DAILY NATIONAL WHIG.

WASHINGTON, D. C.

MONDAY MORNING, MARCH 19, 1849.

The Bain and Morse Controversy.

We have the pleasure of laying before our readers to-day, an official copy of Judge Cranch's opinion, adjourning the Bain and Morse controversy to the courts of common law, for such is the effect of the decision. It will be an interesting document to inventors and patentees, and, we have no doubt, will be eagerly sought after. It is another chapter in the successful philosophizing of the law of patents.

The Labouchere Bill.

We commence the publication, to-day, of this important Bill, upon the basis of which, Mr. Bancroft, now *remaining* in England, as the representative of this government, would have been willing to barter away our shipping interests, without an equivalent, to Great Britain and all other nations with whom we have reciprocity treaties. It will be concluded to morrow.

THE SENATE sat but a few minutes with open doors, on Saturday, before going into secret session to consider sundry communications from the President. The Hon. T. H. Benton was in his seat, having returned from New York, whither he went with several members of his family, who designed taking passage for Chagres, thence to California to join Col. Fremont.

☞The *Phil. Pennsylvanian* objects to the appointment of Mr. Penrose, because Mr. Clayton said, last fall, that the reigning principle of the Taylor republican party was, obedience to the will of the majority. We do not see the force of the objection. Mr. Penrose was on the side of the majority that gave Pennsylvania to Taylor, and calling him to office under the new Administration cannot be said to be, disobedience to the will of the majority.

President Taylor intimates that his opinion will not differ materially from those of Congress, that is, when Congress is Whig, he will be a *Whig President*, and when it is Democratic he will be a *Democratic President*.—*Phil. Pennsylvanian* (*Dem.*)

It ought to be very satisfactory to the Democrats, especially as they are going to carry the eighty-nine members of the next House, if we are to believe the *Union*, that the President recognizes the supremacy of Congress over the subjects enumerated in the Constitution, and we wonder they do not manifest approbation of the doctrine. The Senate is now Democratic. Let them make the House Democratic, and our word for it, Gen. Taylor will sign every Democratic bill presented to him, if not contrary to the Constitution and the laws and their judicial interpretation.

"Is Monarchy Coming?"

The N. Y. Herald makes the following disclosure in connection with a recent appointment of a clerk in the war department:

Brook Williams, brother-in-law of M. Bodisco, the Russian minister, was appointed a clerk in the war department Tuesday morning. A distinguished lady was observed to be in a very agreeable conversation with old Zack at the inauguration ball. It is a singular coincidence that the appointment followed next morning; but Old Zach keeps his promises. [*Augusta*, (*Me.*,) *Age*, *March* 15.

The Inauguration Ball took place on *Monday* night, and it was not until *Thursday*, we believe, that the members of the new Cabinet took their seats. General TAYLOR made no appointments on the day after the Inauguration, except for his Cabinet. And besides Mr. BROOKE WILLIAMS spoken of had been a clerk for more than a year in the bureau of the Treasury, and was *promoted* to a higher place, as among the last acts of the dying Administration.

☞Some fun-making Whig has been hoaxing the *Philadelphia Pennsylvanian* with a story pretending to explain how the cabinet was made, and the *Pennsylvanian* recites the story at length. It has created a good deal of amusement here, at the expense of—the *Pennsylvanian*. We are astonished that our contemporary should have suffered his discretion to have been outwitted by his "shrewd amateur Whig" informant.

☞Among the distinguished citizens now sojourning in our city, we notice the Hon. J. S. Calhoun, of Georgia, who has served his country with eminent credit to himself both at home and abroad in high civil office, and who bore a conspicuous part in the Mexican war.

HARD TO PLEASE.

The *Union* seems very hard to please.—Nothing which the administration does, meets its approbation. It scolds, threatens, abuses, frets, fumes, whines, and continually finds fault. One moment it applauds the President for his honesty and decision, the next it condemns him for dishonesty and indecision. It blows hot and cold in the same breath.

To heed the *Union*, one would think, that the President is a giant and a pigmy in the same person; that he is a Washington and a Polk in the same hour! The moment an act is done or proposed to be done, the *Union* cries out—"There, didn't I tell you so?"—and then come whole columns of weeping, gnashing of teeth, indignation and fury—all in the same breath.

It would have him do this, and when what it wishes is done, it would have had him do that. Not an appointment gratifies it. It gets up long and intense agonies at the bare idea, that the administration proposes to do justice, to extend mercy, and to execute the office of President, as the constitution and laws plainly require it to be executed. It swears, like "our army in Flanders," at every thing and every body, and plainly shows that it is not only hard to please, but that it won't be pleased.

We regret exceedingly that our contemporary should be reduced to this frame of mind. A little depletion, and a few months' fare upon bread without water, would no doubt serve amazingly to restore its equilibrium, and we are glad to perceive that there is a strong prospect of its soon being put upon this regimen.

THE "UNION" AND MR. MEREDITH.

Because Mr. Meredith's Pottsville letter was published last week, by one of the Washington administration papers, for the avowed purpose of correcting the rumor that Mr. M. was a Walker Free Trader, the *Union* seizes upon the circumstance with great avidity, and argues therefrom, that the Administration of Gen. Taylor has entered the legislative lists against the Tariff of 1846 and in favor of that of 1842. It pretends to consider, that the appearance of this letter in one of the city administration journals, is equivalent to an official avowal, that the Secretary of the Treasury designs to follow in the footsteps of his predecessor and use the influence of his position with Congress, to bring about a repeal of the Tariff of 1846, whose passage was owing chiefly to the official exertions of Mr. Walker.

We cannot agree, that either the *Union's* argument or its inference is a necessary result of the premises laid down. As well might the *Union* argue, that the Administration is committed to the support of the Tariff of 1846, because the letter was first published in the *Union*, the only opposition journal in the city,—as well might its appearance in the *Union* be regarded as an official avowal, that the Secretary of the Treasury intended to go into Congress to prevent the repeal of Mr. Walker's tariff. The whole argument, the whole inference is a *non sequitur*.

