





Crawford 747(1-4)

Crawford 747(1)

United States Congress Papers

CANCELLING AND MARKING STAMP.

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LETTER

FROM

THE POSTMASTER GENERAL,

ON THE

*Subject of a patent cancelling and marking stamp used by the department.*

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JANUARY 20, 1865.—Referred to the Committee on the Post Office and Post Roads and ordered to be printed.

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POST OFFICE DEPARTMENT,

Washington, January 19, 1865.

SIR: I have the honor to transmit herewith the application of Messrs. Shavor and Corse, assignees of letters patent granted to Marcus P. Norton, for a combined post marking and cancelling stamp, now in use by this department, asking to be compensated for this invention upon assigning said letters patent to the United States government.

Without expressing any opinion as to the merits of the application, I very cheerfully submit the papers to the consideration of Congress.

I am, very respectfully, your obedient servant,

W. DENNISON,

Postmaster General.

HON. SCHUYLER COLFAX,

Speaker of the House of Representatives.

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*Letter from Shavor and Corse to the Postmaster General.*

WASHINGTON, December 9, 1864.

SIR: The records of the Post Office Department, as well as of the Patent Office, will show that Marcus P. Norton, esq., of Troy, N. Y., has for several years been devoting his attention to the invention and perfecting of a combined post marking and cancelling stamp; and this stamp, upon which letters patent have been granted, is now in extensive use by the Post Office Department. Much time and money have been expended in bringing this stamp to its present perfection, and at the last session of Congress the matter of compensation for its use by the government came before the Post Office Committee of the House of Representatives, where it was attentively considered, and would no doubt have received favorable action but for the fact that another party set up a claim to the

invention. The committee very properly decided that the question as to the validity of this claim was one for the courts and not for them to determine. This question has been fairly tried before the United States circuit court of the northern district of New York, and decided in favor of the undersigned, Jacob Shavor and Albert C. Corse, who, as assignees and present owners of this patent, were plaintiffs in this action. (See printed copy of proceedings, judgment, &c., herewith.)

We now have the honor to present this subject for your examination, and to ask from you a recommendation to Congress for suitable remuneration upon the condition of our assigning all right and title to the invention to the United States. We shall lay before Congress full statements and testimony as to the usefulness and value of this invention, from which the Post Office Committee will be able to determine what compensation ought to be awarded us, and will report accordingly.

It is, perhaps, unnecessary to enumerate in this communication the benefits accruing to the government from this invention, but a few of them may be given as follows:

1. By its use from one-third to one-half of the clerk-hire and labor in the post marking of letters, and for the cancellation of postage stamps thereon, is saved.

2. The post-mark is more intelligible by the use of this invention than by the old plan of cancelling by the rating stamp.

3. The postage stamp is more perfectly and permanently cancelled, thereby preventing frauds from the cleaning and reissue of the stamps.

4. When this improvement is used the post-mark must always be upon the envelope, and of course always preserved.

5. All letters post-marked with it will of necessity have their postage stamps cancelled, which was not the case by the old plan.

6. In transmitting these stamps to the several post offices for use, there is a saving in transportation of nearly one-half, both as regards bulk and weight.

7. This device, ready for use, costs less than the two devices formerly used for the same purpose.

8. The post-mark being always upon the envelope in a plain and intelligible manner, is a matter of great convenience to merchants, bankers, and other business men.

9. It will be more durable than the old stamp from its not receiving undue wear upon the postage stamp.

10. By its use the letters have to be manipulated but once, whereas by the old plan of two instruments, they require to be handled twice.

11. Finally, it greatly favors despatch in the preparation of the mails to be sent off; and the fact that in many, if not all, of the larger, and not a few of the smaller offices, this stamp is now used and regarded as indispensably necessary, shows the great value and importance attached to this invention as an effectual labor-saving instrument.

For your convenience, and as a further basis for your action, we present herewith copies of letters, the records or originals of which are in the Post Office Department; also, copy of a certificate from the postmaster, chief clerk and other clerks of the Washington city post office. We likewise beg leave to hand you, herewith, copy of proposed assignment of patent to the Post Office Department.

