

## DECISIONS RELATING TO PATENTS.

U. S. Circuit Court.—Southern District of Ohio, Eastern Division.

ADAMS vs. THE BELLAIRE STAMPING COMPANY *et al.*  
LANTERN PATENT.

Jackson, J.

Where the prior state of the art is such that the field of invention is limited and circumscribed, not admitting of any great original discovery, the invention in a patent must be strictly confined to its claim.

To constitute a patentable invention, there must be a novelty created by or originating in the mind of the inventor, and not deduced as a matter of inference, reasoning, or mechanical skill.

If the patentee did nothing more than take a lantern top, such as he could then have found in use, and secure it to the guard by a hinge and catch, substantially as lantern tops had previously been fastened to the guard, this improvement would not amount to invention.

The mere change of location of the parts of a mechanism, so long as no different or additional function is performed, does not make the change an invention, even though one of the parts thus transposed performs a double function, if the same part had been used before to perform the same functions in separate mechanisms.

While it may be true that none of the earlier lanterns are equal to that of the patentee in beauty of form or convenience for the particular use, yet if every part had been anticipated and used in some form or other for the very purpose to which it is applied in the patent and claim, the patentee could not properly be regarded as an inventor of the same.

A description in prior publications, in order to defeat a patent, must be in such terms as would enable a person skilled in the art to make, construct, or practice the invention, as he could from a prior patent or from the patent in suit.

When a prior patent had the same construction of parts, except that two catches were used to secure the top to the guard, instead of a hinge and a catch, and hinges and catches had been before used to secure tops to lanterns, then the substitution of the old hinge and catch for the two old catches required no invention, and the prior patent is an anticipation.

Where the patentee had an earlier patent differing from that in suit only in the location of the hinge, but without difference in function, the prior patent anticipates the latter, although the latter may have been in fact the earlier invention.

A patentee cannot claim the same thing described by him in a prior patent in which there is no reservation, and what he omitted to claim and reserve in a prior patent in which the invention was described he dedicates to the public. Whether the two patents cover the same thing must be determined by the scope of the claim in the later patent, rather than by the description in the specification.

If in view of the prior state of the art the patent in suit is valid, it must be for a combination of devices which amount to a new lantern, and would be infringed only by substantially a duplicate lantern.

A sale of a single license at an early date is not sufficient to establish a royalty or uniform license fee. License fees must be sufficient in number to establish the fee or royalty charged, and must be uniform, and be actually paid or secured before the infringement of defendants was committed.

License fees for the use of the patent in suit and another patent blended together would not establish a royalty as to either patent. If the license embraces other inducements and agreements which actually or probably influenced the licensees to pay the royalty, then the license would not constitute an established royalty.

NOTE.—This was a suit at law for the infringement of letters patent No. 50,591, granted to J. H. Irwin, October 24, 1865, for an improvement in lanterns, and was tried in June, 1886, before Judges Jackson and Sage and a jury. The charge was given by Judge Jackson. The jury returned special findings, as follows: 1. That the Irwin patent did not disclose invention. 2. That it was anticipated. 3. That the defendants had not infringed. 4. That there was no proof of damages.

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To Stop a Large Hole with Putty.