This attempt to commit the Secretary of the Treasury and the Administration to interference with a given legislative policy, with a subject which belongs, as the Inaugural declares, to the wisdom and power of Congress, is very unfair, to say the least of it, because the *Union* knows that the Administration has avowed its intention not to interfere in the legislation of Congress, that Gen. Taylor came into power upon the doctrine of non-interference by the Executive with the Legislative.

But the idea of Congressional legislation without Executive interference, is so impossible a conception with the *Union* and its party, that there is some excuse for its attempt to ascribe to the present Administration the same policy which actuated the last administration in this respect. An administration of the office of the Executive within the metes and bounds of the Constitution and the laws, is an impossibility in the eyes of the *Union* and its political brethren. It regards the Executive as *the* government of the United States and the legislature and the judiciary as mere departments of the Executive—and hence ministerial measures, Executive policy, are the meat and drink of its thoughts.

But, while we do not yield our assent to the argument and inference of the *Union*, because Mr. Meredith's letter happens to be published in one of the Washington Administration papers, we do not hesitate to endorse the sentiments of that letter.

The tariff of 1846 *was* an insult to Pennsylvania, because it was framed by Mr. Walker, forced through both Houses of Congress by the official and personal influence of Mr. Polk's Administration, and signed by Mr. Polk, in direct opposition to the doctrines and promises of the Kane letter. The appearance of the Kane epistle secured for Mr. Polk the vote of Pennsylvania, which made him President. The tariff act of 1846 was a violation of the principles avowed in that epistle, and was and still is an insult to Pennsylvania. And we think, with Mr. Meredith, that the restoration of the act of 1842, or an act based upon the principles of that act, is demanded by the wounded honor of the Keystone of the Union arch, but while we think so, we hold that this is a duty for Congress to perform, not the Executive administration of the Government.

The Secretary of the Treasury, and the Head of the administration may, with perfect consistency, recommend the repeal of the tariff act of 1846, and the restoration of the tariff act of 1842, or a similar act, but, if they do, these functionaries will there leave the subject. They will commit it to the hands of Congress, which has supreme power over the question. They will not go upon the floor or into the lobbies of the House or Senate, and bring the power of the Executive to bear against free deliberation, free judgment and free voting upon the tariff question any more than upon another. The Administration will be true to its promises on this point. It will never attempt to usurp the legislative powers of Congress as the *Union's* Administration did. The responsibility of retaining, modifying, changing or repealing the present tariff will be left where the Constitution has placed it, in Congress, and if it should be repealed, the responsibility of enacting a new tariff will also be with Congress. And the Administration will not be persuaded or driven into the recommendation of any measure or policy as a ministerial measure or policy. It will recommend, what it shall conceive to be for the good of the country, but it will be for Congress to adopt or reject its recommendations, and Congress will be left free, perfectly free, to decide in the premises.

We advise the *Union* to try some other tack, the next time it desires to make it appear, that the new administration is to be an elongation of the last administration in regard to the matter of Executive usurpation of the powers of Congress and Executive interference therein.

☞The *Philadelphia Pennsylvanian* (*dem.*) says, that the idea of General Taylor's leaving to the different Heads of Departments the performance of their constitutional and legal duties, is eminently aristocratic. This may be so, but the fault is in the laws not in the President. But we should like to know, from our contemporary, how it denominates the practice of Mr. Polk's usurping all the legal and constitutional duties of the Heads of Departments? *We* think, it is eminently *monarchical*.

Bain and Morse Controversy.

DECISION OF JUDGE CRANCH.

OFFICIAL.

ALEXANDER BAIN, Appellant, }
vs.
SAM. T. B. MORSE, Appellee. }

Upon the question of interfering applications for a patent:

The Commissioner, upon hearing, decided that Mr. Bain's claim interfered with Mr. Morse's; and that Mr. Morse was the first inventor, and rejected the claim of Mr. Bain. From this decision Mr. Bain has appealed.

If is contended by the counsel for Mr. Morse, that the judge upon appeal has no jurisdiction of the question of interference. That an appeal is given only upon the question of *priority of invention*; and that upon the question of interference, the decision of the Commissioner is conclusive.

Whether it be thus conclusive, then, is the first question to be decided.

By the act of 1836, ch. 357, § 7, it is enacted, that "if the specification and claim shall not have been so modified as, *in the opinion of the Commissioner*, shall entitle the applicant to a patent, he may, on an appeal, and upon request in writing, have the decision of a board of examiners, to be composed of three, &c.; and on examination and consideration of the matter by such board, it shall be in their power, or of a majority of them, to reverse the decision of the Commissioner, either in whole or in part; and their opinion being certified to the Commissioner, he shall be governed thereby in the further proceedings to be had on such application."

This section is applicable to cases where there is no conflicting applicant, and shows that the legislature, by saying, "*if in the opinion of the Commissioner*," &c., did not intend to make that opinion conclusive. On the contrary, it provides "that the board shall be furnished with a certificate in writing, of the opinion and decision of the Commissioner, stating the particular grounds of his objection, and the part or parts of the invention which he considers as not entitled to be patented; and that the said board shall give reasonable notice to the applicant, as well as to the Commissioner, of the time and place of their meeting," &c. All these provisions were evidently intended to enable the board of examiners to revise the opinion and decision of the Commissioner, and show that his opinion was not to be conclusive.

By the 8th section of the same act, (1836,) it is enacted, "That wherever an application shall be made for a patent which, *in the opinion of the Commissioner*, would interfere with any other patent for which an application may be pending, or with any unexpired patent which shall have been granted, it shall be the duty of the Commissioner to give notice *thereof* to such applicants, or patentees, as the case may be; and if either shall be dissatisfied with the decision of the Commissioner on the question of *priority* of right or invention on a hearing thereof, he may appeal from such decision, on the like terms and conditions as are provided in the preceding section of this act; and the like proceeding shall be had, to determine which, or whether either of the applicants is entitled to receive a patent as prayed for.

The question of priority of right or invention necessarily implies *interference*. The Commissioner, before he could decide the question of priority, must have decided that of interference; for without interference there can be no question of priority. Before I can have jurisdiction of the question of priority, I must be satisfied that there is an interference; and I must decide the question of jurisdiction as well as any other question which arises in the cause.