Very respectfully, your obedient servants,

JACOB SHAVOR.  
ALBERT C. CORSE,  
By HORATIO KING.

Hon. WILLIAM DENNISON,  
*Postmaster General.*

*Copy of proffered assignment to the Post Office Department of improved post-marking and postage-cancelling stamp.*

Whereas letters patent of the United States of America were duly granted and delivered to Marcus P. Norton, of the city of Troy, county of Rensselaer and State of New York, for and upon improvements in "post office post-marking and postage-cancelling stamp," bearing date on the 14th day of April, A. D. 1863, which said letters patent were duly sold, assigned, and transferred to Jacob Shavor and Albert C. Corse, each of the said city, county, and State, which said deed of assignment bears date the 20th day of April, A. D., 1863, and which was duly recorded in the United States Patent Office on the 8th day of March, A. D. 1864, in Liber C 7, p. 458 of transfers of patents :

And whereas the said Jacob Shavor and Albert C. Corse duly surrendered for reissue the aforesaid letters patent, and upon their application, duly made to the honorable Commissioner of Patents, new letters patent were duly granted and delivered to them, the said Shavor & Corse, as by law provided, which said reissued patent was upon a corrected and amended specification in due form of law :

And whereas, at a regular term of the United States circuit court for the northern district of New York, held at the city hall in the city of Albany, in said district, on Tuesday, the 11th day of October, A. D. 1864, by the honorable Samuel Nelson, justice, and the honorable Nathan K. Hall, judge, it was determined, adjudged, and decreed by said court, upon the verdict duly rendered in court by a jury duly impanelled in the suit of the said Jacob Shavor and Albert C. Corse *vs.* Edmund Hoole, that the said Marcus P. Norton was the original and first inventor of the improvements specified, set forth, and claimed in and by the reissue of the aforesaid patent; that the same was valuable and of great utility; that the post office stamps now and heretofore furnished by Fairbanks & Co., under contract with said Hoole, and by them delivered to the Post Office Department at Washington, D. C., were and are an infringement of and upon the aforesaid letters patent; that the said Jacob Shavor and Albert C. Corse are the rightful and legal owners of the said letters patent, and of the invention and improvements therein and thereby secured, and judgment was thereupon entered in favor of the said Shavor & Corse upon each and every matter of fact set forth and declared in their narr. or complaint in the aforesaid suit at law :

And whereas the United States of America are desirous of obtaining the exclusive right and interest in, and control of, the aforesaid letters patent and the invention and improvements therein mentioned and thereby secured for the Post Office Department to contract for the manufacture of the said "post-marking and postage-cancelling stamp," and for the use of the same in the different post offices throughout this country :

Now, therefore, for and in consideration of the sum of one dollar, the receipt whereof is hereby acknowledged, and in further consideration that the Congress of the said United States shall, at the next session of the said Congress, make a fair, just, and equitable appropriation, by bill or otherwise, of money, or in the bonds of the said United States, in full payment of and for the said letters patent, invention and improvements; this deed of assignment witnesseth, that for and by reason of the aforesaid consideration, we have sold, assigned, and transferred, and do hereby sell, assign, and transfer unto the said United States of America and the government thereof, all the right, title, and interest which we have in the said invention and improvements as secured to us by said deed of assignment from the said Marcus P. Norton, and by the reissue of the said letters patent as aforesaid, or as may hereafter be secured by reissue of the same or otherwise; the same to be held, owned, and enjoyed by the said United States and by the government thereof for their own use, benefit, and behoof, to the full end of the term of seventeen years, for which the same were and are

granted, as by reference to said letters patent will fully appear, as freely, fully, and entirely as the same would have been held and enjoyed by us or by our legal representatives had this sale, assignment, and transfer not been made.

