suits fail.

Where a suit in equity under a patent is pending at the time of the reissue, a supplemental bill setting up the reissued patent is not a proper pleading to revive such a suit, as nothing can be recovered, either as damages or profits, for the infringement of the surrendered patent.

The infringement of the reissued patent becomes a new cause of action, for which, in the absence of any agreement or implied acquiescence of the respondent, no remedy can be had except by the commencement of a new suit.

But where the complainant, having reissued his patent pending a suit, set up this fact in a supplemental bill, all the proofs in the case being taken thereafter, and neither the respondent nor the court below made any objection to the irregularity of the pleadings, the irregularity was also disregarded by the court on appeal.

Where the defence against a reissued patent is that it is for a different invention from the original, it cannot be doubted that the latter may be the subject of reference, as to a repealed statute, to aid in the construction of the new patent issued upon the corrected specification.

[George E. Pugh for appellant.

No counsel appeared for respondent.]

Recent American and Foreign Patents.

Improved Electro-Magnet.

Mark A. Rice, Pentwater, Mich.—This invention consists of making a number of electro-magnets with one coil, by introducing any part of each of several bars into a coil of insulated wire while other portions are outside of the coil. One leg of each of several U-shaped bars will be in the coil, and the other legs out along the exterior, or the wire may be coiled around the parts which connect the legs, leaving the two legs out, so that they project radially from the ends of the coil. By this plan each magnet is obtained nearly as strong as it would be if the others were not inclosed, and a much greater magnetic force from a given coil or given force, with less battery, power is produced.

Improved Apparatus for Cutting Goods on Bias.

Salomon Mayer, New York city.—This invention consists of a table with one or more knife-grinding bias slots, in connection with an adjustable treadle-acted clamp piece and adjustable gage pieces, which are set to the required width and angle of the bias strips, for cutting a suitable number of layers at the same time.

Improved Medicated Beer.

Robert W. Tavenner, Bay City, Mich.—The invention consists in a novel method of preparing beer so as to deprive it of its intoxicating property, while its tonic and curative character is preserved in its integrity. It is thus made especially soothing to the nervous system, toning it up and eradicating neuralgic tendencies, while the blood is gradually purified and enabled to perform its normal functions with regularity and efficiency.

Improved Method of Bleaching Cane Juice.

John M. Lescale, Paincourtville, La.—This invention relates to certain improvements in apparatus for bleaching sugar cane juice, and it consists in a vertical box or tank divided into compartments by means of shelves, in combination with a vertical revolving shaft provided with spirally arranged wings revolving in said compartments and alternating with the shelves. The juice is admitted to the tank from the top, and falling upon the revolving wings, is dispersed by centrifugal force in the form of a spray through the decolorizing sulphurous acid with which the tank is filled; and being collected upon the sides of the tank and top of the first shelf, it trickles to a central opening in said shelf, and drops upon the revolving wings in the second compartment for a repetition of the dispersing process. Any number of compartments with the shelves and alternating revolving wings can be used that may be desirable to wholly decolorize the juice. The spiral arrangement of the wings upon the revolving shaft induces a current of sulphurous acid from the generator, and the said gas is forced directly upward through the falling spray of the juice, thereby securing the most thorough impregnation of the juice with the gas, and consequently the most perfect bleaching.

Improved Door Check.

D. Gundelinger, Jefferson City, Mo.—The invention relates to the means patented by the above, October 13, 1874, to prevent the door knob from striking the wall paper, and consists in a novel construction of the slide and case, and in placing an adjustable stop over the short arm of the lever.

Improved Shoe Brush.

Andrew McElrath, 191 Duane Street, New York city.—This is a blacking brush provided with circular cavities, connected by a groove, to receive the implements required in the operation of polishing boots or shoes. A lid or cover is secured to the back of the brush by hinges, and, when closed, by a locking catch and spring. The back is provided at its respective ends with deep circular cavities, to receive and hold the wetting brush and blacking box, the handle of the former resting in the groove joining said cavities. A shoe horn is placed beneath the box, and its handle, which has a cleaning brush, also projects into the same groove. A groove is also formed on each side of said central groove, one to receive a button hook, the other a cleaning tool. A plush hat brush is applied to the outer side, and a mirror to the inner side of the lid.

Improved Railroad Signal.

Colonel Robert L. Kilpatrick, Springfield, O.—The invention consists in the use of a double treadle with clutch mechanism, so that the bell is struck or other alarm given simultaneously with the display of the signal whenever a train is approaching the station. When, however, the train is going from the station, the treadle is rendered automatically inoperative.