The opinion of the Commissioner, [mentioned in the 9th section, that inteference exists,] only justifies him in *giving notice thereof* to the other applicant, and appointing a day to hear the parties upon that question. He decides it only *pro hoc vice*; and for that purpose only. Upon that hearing he is to decide; and from that decision, if either shall be dissatisfied with it, on the question of priority, including that of interference, he may appeal; and upon such appeal as I understand the law, the judge, in case of real interference, may "determine which, or whether either of the applicants is entitled to receive a patent as prayed for." The scope thus given to the judge, is broad enough to include the question of interference, as well as that of priority, if it should arise.

By the act of 1839, ch. 88, § 11, it is enacted "That in all cases where an appeal is now allowed by law from the decision of the Commissioner of Patents, to a board of examiners provided for in the 7th section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the Chief Justice of the District Court of the United States for the District of Columbia by giving notice thereof to the Commissioner, and filing in the Patent Office within such time as the Commissioner shall appoint, his reasons of appeal specifically set forth in writing; and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars.

"And it shall be the duty of the said Chief Justice, on petition, to hear and determine all such appeals, and to revise such decisions, in a summary way, on the evidence adduced before such a Commissioner, at such early and convenient time as he may appoint; first notifying the Commissioner of the time and place of hearing; whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as the said judge shall prescribe.

"The Commissioner shall also lay before the said Judge all the original papers and evidence in the case, together *with the grounds of his decision*, fully set forth in writing, *touching all the points involved by the reasons of appeal*; to which the revision shall be confined."

One of the reasons of appeal, in this case, is, "That there is no real and substantial interference between the two applications.

The question of interference, therefore, is involved by the reasons of appeal and must be decided by the judge. By limiting the jurisdiction of the judge, to the points involved by the reasons of appeal, the legislature has affirmed it to that extent.

The interference mentioned in the 8th section of the act of 1836, must be an interference in respect to patentable matters; and the claims of the applicants must be limited to the matters specifically set forth, as their respective inventions; and what is not thus claimed, may, for the purpose of this preliminary inquiry, be considered as disclaimed.

The question then is, does Mr. Bain claim a patent for any matter now patentable, for which Mr. Morse claims a patent?

To answer this question, it is necessary to ascertain for what patentable matter Mr. Morse now claims a patent.

In his specification, filed Jan. 20, 1848, he says:

"What I claim, as my own invention and improvement, is the use of a single circuit of conductors *for* the marking of my Telegraphic signs already patented, for numerals, letters, words and sentences, by means of the decomposing, colouring or bleaching effects of electricity acting upon any known salts that leave a mark as the result of the said decomposition, upon paper, cloth, metal, or other convenient and known markable material. I also claim the invention of the machinery as herein described, for the purpose of applying the decomposing, colouring, or bleaching effects of electricity acting upon known salts as herein before described."

The Commissioner in his written decision in this case, says:—"Such use of a single circuit [i. e. to produce marks upon chemically prepared paper] is not the point at issue; *nor is this claimed by either party*. Said Morse claims using a single circuit of conductors, for a certain purpose, or in a certain way; viz: to mark his telegraphic signs; and also claims the machinery by which he accomplishes this purpose. Said Bain does not specifically mention in his claim, using a single circuit, though this must be considered an essential part of his invention and claim, and is necessarily involved in the final clause of his claim, to wit: "So that in either case these form the *received communication*, substantially in the manner and with the effects described and shown."

The Commissioner proceeds—The third clause of the claim of said Bain with which the true claims of said Morse interfere, is as follows, to wit:

"Third.—The application of any suitably chemically prepared paper, without regard to the chemical ingredients used for such a purpose, to receive and record signs forming such communications, such signs being made by the pulsations of an electric current or currents, transmitted from a distant station, said current operating directly, and without the intervention of any secondary current or mechanical contrivance, through a suitable metal marking style that is in continuous contact with the receiving paper, thereby making marks thereon, which marks correspond with the groupes of perforations in the paper *composing* the transmitted communication; or may be given by the pulsations from the spring 45 and block 46, so that in either case these form the received communication substantially in the manner, and with the effects described and shown, including any merely practical variations, analogous and equivalent in the means employed and the effects produced thereby."

The Commissioner, in his written decision, says: "The invention, it will be seen by reference to the specifications of the parties respectively, does not consist in the use of the electric current to make marks upon chemically prepared paper; nor making marks through a single line of conductors; nor could a claim to either of these devices have been entertained as patentable, as they have been long known."

Again—It is said by the counsel of Mr. Morse, "it is admitted that neither could patent the *battery*, the *circuit*, the prepared paper, or the marking by the electro-chemical process—it was only a *new combination* of the several parts so as to produce a new result, *or an old result in a better manner*, that either could patent."

Again—The Commissioner, in his "*reasons of decision*" says—"It is true, as Mr. Bain asserts, that no one can monopolize the use of air, fire, or water; but it is equally true that any one can monopolize the use of air, fire, or water upon certain principles of operation which he may have invented or discovered, and this is precisely what the respective claimants, in this case, demanded as their rights, and gave rise to the interference, viz: each claimed the right to use and exclude others from using, galvanic power to mark certain signs [which signs have been already patented by said Morse] upon chemically prepared paper through a single circuit of conductors.

A single circuit of conductors, consisting either wholly of wire, or in part of wire and part of earth, for telegraphic purposes *was not new*. The *signs or signals* to be marked *were not new*;—the same having been before patented by said Morse;—and *chemically prepared paper*, for receiving telegraphic signs by galvanism, *was not new*; the same having been patented in England, in 1838, by Mr. E. Davy. Moreover, the *use of a single telegraphic circuit*, for marking the aforesaid signs upon paper, *was not new*, the same having been before patented by said Morse.

"Neither party claimed any one, or any two of the above elemental features. *The invention of each was made up of the three combined*; and the advantages claimed to have been discovered by each, in these combined operations, were identical."