In testimony whereof, we have, on this 27th day of October, A. D. 1864, at the said city of Troy, New York, hereunto set our hands and affixed our seals.  
Signed and sealed in presence of—

CITY OF TROY,

*County of Rensselaer and State of New York, ss :*

On the — day of October, A. D. 1864, before me personally came Jacob Shavor and Albert C. Corse, to me each personally known to be the persons described in and who executed the foregoing instrument of writing, and each for himself acknowledged to me that they had executed the same as their act and deed, for the uses and purposes therein mentioned.

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*U. S. Commissioner, Northern District of New York, Troy, N. Y.*

POST OFFICE DEPARTMENT,  
*Appointment Office, Washington, August 10, 1860.*

SIR: I have to acknowledge the receipt of your letter of the 8th instant, in relation to cancelling stamps. The arrangement is an excellent one, and will save much labor in making up the mails, but I fear the attachment you have affixed to your marking stamps has not only been thought of before, but has actually been patented; if so, it may at some future time subject your office to a heavy charge to the patentee for its use, or perhaps to a lawsuit. The Postmaster General therefore desires that you will give the subject such timely attention as will be calculated to avoid such consequences.

He also desires me to call your attention to the imperfect impressions made by the marking stamps in your office, and to ask if a remedy cannot be found for the defect. Complaints are received at the department almost daily, from all parts of the Union, on this subject, and the Postmaster General would be much gratified if some plan could be devised to make them less frequent.

I am, respectfully, your obedient servant,

ST. JOHN B. L. SKINNER,  
*Acting First Assistant P. M. General.*

Hon. JOHN A. DIX, *Postmaster, New York, N. Y.*

POST OFFICE DEPARTMENT, *September 30, 1864.*

The foregoing is a true copy of a letter on record in this department. In testimony whereof, I have hereunto set my hand and caused the seal of the [L. S.] General Post Office to be affixed, at the Post Office Department, in the city of Washington, this 30th day of September, A. D. 1864.

ALEXANDER W. RANDALL,  
*Acting Postmaster General.*

POST OFFICE, *New York, January 3, 1863.*

SIR: Some time since you requested that I should test the utility of Norton's double post-marking and cancelling stamping-iron, and report my opinion thereon. It was in use in this office when I first entered upon my duties. Since then the cancelling part has been changed in various forms. We have tried the *cutter* thoroughly. This is the most complete method of cancellation, but it is liable, even if used with the greatest care, to injure the contents of the envelope,

especially if the enclosures are cards, photographs, and the like. We have also used cork, by inserting it in the cylinder of the canceller. This has proved successful, and our cancellation is now performed in this way. I am confident no office in the country performs cancellation more thoroughly. The design of Mr. Norton's is indispensable to us. Indeed, unless I should nearly double the stamping force, we could not dispense with its use. I am satisfied the interest of the department would be subserved by securing its general use. We are now testing a stamp and canceller on Norton's plan, made of boxwood. It promises well, and can be made at a very trifling expense. I am fearful, however, its liability to yield to the wear to which it will be subject may prevent its general adoption. Time will determine this.

Very respectfully, your obedient servant,

ABRAM WAKEMAN, P. M.,

*Per Secretary.*

A. N. ZEVELY, Esq.,

*Third Assistant P. M. General, Washington, D. C.*

I certify that the within is a true copy of the original now on file in this department. In testimony whereof, I have hereunto set my hand, and [L. S.] caused the seal of the Post Office Department to be affixed, at Washington city, this 27th day of September, A. D. 1864.

ALEXANDER W. RANDALL,

*Acting Postmaster General.*

POST OFFICE, *New York, August 8, 1860.*

SIR: The order of the Postmaster General of the 23d ultimo, prohibiting the cancelling of postage stamps by the dotting or post-marking stamps, and requiring the work to be done by a separate instrument, could not be executed in this office without an increase of our clerical force. We were compelled, a few days ago, to keep back a mail nearly half an hour in order that the postage stamps on the letters to be transmitted by it might be properly cancelled.