Improved Combined Potato Digger and Cultivator.

Henry W. King, Canaan, N. Y.—This invention relates to certain improvements in potato diggers, and it consists in the combination of a series of S-shaped revolving digging fingers, with a second series of clearing fingers, and a pivoted inclined shaker table consisting of slats: the said digging fingers lifting the potatoes and dirt from the hill, and the clearing fingers passing between the diggers and transferring the potatoes and disintegrated clods to the inclined table, which, being agitated by the unevenness of the ground, allows the dirt to pass through the slats and the potatoes to be delivered at the rear of the table. It also consists in the peculiar construction of the digging and clearing fingers, and in the devices for throwing the operating mechanism in and out of gear.

Improved Boot and Shoe.

Wm. Myer and Henry Freiburg, Quincy, Ill.—This invention relates to certain improvements in boots and shoes, and it consists in a wooden heel and shank whose upper surface forms a part of the bottom of the shoe, the upper and counter being attached to the outer surface of the shank, and in a groove around the heel, and the whole secured and combined with an outer sole which extends the whole length of the shoe and covers both the sole and shank. The said outer sole extends also around the groove in the heel to protect the edge of the counter, and, while adding to the strength of the shoe, adapts the same to receive a superior finish.

Improved Awl.

Sylvester A. Smith, Muscatine, Iowa.—The invention consists in a shoemaker's awl so constructed as to render entirely unnecessary the bristle usually employed on one end of the waxed thread. This is accomplished by making notches in the awl near the end, said notches being reversely inclined.

Improved Revolving Fly Brush.

John Gilliford and John M. Hoffman, Spruce Hill, Pa.—This invention relates to certain improvements in fly brushes. It consists in a clock spring and spur gear contained within a suitable case, which may be mounted upon legs or a pedestal, according to the character of the work to be performed, the said gearing meshing with a pinion upon a vertical shaft journaled in bearings in the casing. A vertically adjustable sleeve of peculiar construction revolves with the vertical revolving shaft, and is held in position by a locking stud that engages with notches in the said shaft. In said sleeve are detachably fastened radial arms of peculiar construction which carry brushes that, in revolving, act as a noiseless escapement for the clock gearing; and the revolving shaft is provided with a binding screw and spring, which operate as a brake to regulate the speed of the brushes.

Improved Bath Tub.

Asa C. Brownell, Brooklyn, N. Y.—This invention relates to certain improvements in bath tubs; and it consists in the peculiar arrangement of parts whereby is constructed a combined plunge and sitz or foot bath in one and the same frame; and it further consists in the combination with the two compartments of the tub of a single overflow pipe.

Improved Ice Pitcher.

Louis Evans, Pittsburgh, Pa.—This invention relates to certain improvements in ice pitchers; and it consists in the combination with the pitcher of an inner casing to contain ice, having a detachable perforated cup in the bottom thereof, containing filtering material which eliminates the dregs and sediment from the ice, and leaves the water to be used perfectly pure and clean.

Improved Magazine Fire Arm.

Reuben S. Chaffee, Springfield, Ill.—This invention consists of a hollow metal stock, in which revolves on journals the magazine containing tubes, in each of which is contained a cartridge driver, which is held in position by notched openings in the tubes. At the back end of the magazine are pins, corresponding in number to the tubes, for revolving the magazine. Below the magazine lies the loading bar, on which are arranged lugs, for carrying the cartridge drivers forward. At the back end of the loading bar is a stop plate, in which is a spring cam. These, with the pins, both permit and stop the revolving of the magazine. A hook on the loading bar communicates with the breech block, and imparts its motion to the loading bar. On the under side of the gun is the breech block, to the front of which is attached a finger to hold the cartridge in position as it is moved forward. Above this, in a closed space in front of the magazine, is the cut-off, with spring, for forcing the cartridge forward of the breech block.

Improved Cotton Cleaner.

George W. McCauley, Pleasant Plains, Ark., and Wm. L. Crowson, Memphis, Tenn.—The invention consists in the improvement of cotton cleaners by combining with a thresher a suction fan, so arranged as to draw air in at one part of the machine, take all the dust and light impurities from the cotton as it is thrashed, and discharge it on the outside of the gin house.

Improved Table Slide.

James O. Frost, Towanda, Pa.—This invention relates to certain improvements in extension table slides, and it consists in a plate having hook-shaped extremities which grasp the frame pieces, an extension or tongue in between the hooks, which moves in a groove in the frame pieces, and a dovetail extension upon the outside, which forms a rigid connection for the plate to the frame pieces without the use of screws.