If then, these matters are not now patentable in themselves there is nothing patentable in Mr. Morse's claim, left to be interfered with, except his claim of a patent for his invention of the machinery described in his specification, or for his combination of machinery and materials, as described therein. The claim of each applicant, therefore, is reduced to the claim *for the combination of machinery and materials* which he has invented, and does not include any of the matters claimed in his specification which are not now patentable.

These combinations seem to me to be far from identical. Mr. Bain includes in his combination the use of the perforated paper for *composing* the communication; and of the style which passes the electric current through the perforated paper; and the machinery for transmitting the same communication to several different places at the same time. It is said that the style is not new;—but he makes it an ingredient in his combination—and in that respect, his combination differs from that of Mr. Morse, and it is a very important item in connexion with the perforated paper. He includes, in his combination, new patentable matter with old matter, not patentable, and thereby makes a new patentable combination. This new matter thus introduced into the new combination is admitted to be patentable in itself without combination with the old unpatentable matter, and indeed it seems to be a great improvement in the transmission of telegraphic information.

But it is said that Mr. Bain is only authorized to obtain a separate patent for each of those inventions, and cannot claim a patent for his new combination of the old and new together. If however his new combination of old materials be patentable [which must be admitted, or it would not interfere with Mr. Morse's claim] it seems to be not the less patentable because it includes the new matter in connexion with the old. The old matter may not, in itself, be patentable, but joined to the new matter, a combination may be formed which may be patented. He is not obliged to take separate patents for each new patentable matter. He does not now ask for them; he may be willing to ask only for a limited use of those new matters, *to wit in combination*; and not for an exclusive use of them for every purpose to which they may be applicable.

Mr. Godson (in p. 63) says—"a combination or arrangement of old materials, when, in consequence thereof a new effect is produced, may be the subject of a patent. This effect may consist either in the production of a new article, or in making an old one in a better manner, or at a cheaper rate." "This manufacture may be made of different substances mingled together; or of different machines formed into one; or of the arrangement of many old combinations." "Each distinct part of the manufacture may have been in common use, and every principle upon which it is founded may have been long known, and yet the manufacture may be the proper subject for a patent. It is not for those parts and principles, but for the new and useful compound, or thing thus produced by combination, that the grant is made; it is for combining and using things before known, with something then invented, so as to produce an effect which was never before attained."

The counsel of Mr. Morse, in argument, said,

"It is obvious, and is admitted by our adversaries, that Morse's instrument is a very different thing, in its *form* and *structure* from Bain's." But *form and structure* are very important matters in machinery; and if they enable the operator to do the work in a better manner, or with more ease, or less expense, or in less time, it is no interference; but is an improvement for which the inventor may have a patent.

When the application is for a patent for a combination of machinery and materials, form and structure become *substance*; they are of the essence of the invention; and an admission that Morse's instrument is a very different thing, in its form and structure, from Bain's, is an admission of a fact which is *prima facia* evidence at least, that there is no interference between the two, and throws the burden of proof on the other side.

There was no evidence laid before the Commissioner of patents upon the question of interference; so that he must have adjudged the interference upon a comparison of the *two* specifications; possibly without considering that the only patent which either could obtain, would be a patent for his own combination—all the materials, of which Mr. Morse's combination consists, being old and not now patentable.

The question is not now, whether the claims of Mr. Bain and Mr. Morse interfere as to matters not now patentable; but whether they interfere as to matters *now patentable*; and the only matter now patentable, in Mr. Morse's specification, is his own combination of machinery and materials. That combination constitutes his machine; and his machine is admitted to be a very different thing, in its form and structure from Mr. Bain's.—Form and structure constitute the identity of machinery. The combination consists in *form* and *structure*; and the patent if issued, will, I presume, be issued for the *form* and *structure* of the instrument.

It being admitted that the form and structure of Mr. Bain's instrument is very different from Morse's, there can be no interference in that respect, and if form and structure constitute the identity of machinery there is no interference in the two instruments; and if the instruments are the combinations, or the result of the combinations, for which patents are now claimed, there is no interference in the two instruments in regard to any matter now patentable.

But it is not necessary to rely alone upon the admission of Mr. Morse's counsel to show that there is a great difference between the machinery used by the contending applicants to effect the object—i. e., the rapid transmission of intelligence by the power of the electric current. Any one who will compare the two specifications and drawings and models, will at once perceive the difference.

A patentable improvement is not an interference.

The Commissioner, in his written decision, says: "It appears from the records of the office, that the application by said Alexander Bain, subject of Great Britain, was made April 18, 1848, and upon examination of his claims, it was found that the before-mentioned claim could be *admitted to patent*, no invention of a like character, appearing in the public records of the office; nor in any printed publication. Prior, however, to the final issue of the case, the secret archives were consulted; and it was found that an application, filed by Samuel F. B. Morse, January 20, 1848, had been there deposited, in compliance with provisions of law, which presented claims conflicting with those, before mentioned, set up by said Bain."

This shows that but for the supposed interfering claim of Mr. Morse, Mr. Bain was entitled to his patent; and if there be no interference in respect to patentable matter, he is still entitled to a patent for his own combination.

But the counsel for Mr. Morse say: "There is an interference—that Bain's third claim palpably covers the whole of Morse's first claim; and, if granted, Bain could do all that Morse claims an exclusive right to do; he could write Morse's characters precisely as Morse does; and that therein consists the interference."

But the only matter now patentable, and claimed in Mr. Morse's specification, is *his peculiar combination of material and machinery as therein described*. All the materials, used in that combination, are old; and he will not, under this patent, be entitled to the exclusive use of any of them separately, or in any other combination than that which he has described in his specification. There cannot be a patent for a *principle*; nor for the application of a principle; nor for an effect. Two persons may use the same principle and produce the same effect *by different means*, without interference or infringement, and each would be entitled to a patent for his own invention. —*Godson*, 63, 68, 74.