When the letters amount to tens of thousands, the duplication of the work of cancelling and post-marking is a very serious matter. On Monday our carriers and messengers brought to this office 11,985 letters for the mails. In this extremity, and with an extreme reluctance to augment the clerical force of the office for the purpose of doing the work, I have hit upon an expedient which answers the purpose perfectly. It occurred to me that the "separate instrument" required by the department might be attached to the post-marking stamp, and I sent for the stamp-maker and gave him my idea, which he has carried out very well. The cancelling stamp is soldered on to the other, so that one handle answers for both, and the double operation is performed with one blow. There is, therefore, no increase of work.

I send you a specimen of the work on the enclosed envelope.

Respectfully yours,

JOHN A. DIX, P. M.

Hon. HORATIO KING,

*First Assistant P. M. General.*

I hereby certify that the within is a true copy of the original now on file in this department. In testimony whereof, I have hereunto set my hand, [L. S.] and caused the seal of the Post Office Department to be affixed, at Washington city, this 27th day of September, A. D. 1864.

ALEXANDER W. RANDALL,

*Acting Postmaster General.*



POST OFFICE, WASHINGTON, D. C.,

March 18, 1864.

DEAR SIR: Agreeably to your request for a certificate in regard to Norton's combined post-marking and cancelling stamp, we would state that it has been in constant use in this office for some months past, and we have no hesitation in pronouncing it a most valuable labor-saving instrument. The act of post-marking and cancelling the postage stamp is done at one stroke, quite as perfectly as when separate instruments are used for that purpose, and at a saving of at least one-third of the labor. One of our clerks, most expert in stamping, thinks it saving of very nearly one-half. To do this work in this office, it requires the labor equal to that of four clerks, twelve hours a day; and allowing a saving of only one-third, of course it enables us to get along with two clerks less, certainly, if not more, than if the same work had to be done by separate instruments.

Very respectfully,

S. J. BOWEN,

*Postmaster.*

L. TREE,

*Assistant Postmaster.*

RICHARD LAY.

WM. A. CHAUNCEY.

Hon. HORATIO KING,

*Washington, D. C.*

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*Affidavit of Charles Smith.*

CITY, COUNTY, AND STATE OF NEW YORK, *ss*:

Charles Smith, of the city of New York, county and State aforesaid, being by me duly sworn, doth depose and say: My name is Charles Smith; I reside in the said city of New York, where I was born, and have always resided; I am 51 years of age; I am now employed in the New York post office as foreman or "head stamper" of the department for stamping letters, &c., with name of post office, date, &c., and for the cancellation of the postage stamps thereon. I have been so engaged for a great many years. I have been employed in the said post office for nearly twenty years. I was foreman or "head stamper," as aforesaid, during all the time when General Dix was postmaster at said city of New York. I know Marcus P. Norton, of the city of Troy, State aforesaid, and first became acquainted with him while said Dix was such postmaster, and I think in the summer of the year 1860. I now have seven clerks under my charge in the stamping and postage-cancelling department in said post office. I use personally, and, also, under my direction, as such "head stamper," a combined device or stamp for post-marking letters, packets, &c., and for the cancellation of the postage stamps thereon, at one blow or operation of said instrument, whereby the postage stamp is permanently cancelled in ink at the same time and operation of making the name of the post office, month, day of the month, and year. This instrument or device so combined for such purpose is known as the invention and improvement of the said Marcus P. Norton, to whom letters patent of the United States were granted, April 14, 1863, and reissued under date of August 24, 1864, which said patents I have carefully read and understand. I have used in said office a post-marking stamp with a cancelling device so combined therewith for such purposes, which was made of iron or steel, and which worked well and successfully. I afterwards used for the cancellation of the postage stamps, as aforesaid, a device made of cork, which I now use in said post office, and each of which were substantially the same, and in substantially