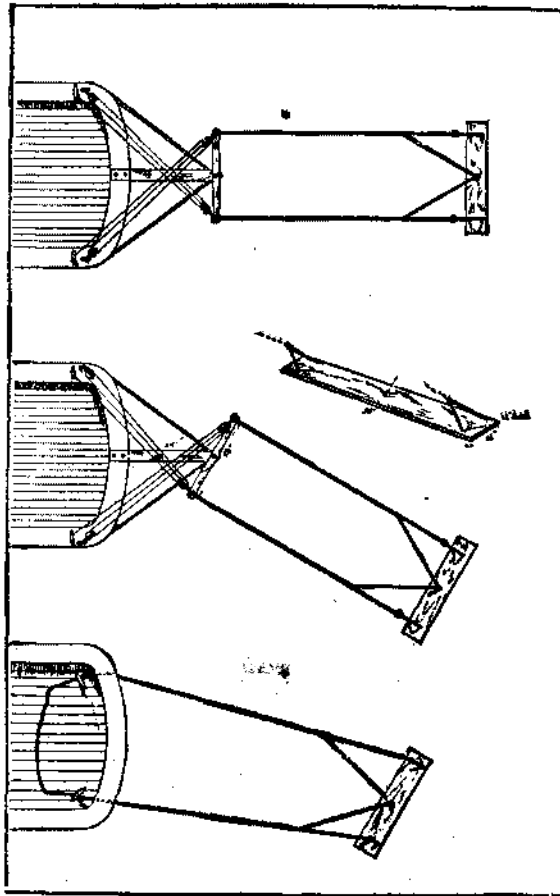
When you come across a hole while doing an old job, and one which will not pay you to spend the time of properly replacing it with a new panel or piece, we have often succeeded in effectually hiding the defect by taking small tacks and driving them into the hole in all directions, the more crooks the better for the purpose wanted, and then taking putty, mixed soft and pliable, forcing the same thoroughly all through and among the tacks, then letting the first dose dry hard, after which we reputted until we could level it down even with the panel surface.

After the putty is dry and sanded or rubbed, if the other portion is in good condition as regards varnish, before you put the color on the putty, run a light coat of varnish and japan over it. After that dries

put your color on, and you will find that there will be no sinking down of the color or color and varnish into the putty, but it will stand out equally with the rest.—*Carriage Monthly.*

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TEMPORARY STEERING GEAR.

Capt. C. F. Swan, of San Francisco, has devised a very simple and ingenious plan for steering a ship or steamer having a disabled rudder, and one which is so easily constructed that we have had engravings made to show the plan. It is not patented. The main feature is the method of securing the plank or drag to the steering lines or guys. A 16 inch plank, 16 feet long and 2½ inches thick, has iron bridles secured to it, one arm of the bridle being longer than the other. Then, when the strain comes by the motion of the vessel, the plank is dragged at such an angle (the long arm being uppermost) that it submerges itself, no weight being necessary. The base inclines toward the ship, so the plank is kept down. The plank is veered astern by the guys. The inner ends of the guys are secured to the ends of a pivoted brace, and tackles lead from these ends to the barrel of the wheel of the ship, so that it can be steered from the wheel.



SWAN'S DEVICE FOR TEMPORARILY STEERING VESSELS.

The upper figure of the cuts shows the drag or temporary rudder towing directly astern, in line with the keel. The next figure shows it turned to one side, so as to swing the ship's head in the same direction. When the temporary rudder is swung to "port," it swings the ship's head to "port," and *vice versa*.

The bumpkin or spar projecting over the stern of the vessel is simply a matter of convenience, as the pivot could be put on the taffrail itself if necessary. In fact, even the pivoted bar can be dispensed with, but it is more labor to use the device. The third, or lower, engraving shows, for instance, how the great steamer Alaska could have been steered when she lost her rudder, and they had so much difficulty managing the huge vessel. If they had rigged the bridled plank, the guys or steering lines could have been led to the quarters, and by slacking on one line and hauling on the other, the vessel could have been steered.

The faster the vessel goes the easier she will steer, as the drag is hauled down at an angle deep under water and gives resistance. It will not "tack" a ship, because as she comes in stays she slows up, and the drag rises to the surface. But it will "wear" a ship; that is, turn her from one tack to the other by running her off before the wind. Brace lines (shown in the upper figures) help strengthen the center of the plank.

If the ship is low in the water, the guys or steering lines need not be very long, but if high out of water—say 25 or 30 feet—they should be 25 or 30 fathoms long. Capt. Swan used this steering gear on the City of Brooklyn, a 1,700 ton ship, for two days without the slightest trouble. If the vessel goes slower than four knots an hour, the drag does not do as well, as it is apt to rise to the surface, where it is not so efficient. The gear used on the City of Brooklyn did not cost over \$100. The size of the drag should be in proportion to the vessel, but it should present a flat surface, as shown, and the bridles must be made as shown to be effective. A large ocean steamer could have this gear ready at hand for use in case of accident to the rudder.—*Min. and Sci. Press.*

The Wood-working Exhibit in the National Museum.