So, in the present case, although the power used by both applicants is the same, and the subject the same, yet, as the effect is produced by means which appear to me so different as to prevent an interference, *the question of priority of invention does not arise*. It is, therefore, not a case under the 8th section of the act of 1836, but under the 7th section of the same act. So that each of the applicants may have a patent for the combination which he has invented and claimed and described in his specification—provided he shall have complied with all the requisites of the law to entitle him to a patent.

If this were a doubtful question, I should think it my duty to render the same judgment, so as to give Mr. Bain the same right to have the validity of his patent tested by the ordinary tribunals of the country, which Mr. Morse would enjoy as to his patent; and finally, to obtain the judgment of the Supreme Court of the United States upon it. For if the Commissioner and the Judge should reject Mr. Bain's application for a patent, the decision would be final and conclusive against him, unless he could obtain relief by a bill in equity under the 16th section of the act of 1836, and the 10th section of the act of 1839; which, it is said, is doubtful.

I am, therefore, of opinion, and so decide—

That there is no interference in the claims of these applicants, in relation to any matter (contained in their respective specifications) *now patentable*; and therefore, that Samuel F. B. Morse is entitled to a patent for the combination which he has invented, claimed, and described in his specification, drawings and model. And that Alexander Bain is entitled to a patent for the combination which he has invented, claimed and described in his specification, drawings and model;—provided they shall respectively, have complied with all the requisites of the law, to entitle them to their respective patents.

I deem it unnecessary, therefore, to decide upon any other points involved by the reasons of appeal.

W. CRANCH.

WASHINGTON, D. C., March 12, 1849.

MODIFICATION OF THE BRITISH NAVIGATION LAWS.

MR. LABOUCHERE'S BILL

16 *February*, 1849. 12 *Vict.*

A BILL

To amend the Laws in force for the encouragement of British shipping and Navigation. NOTE.—*The words printed in italics are proposed to be inserted in the Committee:*

WHEREAS, It is expedient to amend the Laws now in force for the encouragement of British shipping and Navigation:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the *first day of September, one thousand eight hundred and forty-nine* the following acts and parts of acts shall be repealed; (that is to say,) a certain act passed in the session of Parliament, holden on the eighth and ninth year of the reign of Her present Majesty, intituled "an act for the encouragement of British shipping and navigation;" and so much of a certain other act, passed in the said session of Parliament, intituled "an act for the registering of British vessels," as limits the privileges of vessels registered at Malta, Giberalta and Heligoland; and so much thereof as provides that no ship or vessel shall be registered, except such as are wholly of the build of some Port of the British Dominions, and so much as relates to the disqualification of ships repaired in a foreign country; and so much as prevents British ships which have been captured by or sold to foreigners, from becoming entitled to be again registered as British, in case the same again become the property of British subjects; and so much of a certain other act passed in the said session of Parliament, intituled "an act to regulate the trade of British 'possessions abroad,' as provides that no goods shall be imported into or exported from any of the British possessions in America by sea from or to any place other than the United Kingdom or some other of such possessions except into or from the several Ports denominated Free Ports; and so much thereof as provides for the limitation of the privileges allowed to foreign ships by the law of navigation in respect of importations into the British possessions in Asia, Africa, and America; and so much thereof as provides that no vessel or boat shall be admitted to be a British vessel or boat on any of the Inland waters or lakes of America, except such as shall have been built at some place within the British Dominions, and shall not have been repaired at any foreign place to a greater extent than in the said act is mentioned; and so much of a certain other act passed in the said session of Parliament, intituled "an Act for the general Regulation of the Customs," as prohibits the importation of train oil, blubber, spermaceti oil, head-matter, skins, bones, and fins, the produce of fish or creatures living in the sea, unless in vessels which shall have been cleared out regularly with such oil, blubber, or other produce on board from some foreign ports, and so much thereof as prohibits the importation of Teas, unless from the Cape of Good Hope, or from places eastward of the same to the Straits of Magellan; and so much of a certain act passed in the session of Parliament—holden in the seventh and eighth years of the reign of her present majesty, intituled "an Act to amend and consolidate the laws relating to merchant seamen, and for keeping a register of seamen," as provides that the master or owner of every ship belonging to any subject of her majesty, and of the burden of eigthty tons or upwards, (except pleasure yachts,) shall have on board at the time of her proceeding from any port of the United Kingdom, and at all times when absent from the United Kingdom, or navigating the one Apprentice or more, in a certain proportion to the number of tons of his ship's oil measurement, and that if any such master or owner shall neglect to have on board his ship the number of apprentices thereby required, together with their respective registered indentures, assignments and registers tickets, he shall forfeit and pay the sum of ten pounds in respect of each apprentice, indenture, assignment, or register ticket so wanting or deficient; also an Act passed in the thirty-seventh year of the reign of King George the third, intituled "an Act for regulating the trade to be carried on with the British Possessions in India by the ships of nations in amity with his Majesty;" and so much of a certain act passed in the session of Parliament, holden in the fourth year of the reign of King George the fourth, intituled "an Act to consolidate and amend the several laws now in force with respect to trade from and to places within the limits of the charter of the East India Company, and to make further provisions with respect to such trade, and to amend an Act of the present session of Parliament for the registering of vessels, so far as it relates to vessels registered in India," as on acts that no Asiatic sailors, lascars, or natives of any of the territories, countries, islands, or places within the limits of the charter of the East India Company, shall at any time be deemed or taken to be British seamen within the intent and meaning of any act or acts of Parliament relating to the navigation of British ships by subjects of her Majesty; and also the following acts and parts of acts; so much of a certain act passed in the fourth year of the reign of King George the Fourth, intituled "an act to authorize His Majesty under certain circumstances, to regulate the duties and drawback on goods imported or exported in foreign vessels, and to exempt certain foreign vessels from pilotage," as relates to the regulations of duties and drawback; also an act passed in the fifth year of the reign of King George the Fourth, intituled "an act to indemnify all persons concerned in advising, issuing, or acting under a certain order in Council for regulating the tonnage duties on certain foreign vessels, and to amend an act of the last session of Parliament for authorizing His Majesty, under certain circumstances, to regulate the duties and drawback on goods imported and exported in any foreign vessels;" also so much of an act passed in the session of Parliament, holden in the fifth and sixth years of the reign of Her present Majesty, entitled "an act to amend the laws for the importation of corn," as enables Her Majesty, under certain circumstances, to prohibit the importation of corn, grain, meal, or flour from the Dominions of certain foreign powers.