the same combination for substantially the same use and purposes as described, specified, and set forth in the said patents granted as aforesaid. I am of the opinion, founded upon experience, that the cork device so combined is the best and most effectual for the permanent cancellation of postage stamps on letters, &c., whereby frauds are prevented in the re-use or reissue of postage stamps once used and washed or cleansed by chemical process, while at the same time the postmaster is given in an intelligible manner upon the envelope at or near one side of such postage stamps so cancelled. This device is embraced in and covered by Norton's said patent; such combined stamps are now in successful use and operation in said New York office for the purposes named and set forth in the aforesaid letters patent. This combined instrument, so used, saves great labor in the post-marking of letters, &c., and in the cancellation of the postage stamps thereon in the said New York office. It greatly economizes in the labor required in the assortment of letters. It greatly facilitates the despatch of letters for transportation in the mails from said office. It cancels in the most perfect and permanent manner the postage stamps on letters, packets, &c., and at the same time gives on the envelope an intelligible post-mark. It greatly economizes in time in the making up of the mails for transportation. It has so been in use in said post office since the year 1860, and was referred to that post office for test or trial by the Post Office Department at Washington, and was put into said office for test or trial some time before by the said Norton, which was in the year 1860.

And deponent further says that he verily believes that if the said New York post office were to return to the old system of post-marking letters and cancelling postage stamps thereon, prior to the use of the said combined stamp or device now used for the purposes aforesaid, it would require at least twice or double the number of clerks now required for that purpose in said post office by the use of the said Norton's combined instrument, as set forth in the aforesaid patents, while the post-marking would not be as intelligible, nor would the postage stamps be as perfectly or permanently cancelled. The mails in that case could not be made up with such rapidity, and consequently there would be great delays of the mails; the letters would have to be twice handled over, whereas now they are handled but once for post-marking and for the cancellation of postage stamps thereon. This combined device, therefore, actually saves one-half the labor or clerk-hire in my department aforesaid; facilitates the making up of the mails; saves labor; is of great utility or usefulness; is effectual, and economizes time in the manner aforesaid, and, in my judgment, prevents frauds by the chemical cleansing or washing of postage stamps for re-use or reissue after once used as aforesaid. I regard the said combined instrument as indispensable and absolutely necessary for the purposes hereinbefore specified, as well as set forth in the said patents, especially for the larger post offices in this country, and proportionally as useful and valuable in the smaller ones. I believe that it ought to be put into use in each and every post office in this country. I believe that the government of the United States would be largely benefited by its universal use or adoption in all of the post offices, both large and small. I found this my judgment upon my own or personal knowledge of the usefulness of the said combined instrument, and the permanent advantages to be gained thereby. I have no interest whatever in the said patents or in any appropriations which may be made by the Congress of the United States for the purchase of the said patents and invention, either directly or indirectly, and do not expect any interest in the future in any manner whatever in the same.

C. SMITH.

{ Five-cent } Subscribed and sworn to before me, this 13th day of January,  
 { rev. stamp. } A. D. 1865.

THOMAS LIVEY,  
*Commissioner of Deeds, New York City.*

STATE OF NEW YORK,

*City and County of New York, ss :*

I, William C. Conner, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, the same being a court of record, do hereby certify that Thomas Livey, whose name is subscribed to the certificate of the proof or acknowledgment of the annexed instrument, and thereon written, was, at the time of taking such proof or acknowledgment, a commissioner of deeds in and for the city and county of New York, dwelling in the said city, commissioned and sworn, and duly authorized to take the same. And further, that I am well acquainted with the handwriting of such commissioner, and verily believe that the signature to the said certificate of proof or acknowledgment is genuine. I further certify that said instrument is executed and acknowledged, according to the law of the State of New York.

[L. S.] In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court and county, the 13th day of January, 1865.

WM. C. CONNER, *Clerk.*

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*Affidavit of Marcus P. Norton.*

CITY OF TROY,

*County of Rensselaer, State of New York, ss :*

Marcus P. Norton, of the said city, county, and State, being by me duly sworn, doth depose and say : My name is Marcus P. Norton. I reside at the said city of Troy, New York, and have resided there for about nine years past. I am thirty-five years of age. I am a practicing lawyer in said city. I know Frederick G. Ransford, of said city, and have known him for about eight years. I know Peter Low, of the same place, and have known him since the year 1857. I have read the affidavit, subscribed and sworn to on the sixth day of December, A. D. 1864, by the said Frederick G. Ransford, relating to certain patents, dated respectively August 9, 1859, upon post office stamps, December 16, 1862, and April 14, 1863, reissued, bearing date August 23, 1864, upon improvements in post-marking letters, &c., and in cancelling the postage stamp thereon, as therein described and set forth, and I personally know that the matters therein stated by him are true and correct, as by him stated therein and thereby.