Improved Wagon End Gate.

Samuel C. Myers, Pana, Ill.—This invention consists of an end gate, which is attached to the body by a lateral spring bar with end catches that lock into a recess of the side board, and a recess of an outer gate hinged to the opposite side board. The end gate is quickly taken off by pressing the spring catch back and swinging the side gate into open position, which allows the ready detaching of the end gate from the opposite side board.

Improved Revolving Rack for Holding Stockings.

Daniel K. Wertman, Shenandoah, Pa.—This is an improved device for suspending socks, stockings, or other goods from a revolving rack, which revolves on an iron pin in the base, and stands on the counter, or in any suitable position, for exhibiting the goods.

Improved Brick Machine.

Edward Deshler, Allentown, Pa.—This machine is made double, or to turn out brick from each side, the grinding and tempering mills and the brick molds being duplicates of each other. The parts of the machine are supported by a properly constructed frame, in the two end portions of which frame the clay is ground, elevated, and tempered, and delivered into the pressing cylinder, which latter is supported by the central frame. A bar scrapes the bricks from the ends of the plungers as the mold recedes, and leaves them on the brick board. The plungers are carried back and forth by the mold plate, and form the bottoms of the molds when the clay is pressed into them.

Improved Mill Spindle.

William Elliot, Williamsford, Canada.—This is an improved device for suspending the millstone above the water wheel shaft without raising and lowering the wheel with it, so that the adjustment of the upper stone to the exact position required for grinding it may be readily accomplished, and a perfectly horizontal position and smoother running of the stones obtained.

Improved Dental Plate.

Jonathan N. Clark, Bradford, Vt.—This consists of a wedge-shaped rim of soft rubber on the inner edge of the plate, forming a cushion against the gum while preserving a perfect vacuum.

Improved Cultivator.

Perry F. Landphere, Mazon, (Morris P. O.), Ill., assignor to himself and Deloss Jones, same place.—This cultivator cultivates two rows at a time, and can be readily adjusted to cultivate a single row, or may be used as one or two single row cultivators.

Improved Lamp Burner.

James Curzon, Darien, Conn.—The flat wick tubes are arranged at the base in two parallel planes, so that the wick may be raised and lowered by straight parallel ratchets. The tubes twist from the ratchets upward to the top, so that they are radial to a common center thereat, and thus expose both the wide sides of all the flames to view. The filling tube is provided with a spring-closing valve, to be opened by pressure on it by the nozzle of the can, and to close self-actingly when the nozzle is taken away.

Improved Organ-Stop Action.

Frederick M. Brush, Potsdam, N. Y.—The stops are arranged to be pushed out or pulled in by hand, in the usual way, and, besides, are provided with a lug on two sides, to be acted on by the arms of the shaft to be pushed in, and by the arms of the shaft to be pushed out. The pedal may be arranged to be worked by the feet, hands, or knees, as preferred.

Improved Adjustable Reclining Lounge.

Emil Bartels, New York city.—By means of this invention, the head of a sofa or lounge may be easily and quickly adjusted to any desired inclination: and, when fixed, the same is held securely in place.

Improved Green Corn Cutter.

William J. Potter, Mount Lebanon, N. Y., assignor to himself and Robert M. Wagen, same place.—Each pair of knives is attached to an adjustable frame, and the frames are placed at right angles with each other. The two knives of each pair form an oval opening. These openings are placed at any angle with each other which will allow the knives to cut all the corn from the cob. The knives are gaged to split the kernels; the first pair cut less than the next, while the last pair cut the kernels clean from the cob, and the cob is forced out through the opening at the end of the machines. The inner ends of a plunger and rod are made concave, to enable them to embrace the butt of the ear. The ears of corn are fed in by hand, one or more at a time, and every stroke of the plunger cleans the corn from the cob and divides the kernels into two or more pieces, according as the knives may be graduated.

Improved Skate.

Reginald H. Earle, St. John, Newfoundland.—This invention simplifies the construction of the skate for which letters patent were granted to the same inventor, September 15, 1874, to enable it to be applied to any kind of a boot or shoe. By turning the screws, arms may be moved out and in, to adjust them to the width of the boot sole to which the skate is to be attached; and by moving a plate forward the arms will be moved inward, to clasp the edges of the boot sole and secure the skate to it. By moving the long arm of a lever outward, the sliding plate is moved forward, which releases the skate from the boot; and by moving the long arm of the said lever inward, the sliding plate is moved to the rearward, clamping the skate to the boot.