II. And, whereas, by the said acts, for the general regulation of the Customs, it is enacted, that no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen.

Now, be it enacted, That on the arrival from Foreign Ports of any ship of the burden of *one hundred tons* or upwards, at any port in the United Kingdom, or in the Islands of Guernsey, Jersey, Alderney, Sark, or Man, with a cargo partly intended to be landed at Port, and the remainder of such cargo to be landed at any other port or ports in the United Kingdom or any of the said Islands mentioned in the report of such ship, it shall be lawful for the master of such ship, after having duly reported the cargo of such ship in the manner required by law, and after the due landing of such of the goods so intended to be landed at such port of arrival, to take on board such ship, in the manner and under the regulations hereinafter mentioned in the said report, there land such other goods so carried coastwise, in the manner and subject to the rules and regulations hereinafter mentioned.

III. And be it enacted, That it shall be lawful for the master of such ship, after his arrival at such last mentioned port, and after he shall have duly landed from the said ship as well as all that part of the cargo which shall be mentioned in the said report as intended to be there landed as all such goods as may have been brought coastwise, in the said ship from the first port, in the manner and subject to the rules and regulations herein mentioned, in like manner and under the same regulations to take on board any goods that may be legally carried coastwise, and to proceed on his voyage to the port next mentioned in the report of the said ship as a port at which part of the cargo thereof is intended to be landed, and land as well there the goods reported for such port as any goods so brought coastwise, in the manner and subject to the rules and regulations herein-after mentioned, and to proceed in like manner from each of the ports so mentioned in the said report to the one next mentioned in the same.

IV. And be it enacted, That the said ship shall upon her arrival at each of such ports be deemed and taken to have arrived from foreign ports.

V. And be it enacted, That if the master of any ship of the burden of *one hundred* tons and upwards, duly entered outwards for any place or places beyond the seas, shall be desirous of touching at any port or ports in the United Kingdom, or the said Islands of Guernsey, Jersey, Alderney, Sark, or Man, and taking in cargo for such place or places beyond the seas at any such port or ports, it shall be lawful for him in the entry outwards of such vessel to state the name or names of the port or ports in the United Kingdom or the said Islands at which he so intends to touch or take in cargo, and it shall be lawful for him, either at the port from which he first sails or at any other port so mentioned in the said entry, to take on board such ship, in the manner and under the regulations herein-after mentioned, any goods that may be legally carried coastwise, and to land such goods at the port mentioned in the entry next to that at which such goods are so taken on board, in the manner and subject to the rules and regulations herein-after also mentioned.

VI. And be it enacted, That before any such ship shall depart from any port with any goods on board to be carried coastwise, the master of such ship shall make out and deliver to the collector or controller of customs an account, together with a duplicate of the same, and in such account shall be set forth the particular marks, numbers, and contents of all the different packages or parcels of goods taken on board at such port, and the particulars of such goods as are stowed loose, and the name of the port at which such goods are intended to be landed; and the collector or controller shall select and retain one of such accounts, and shall return the other, dated and signed by him, to the master of such ship.

VII. And be it enacted, That the master of such ship shall, within *twenty-four* hours after arriving at such other port, and before bulk is broken, deliver such account or accounts to the collector or controller of such port, and no such goods shall be unladen from such vessel, except at such times and places, and in such manner, and by such persons, and under the care of such officers as are directed by law in respect of goods arriving from foreign ports, and all goods found in such ship not being included in said account or in the report of the said ship, or in the locquets thereof, if such ship be outward bound, shall be forfeited.

VIII. And be it enacted, That the master of any such ship who shall fail to make out and deliver such an account, or who shall make a false account, shall forfeit the sum of *fifty pounds*.

IX. And be it enacted, That no goods shall be laden at any port to be carried coastwise on board any ship arriving from or departing for ports beyond the seas in manner hereinbefore provided for, until all goods brought coastwise therein shall have been first duly landed.

X. And be it enacted, That all goods laden on board or landed from any such ship contrary to the regulations herein mentioned, shall be deemed to be goods carried coastwise contrary to this act.

XI. And be it enacted, That no goods or passengers shall be carried coastwise from one port of the United Kingdom to another, or from the United Kingdom to the Isle of Man, or from the Isle of Man to the United Kingdom, except in British ships: Provided always, that this shall not extend to prevent the carriage coastwise of goods in foreign vessels of *one hundred* tons burden or upwards arriving from or departing for ports beyond the seas in manner hereinbefore provided for, or to prevent the conveyance of passengers in such vessels.

XII. And be it enacted, That no goods or passengers shall be imported into the United Kingdom from any of the Islands of Guernsey, Jersey, Alderney, or Sark, nor shall any goods or passengers be exported from the United Kingdom to any of the said Islands, nor shall any goods or passengers be carried from any of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, to any other of said Islands, nor from one part of any of the said Islands to another part of the same Island, except in British ships: Provided always, that this shall not extend to prevent the carriage coastwise of goods in foreign vessels of the burden of *one hundred* tons or upwards arriving from or departing for ports beyond the seas in manner hereinbefore provided for, or to prevent the conveyance of passengers in such vessels.

XIII. And be it enacted, That no goods or passengers shall be carried from one part of any British possession in Asia, Africa, or America, to another part of the same possession, except in British ships.

(*To be continued.*)

LATEST INTELLIGENCE.

The Maryland Conference of the M. E. Church sat at Stanton, Va. this year. It has made for the District the following appointments of ministers:

Georgetown, D. C.—Henry Slicer.

Wesley Chapel, Washington city—Lyttleton F. Morgan.

Foundry and Asbury—John Lanahan.

A fire at Warren, Pa., consumed property on the 6th inst. to the value of $50,000.

A terrible flood at Chicago, Ill. swept away property on the 13th inst., to the amount of $100,000. The water continued to rise, at that date, and the ruin among the shipping and canal boats, beggared description.