The United States Department of Agriculture has recently issued "A Descriptive Catalogue of Manufactures from Native Woods," as shown in its collection displayed at the New Orleans exposition. As the exhibit is now in the National Museum, at Washington, the catalogue has a permanent value. It is the work of Charles Richards Dodge, and was prepared with much care, giving a comprehensive idea of the extent and importance of the wood-working industry in its varied ramifications, and containing facts of great interest to manufacturers. The exhibit is chiefly made up of manufactured articles in all stages of work, making a useful aid in the study of forestry from the economic standpoint. In forming the exhibit, many hundreds of manufacturers were asked by circular letter about the woods most commonly used, chief sources of supply, value of lumber for different uses, wastage, processes of manufacture, opinions as to future supply, etc. The answers received showed that, while the wood-manufacturing industries are rapidly using up the best timber growth in the country, it seems as if wise legislation and proper education of the people to the necessity of keeping up the old or producing new forest growth would ultimately result in restoring and preserving the more valuable kinds of hard wood.

Interesting facts are stated regarding quality of wood used, or the particular parts of the tree required for the manufacture of certain articles, the various stages of manufacture, extent of special industries, etc. In the greater number of cases, "home supply" is stated as the chief dependence, though the more valuable woods are brought long distances. A provisional classification under seven heads has been adopted. These comprise architecture and building, transportation, manufacture of implements of industry, articles relating to trade, articles for man's physical comfort, articles for education, culture, or recreation, and miscellaneous uses, not included in the foregoing.

Under the first head come house building, bridge and trestle construction, and construction of railway and telegraph lines. These industries are the greatest users of timber. For instance, the railways consume not far from 60,000,000 ties annually, according to Prof. C. S. Sargent, and the value of ties put down in 1880 amounted to nearly \$10,000,000.

It is claimed that Chicago furnishes one-third of all the telegraph poles used in the United States, one-ninth of all the railway ties, and 5 per cent of the posts, supplying railroad and telegraph lines from New York State to Utah.

The uses of woods in transportation comprise ship and boat building, car building, carriage and wagon building, harness woodwork, etc. The implements of industry are divided into mining and excavating, farming and dairying, surveying, wood-working, printing and engraving, spinning and weaving, etc. The articles devoted to trade include cooperage, split and shaved woods for measures, pill boxes, baskets, etc.; turned articles and veneers. The articles of physical comfort or luxury comprise house furnishing and decoration, and objects for domestic economy. Under the head of articles for education, culture, or recreation, come school apparatus, artists' materials, musical instruments, games and amusements, and toys and children's games. Under miscellaneous uses are ranked gun stocks, wooden shoes, artificial limbs, crutches, canes, surgical implements, wood pulps, etc.

The work contains many highly interesting facts as to details and processes of the varied manufactures that, employing many millions of capital and hundreds of thousands of laborers, are devouring the forests of the country at a prodigious rate. Some of the exhibits are of a novel character, showing the employment of forest products for unsuspected purposes, as, for instance, that of a manufacturing company in Wilmington, N. C., showing samples of manufactures from the long-leaved pine, comprising "pine hair" for upholstering purposes, being clean and sweet, so prepared as to preserve the balsamic odor; one bag of substitute for hair in plastering; one same pile of real pine hair, one bag of pine wool, one bottle of pine burr oil, one bag of pine dust (as a fertilizer, said to contain a high percentage of ammonia), and one bottle of pine oil. The pine wool is claimed to be the nearest approach to natural wool ever made from vegetable fiber, being intended for spinning and weaving into matting and carpets, and taking and retaining dyes without a mordant.

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Alcohol from Turpentine.

Messrs. Bouchardat & Lafont, in the *Comptes Rendus*, state that French turpentine oil reacts with acetic acid, forming several acetates of the formula  $C_{15}H_{15}C_2H_3O_2$ , which are of various properties. From these acetates the *savants* in question obtained various single valued alcohols,  $C_{10}H_{15}O$ , by heating with an equal weight of potash and five or six times the weight of alcohol in a closed vessel for ten hours up to the boiling point. By the addition of water, the combination thus formed can be separated, and can be purified by distillation in a vacuum.