Improved Dumping Car.

Robert Roberts, Pattenburg, assignor of one half his right to Nathan S. Wyckoff, Clinton, N. J.—To the frame is attached a block, upon which the forward end of the car body rests, and to which it is secured while being filled and moved. The body of the car, a little in the rear of its center, is attached to a cross plate, to the under side of which are attached lugs in which work journals on a cross head of a bolt. The bolt passes down through a hole in the center of a washer and in the center of the circular recess in a plate, and through a tubular projection formed upon the lower side of the plate. The car body is turned when it is desired to dump the load at the side of the car and a guard block keeps the said car body steady while being turned. The tail board is secured, when closed, by a drop bolt, which slides up and down in keepers attached to said tail board, and is pivoted to a lever which is pivoted to the tail board. The free end of the lever raises the bolt and unfastens the tail board, when it will be pushed out of the way by the load as it slides from the car body. The tail board may be raised out of the way, for convenience in loading the car, by swinging it either inward or outward into a horizontal position, and then sliding the upper arms of U straps along the suspending keepers.

Improved Gas Engine.

Pedro Vera, Bogota, United States of Colombia.—This is a hollow cylinder, hermetically closed, having pipes connecting it with pumps for introducing air, and a pipe for exhausting it, and containing a strong hollow gun cylinder, divided at the middle by a strong partition and open at each end, the partition having a hole through its center through which a long piston rod carrying a disk, so arranged that the ends of said gun cylinder will be alternately closed and opened as it moves forward and back. The apparatus being arranged, a certain quantity of mixed hydrogen and oxygen gases, in the proportion of two atoms of the former and one of the latter—the quantities for forming water—will flow into one of the gun chambers. At the same time, a current of electricity will be caused to enter the gun chamber, into which the gas flows, by the wire of said chamber being brought into contact with the wire of an electric machine to ignite and explode the mixture by a spark, and form water. By the heat generated in the chemical action, the water produced will be instantaneously converted into steam, which will force the piston from the gun chamber last exploded, so as to change the valves and the wire connections, and cause the action to be repeated in the other chamber, and so on. At each stroke of the piston a quantity of air will be introduced into the cylinder by the pumps, which will be heated by the heat evolved by the chemical action and expanded so that it can be utilized as a motive power, being conducted to the engine.

Improved Car Coupling.

William Green, Hyde, England.—Two laterally swinging hooks are supported by rear springs and pivoted on pins attached to the cars. To the pivoted pins is attached a lever by intervening rods. A pin holds the rod rigidly to the hook. An automatic spring coupling is thus produced, which may be uncoupled by one of the levers.

Improved Compress.

Auguste A. Lelièvre, Chatou, near Paris, France.—This consists in arranging between two wadding sheets a layer of muclage made of Irish moss. The whole is, by desiccation, transformed into a sort of pasteboard, which can be cut out by means of scissors into square, rectangular, or other bands. This compress is liable to readily be softened by water being applied thereto, and yet preserve its muclage. It can be used as an advantageous substitute for the poultice, the compress linen and binding bands being employed as usual.

Improved Needle Book.

Frederick Swan, New York city.—This is a book-like case, the covers of which are covered inside with cloth suitable for sticking the needles, and padded. The cloth is divided into sections for the different sizes and styles of needles, and numbered accordingly, with a partition to prevent the needles of one side from interlocking with those of the other.

Improved Sectional Bucket Pump.

George W. Burr, East Line, N. Y.—This consists of a bucket made in sections, which are so constructed that they pack tightly together when the bucket is raised, and loosen or contract when it is lowered, the same being connected with the plunger rod by means of a cup.

Improved Egg Beater.

Martin Cline, Chicago, Ill., assignor to himself and William J. Cline, same place.—To the cylinder and piston, ordinarily used with a perforated bottom for egg beating, the inventor adds a downwardly-tapering nozzle, downwardly-decreasing reticulated diaphragms, and a rest having bottom notches. By this improved construction, the accidental dislocation of the diaphragms is prevented, and the beater held firmly against the bottom of the dish into which the eggs are broken, while egg substance is more gradually drawn up and less crowded in its passage upward.

Improved Clothes Pin.

Otis F. Porter, Bridgeport, Conn.—This clothes pin is of two parallel strips, having a bevel at each end, an intermediate elastic block, and an embracing wire around strips and block. The wire and block have sufficient elasticity to allow the strips to separate and then clamp the clothes line.