Letters from St. Francisco, at New York, under date last Christmas day, reasserts the extraordinary representations about the Placers.

On the 15th of last month, the U. S. steam ship Allegany and U. S. Ship Germantown were at Genoa—all well. The U. S. frigate Constitution was at Malta 31st January.

A conspiracy to extort $50,000 from Mr. W. B. Astor of New York, was defeated last week by the vigilance of the police, and the parties to the scheme captured.

The assessment of October, 1848, shows the value of real and personal property in Hartford, Conn., to be $6,582,000.

One hundred democrats have taken measures to give Gen. Cass a cordial reception at Pittsburg on his way home.

The river at New Orleans on the 10th inst., was three feet higher, than it has been for forty years past.

Friction Matches.

Letters from St. Petersburg state (says the Boston Daily Advertiser,) that in the thirteen northern provinces of Russia in Europe, more than thirty-two thousand houses have been destroyed by fire during the past year, while ordinarily in these provinces not more than about two thousand, or two thousand five hundred a year are burned.

The government has ascertained that, for the most part, these fires, which have caused a loss of twelve millions of rubles, are the result of crimes, and that they were lighted by friction matches. In consequence of this, the minister of police has made a decree that henceforth no factory for these matches shall be established within cities, and nowhere else without special license from the higher authorities.

The Inaugural Address.

We published in our last, the inaugural address of President Taylor, to the people of the United States. This address is just such a document as we might look for from the pen of a plain matter-of-fact statesman like General Taylor. There is no rhetorical flourishes about it; no aerial jaunts into the regions of political speculation; no doubt and mistification about the thoughts and opinions expressed in it. He lays down his plans for administering the affairs of the government with the same simplicity, coolness, and fixedness of purpose; the same confidence in their adaptation to the objects and designs of the wise framers of our constitution and form of government; and he evinces a mind to enter upon the execution of those plans—all, with the same peculiar characteristics of quickness, promptitude, energy and unswerving determination to carry them through, which distinguished him in the planning, arrangement, and conducting of his late, gloriously, victorious battles in Mexico. From all sections of the country, there comes the same approving sentiments of the Whig press, in reference to this document; all auguring prosperity and welfare to the country, from the elevation of General Taylor, plainly foreshadowed in this brief, but comprehensive state paper.

But it does not go down, quite with a relish, with our Democratic brethren of the press, who complain of its Whiggery in the beginning and in the end.—Well, we never expected else in their estimate of a state paper from General Taylor. The party, whose cause they espouse, have departed so far from the political faith of the early fathers of the republic, that any thing looking like a return to that faith, so striking in contrast, with their own modern political dogmas, must be repulsive to them.—*Hagerstown*, (*Md.*,) *Torch-Light*, *Whig*.

Hon. Jacob Collamer, the new Postmaster General, is the son of Samuel Collamer, of Scituate, Massachusetts, who was a soldier of the Revolution. The Postmaster was born in Troy, New York, and at an early age removed with his father's family to Burlington, Vermont, and while yet young, graduated at the University there in 1810. He commenced the study of law, but in 1813 went through a frontier campaign as a lieutenant of artillery in the detached militia in the service of the United States. Resuming his studies again, he was admitted to the bar in 1813, having obtained his profession without any other pecuniary means than such as his own industry supplied. In 1833 he was, without expectation or solicitation on his part, elected an Associate Judge of the Supreme Court. He continued to discharge his judicial duties until 1842, when he declined a re-election. In 1843 he was elected to Congress, was re-elected in 1844,–'46, and '48, when he declined again becoming a candidate.—*New York Day Book.*

We are gratified with the belief that Gen. Taylor's Administration will be characterised by liberality. The Whigs did not fight for the "spoils of victory;" but such of the office-holders as went out from their business into the political arena, and staked all upon the "hazard of the die," must expect to go out. They have violated even Gen. Jackson's theory, and have "brought the patronage of the office into conflict with the freedom of elections," and must abide an issue of their own choosing. General Taylor will take his time, and will remove incompetent officers, no matter to what party they belong, and that there are many such, no one can doubt.—But that proscription will be carried into every department, as in the days of Jackson, Van Buren, and Polk, we are willing to pledge ourselves will not be the case. That something like an equality of distribution ought to be made, every candid man will admit. We understand the proportion of Clerks in the Departments at Washington, stands 600 Democrats to 161 Whigs; but even with this disproportion, we should feel a repugnance to seeing capable men thrown out of employment which give bread to their families, merely on account of a difference of opinion.—*Winchester, Va., Republican.*

The organization of GEN. TAYLOR'S Cabinet gives great satisfaction to all men not predetermined to be dissatisfied. It is admitted to be as wise and strong a Cabinet as any President of the United States ever had. Already a general feeling pervades the nation that the Constitution and the public welfare are secured for the next four years.—*Georgetown, D. C., Advocate.*

Land Warrants, regulars, 106 to 106 1-2; irregulars $102. The regulars are those assigned by the soldiers themselves on the back of the warrants. The irregulars are where the assignments are made under power of attorney, or by separate assignment attached to the warrant.—*Wash. News, Sat.*

Dialogue from Real Life. Scene: Steps of the Custom House.

Mr. Jones, Weigher.—The Custom House is in no danger. Old Zack says he shall turn out nobody who has integrity, capacity and fidelity.

Mr. Snooks, Inspector.—Does he? (Thinks for a moment.) Well, I'll be hanged if I see how I can escape under either head.

OFFICIAL.

APPOINTMENTS BY THE PRESIDENT.

By and with the advice and consent of the Senate.

DEPARTMENT OF STATE.

Commissioner of Customs.

CHARLES W. ROCKWELL, of Connecticut, to be Commissioner of Customs under the act establishing the Home Department.

Register of the Treasury.

ALLEN A. HALL, of Tennessee, to be Register of the Treasury in place of Daniel Graham.

TREASURY DEPARTMENT.

CUSTOM-HOUSE OFFICERS.

Collector.

JAMES E. NORFLEET, Edenton, N. C., vice Rizop Rawls resigned.

