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SCIENTIFIC AMERICAN SUPPLEMENT

No. 575.

For the Week Ending January 8, 1887.

Price 10 cents. For sale by all newsdealers.

THE ANNUAL ATTACK UPON OUR PATENT LAWS.

It is with a feeling of genuine regret that we announce the commencement of the annual attack upon our patent laws in the House of Representatives. It is in no idle spirit that we make this statement. Our duty in the matter extends far beyond the noticing or chronicling of the event. The remedy and antidote is to be provided. Let our readers take individual action in the matter; let every Congressman hear from his constituents in unmistakable tones that the patent system of America is not to be disturbed, and the work will be done. Whatever bills menacing the rights of inventors shall be brought forward, a single warning will apply to all.

The bill we particularly allude to is one that was introduced during the last session in the House of Representatives by Mr. R. W. Townshend, of Illinois. Its number is 4,458. This year it has been again brought forward, and it was the subject of debate on the 20th of December in the House.

Its provisions are in brief that the United States courts shall have no jurisdiction in patent cases where the damages do not exceed $200, and that purchasers of a patent right for actual use shall not be liable for its value or for infringement in any way if, at the time of its purchase, they had no knowledge of the claims of any third party.

By one provision, infringement of the multitude of small patents is legalized. Any one could use patented churns, sewing machines, mowers, reapers, minor improvements in steam engines and general machinery, without reference to the inventor. It is well within the truth to say that a vast majority of cases of infringement could be brought within the operation of such a law.

In its second clause, the innocent purchaser of a patent right is upheld in his bargain. He may buy what another has no right to sell, playing the part really of a receiver of stolen goods, and in this transaction he is to be protected by a congressional enactment.

With the constitutionality of this act we have now no affair. It is enough to say that in the debate concerning it, its unconstitutionality, its want of clearness, and its surplusage were all subjects of attack. Our concern is for the interests of the country at large. The industries of America have been built up on and repose upon patents. Every factory large or small uses in its machinery numerous patents. Every individual workman has patent tools that expedite his labors. The farmer is perhaps more directly benefited by patents than any one else. Instead of swinging a scythe of unimproved construction through a long eleven or twelve hour day, with the result of one acre mown at the end of it, he sits at ease upon the seat of a patented harvester, and with a team of horses reaps and binds, without other help, thirteen acres of wheat a day. Reapers, self-binders, and harvesters do the work of the West, on the great prairies. In the East, where smaller farms are the rule, the hand tools used are all subjects of patents. Without the patent system, none of these implements, large or small, would have been invented. The Townshend bill professes to be aimed at the protection of this particular class, the farmers, from some mysterious "blackmailers." The existence of the latter is quite doubtful. But if such do exist, and work detriment to the agriculturists, their measure of harmfulness is nothing compared to the evils threatened by this bill. Even more than the manufacturers, the farmers should oppose it. The very class for whose protection it is professedly introduced are attacked by it.

And now we may more explicitly state what action should be taken by all who have the welfare of the country at heart. They should address their representatives in Congress. Manufacturers whose capital is pledged upon the maintenance of patent rights; farmers who could not profitably cultivate their land but for patented agricultural machinery; workmen employed to run, and who earn their living by running patented machinery to manufacture patented articles, should be heard from. Especially should the constituents of any member known to be opposed to patents address him, and tell him of their wishes.

THE MULTICHARGE CANNON.