Surveyors.

JOHN H. CROSS, Pawcatuck, R. I., vice George Brown, whose commission will expire March 19, 1849.

ZEBEDEE KING, New York, N. Y., vice Elijah F. Purdy, whose commission has expired.

NAVY DEPARTMENT.

NAVY AGENTS.

GEORGE LOVALL, Navy Agent at Norfolk, from the 14th March, 1849, reappointed.

WILLIAM SLOANAKER, Navy Agent at Philadelphia, from 15th day of March, 1849, *vice S. D. Patterson*, whose commission will then expire.

PROMOTIONS IN THE NAVY.

JOHN C. LONG, now a Commander, to be a Captain in the navy from 6th March, 1849, to fill a vacancy occasioned by the death of Captain *W. M. Hunter*.

THEODORUS BAILEY, now a Lieutenant, to be Commander in the navy from the 6th of March, 1849, to fill a vacancy created by the promotion of Commander *John C. Long*.

CHARLES DEAS, now a Master, to be a Lieutenant in the navy from the 6th March, 1849, to fill the vacancy occasioned by the promotion of Lieutenant *Theodorus Bailey*.

POST OFFICE DEPARTMENT.

Deputy Postmasters.

TIMOTHY COGGSHALL, to be Deputy Postmaster at Newport, in the State of Rhode Island, in place of Joseph Josselyn.

EPHRAIM HUTCHINS, to be Deputy Postmaster at Concord, New Hampshire, in place of Joseph Robinson.

JOSEPH J. PITMAN, to be Deputy Postmaster at Huntsville, Alabama, in place of William A. Nunnally, left the State.

THOMAS B. BIGGER, to be Deputy Postmaster at Richmond, Virginia, from the 15th of March, 1849, when his present commission will expire.

SAMUEL C. COOK, to be Deputy Postmaster at New Brunswick, New Jersey, in place of John Simpson, his commission for the year ending 30th June, 1848, having exceeded $1,000.

STATE DEPARTMENT.

ZACHARY TAYLOR, President of the United States of America: To all whom it may concern.

Satisfactory evidence having been exhibited to me that ——— GUYS has been appointed Consular Agent of the French Republic for the port of San Francisco, in California, I do hereby recognise him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to the Consular Agents of the most favored nations in the United States.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

[L. S.] Given under my hand, at the city of Washington, the 16th day of March, A. D. 1849, and of the independence of the United States of America the 73d.

Z. TAYLOR.

By the President:
J. M. CLAYTON, Secretary of State.

ZACHARY TAYLOR, President of the United States of America: To all whom it may concern.

Satisfactory evidence having been exhibited to me that CHARLES VAREA has been appointed Consul of Peru for California, I do hereby recognise him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to the Consuls of the most favored nations in the United States.

In testimony whereof I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

[L. S.] Given under my hand, at the city of Washington, the 14th day of March, A. D. 1849, and of the independence of the United States of America the seventy-third.

Z. TAYLOR.

By the President:
J. M. CLAYTON, Secretary of State.

ZACHARY TAYLOR, President of the United States of America: To all whom it may concern.

Satisfactory evidence having been exhibited to me that MANUEL JURADO DE LOS REYES has been appointed Vice Consul of Peru for California, I do hereby recognise him as such, and declare him free to exercise and enjoy such functions, powers, and privileges as are allowed to the Vice Consuls of the most favored nations in the United States.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

[L. S.] Given under my hand, at the city of Washington, the 14th day of March, A. D. 1849, and of the independence of the United States of America the seventy-third.

Z. TAYLOR.

By the President:
J. M. CLAYTON, Secretary of State.

ZEBEDEE RING.—For this city, it was announced yesterday, that Zebedee Ring had been nominated to the Senate for the office of Surveyor of this port. This nomination has given offence, we understand, to some small cliques here; but we are perfectly satisfied it will be approved of by the great body of the people, and particularly by those who brought forward and supported General Taylor for the independent and noble qualities which they expected he would bring into power with him. Mr. Ring's is a good appointment, and will give satisfaction to all concerned. He is "a Whig, but not an ultra Whig"—a moderate, fair, discreet man; and will perform the duties of his office with perfect honesty and impartiality. He comes up to the rule laid down by the President for the making of appointments. This appointment is the first indication of the President's taste in making his selections for this city, and thus far it is quite satisfactory. The rabid office beggars are displeased; but the amount of their displeasure is nothing, compared with the satisfaction of the great bulk of the community.—*N. Y. Herald.*

OPPOSITION TO GEN. TAYLOR.—From the tone assumed by a number of the *small fry newspapers*, we may expect an organized opposition to the Administration of Gen. Taylor. We think, however, the General will not allow himself to be annoyed by it, as he intends to act upon the legal maxim, "*De minimis Lex non curat*," which, being translated, means "General Taylor don't care for *small potatoes*."—*Frederick, Md., Herald.*

Maryland, from her talented Bar, has filled the Attorney Generalship more frequently than any other state in the Union, and in every case she has furnished the highest order of talent. In the present instance, the honor and reputation of the State and Bar will be fully sustained. The Hon. Reverdy Johnson ranks among the most eminent lawyers of the nation.—*Frederick, Md., Herald.*

COLLECTOR AT NEW HAVEN.—JAMES DONAGHE, Esq., (Whig,) has been appointed by the President Collector of the Port of New Haven, in the place of Norris Wilcox, whose term of office has expired. This appointment will give general satisfaction. Mr. D. was appointed to this office by General Harrison, but was removed by John Tyler.—*Hartford, Conn., Cour.*

NOMINATION.—The Whigs of the Richmond, (Va.) district have nominated Charles Carter Lee for Congress, in place of Mr. Botts. That gentleman, in a speech at Richmond, avowed his intention to support Taylor's administration.—*Baltimore Clipper.*

We have the pleasure of presenting to our readers, this week, the Inaugural Address of President Taylor. It is eminently characteristic—plain, concise, and to the point—and its old-fashioned republicanism will make all honest hearts rejoice.—*Columbia* (*Tenn.*) *Intelligencer.*