Colonel Haskell asks Congress for an appropriation for the further test of the multicharge gun, with the expectation of furnishing a cannon that will beat the world. The trials of the Haskell gun at Sandy Hook developed the fact that his 6 inch gun, of poor metal, with a projectile of 111 pounds and powder 116 pounds, showing a pressure of 25,000 pounds at the 4th pocket, had a greater range and penetration than a Krupp 11 inch breech loading gun, of best steel, which showed an initial pressure of 40,829 pounds per square inch, projectile 760, powder 254 pounds. The contrast is great, and the results established by the trials are sufficient to warrant the construction of additional Haskell guns of best materials and workmanship for further experiments. We believe no gun of a power equal to Haskell's, size considered, has ever been produced in this or any other country. If properly made and used, the weapon promises to surpass all others. It is, moreover, a purely American gun, and its further development should be liberally encouraged. The novelty consists in attaching to the barrel of the gun, at intervals along its length, a series of exterior powder pockets, that communicate with the interior of the barrel. The ball is started from the breech by a moderate charge of powder in the usual manner; when the ball passes beyond the first pocket, the burning powder fires the charge contained in the pocket, and its pressure is added to that of the initial charge, and so on; each pocket of powder contributes successively to add a new pressure behind the projectile. The aggregate pressure of the whole powder used is thus delivered gradually by successive explosions against the projectile, which, consequently, takes a higher velocity and has more power than the ordinary single charge gun. The theory of the Haskell gun is correct, and when the best construction is ascertained, it probably will excel in performance all other forms of ordnance. But "it isn't English, you know," and consequently some of the old army and navy officers sneer at it. Nevertheless, we trust Congress will grant a liberal appropriation for the thorough testing of the new arm, and thus help in showing what home genius can accomplish. Everybody laughed at Ericsson's first little raft, with its iron-cased hogshead on deck. But it silenced the enemy, and all the navies of the world soon copied it. The first Haskell gun has proved quite as successful in its way as was the first Monitor.

REVIVAL OF PATENT NULLIFICATION.

It will be remembered in 1884 an attempt was made in Congress to pass laws in the interest of certain infringers of patents, such as railway corporations, barb fence makers, drive well infringers, and others, to prohibit patentees from recovering damages for violation of their patents, and making it lawful for any person freely to make and use a patented invention without responsibility to the inventor or his assigns. By some unaccountable folly, two of these hostile bills passed the House of Representatives by very large majorities; they were rushed through without sufficient opportunity for debate, and before their full purport could be understood by the friends of the patent system. The passage of the bills in the House raised a storm of indignation in all parts of the country, especially in manufacturing districts, and among the great body of working people, who depend for their livelihood upon the success of home industries.

To exempt infringers of new inventions from penalty was regarded as tantamount to nullifying the patent laws and wounding all the vast industries that rest upon patents.

The most energetic means were taken to defeat this unprecedented action of the House. Meetings of citizens were held, conventions were called, boards of trade convened, legislatures of States passed resolutions condemning the act, floods of protests were sent to members of Congress, and to crown all, the press of the country discussed the matter thoroughly, and gave unanimous voice against the consummation of a measure so suicidal and unjust. These combined efforts were successful. The bill was disapproved in the Senate, where it was elaborately discussed, and the impression or expectation has prevailed that its revival would not be attempted. But this expectation has proved vain. On the 20th ult. the obnoxious measure, in a new form of words, was brought forward in the House, and its passage urgently demanded.

The following is the text of the bill:

H. R. No. 4458.

Be it enacted, etc., That hereafter the United States district and circuit courts shall have no jurisdiction to hear or to try any case arising from the actual use of any patent right, or its infringement by such use, by any person in or citizen of the United States or the Territories, wherein the amount in controversy does not exceed $200 against one person or citizen.

SEC. 2. That purchasers of any patent right for actual use shall not be liable to damages, royalty, or for value of the same, or for infringing the same in any manner, who at the date of such purchase had no knowledge of the claims of any third person or that the inventor of the same has an interest therein adverse to the seller thereof. That no person who shall in good faith purchase, use, manufacture, or sell without previous knowledge of the existence of a patent therefor, any article, machine, machinery, or other thing for the exclusive use, sale, or manufacture of which any patent has been or hereafter may be granted to any person, persons, or corporation whatever, shall be liable, in damages or otherwise, for an infringement of such patent until after written notice of the existence thereof shall have been personally served on such person or persons or corporation, as the case may be, and such infringement shall be thereafter continued.

SEC. 3. That all laws or parts of laws inconsistent herewith are hereby repealed.

SEC. 4. That nothing herein contained shall affect any pending suit or proceeding in any of the courts of the United States or in any court of any of the several States.

A bill like this, which overthrows an industrial policy that has been successfully carried on almost since the foundation of the government, which cannot be otherwise than disastrous to all manufacturing interests and to the property rights of patentees, is deserving of the most deliberate consideration and the fullest discussion. But its advocates took good care to prevent this.

Under the rules, only thirty minutes were allowed for debate—fifteen in support of the bill, and fifteen against it. Mr. Townshend of Illinois, Mr. Henderson of Iowa, Mr. Morgan from Mississippi, and Mr. O'Donnell from Michigan were the chief supporters. The principal advocate was Mr. Townshend, and