And deponent further says that he was in court at the city of Albany at and during the trial of the cause of Jacob Shavor and Albert C. Corse *vs.* Edmund Hoole, for an infringement of the said patent of April 14, 1863, reissued August 23, 1864, as aforesaid. I saw in court, on the first two days of the October term, at which said cause was tried by the honorable N. K. Hall and a jury : the defendant and his counsel, George Gifford, esq., of the city of New York, Frederick G. Ransford, Peter Low, and a Mr. Fletson, witnesses for and on the part of the defendant, Edmund Hoole. The said cause was regularly called by the court, and a jury duly and regularly impanelled therein, and the cause was regularly tried in open court, and a verdict returned as certified by the clerk of said court, as appears by reference to a printed pamphlet of said case.

MARCUS P. NORTON.

Subscribed and sworn to before me, this sixth day of December, A. D. 1864.

AUSTIN F. PARK,

*Commissioner of Deeds, Troy, New York.*

STATE OF NEW YORK,

*Rensselaer County, Clerk's Office, ss:*

I, Edwin Brownell, clerk of said county, and also clerk of the supreme, county, and mayor's courts, being courts of record held therein, do hereby certify that A. F. Park, before whom the annexed affidavit was made, and whose name was thereto subscribed, was at the day of the date thereof a commissioner of deeds in and for said county, duly commissioned and sworn, and that his signature thereto subscribed is genuine.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of said county, this 7th day of December, A. D. 1864.

EDWIN BROWNELL, *Clerk.*

[SEAL.]

*Affidavit of F. G. Ransford.*

CITY OF TROY,

*County of Rensselaer, State of New York, ss:*

Frederick G. Ransford, of the city of Troy, county and State aforesaid, being by me duly sworn, doth depose and say: My name is Frederick G. Ransford. I am forty-nine years of age. I am a retired merchant. I reside at the city of Troy, New York, and have resided there for thirty-three years. I know, and have known, for about eight years past, Marcus P. Norton, a practicing lawyer of the said city. I know Peter Low, of said city of Troy, and have known him for many years last past. I am an assignee with the said Peter Low of the letters patent, granted on the 9th day of August, A. D. 1859, on the application of the said Marcus P. Norton for certain improvements in "post office stamps." The said letters patent were issued to me and the said Low, as assignees, by virtue of an assignment from said Marcus P. Norton, dated on or about the 2d day of May, A. D. 1859, and recorded in the United States patent office on or about the 6th day of May, 1859. I and the said Low purchased of the said Norton the invention or improvements contained in the revolving dates mentioned and set forth in the said patent of August 9, 1859, for railroad, bank, and post office use. This is the only invention intended to have been embraced in the said assignment of May 2, 1859. We did not, and did not intend to, purchase of the said Norton any cancelling device whatever for the purpose of cancelling the postage stamps on letters, packets, &c., at one and the same blow or operation of the instrument, in ink, or for any other purpose whatever. Our only object was to purchase of said Norton the said revolving and changing dates, in combination with the printing surface of the said stamp. There was a cutting device attached at that time to the model on which said patent of August 9, 1859, was granted; but that device was considered by said Low and myself as entirely worthless at the time of the said assignment, and its use since in the New York post office has fully proven the correctness of our judgment so entertained at that time. The object and purpose of this device was to cancel postage stamps by cutting only. This cancels the postage stamp perfectly, and at the same time cuts entirely through the envelope, letter, and contents therein, and for this reason was condemned as entirely worthless by the New York post office and by the Post Office Department. This device is a separate and distinct invention from that patented to said Norton December 16, 1862, and April 14, 1863, and reissued, bearing date August 23, 1864, for the post-marking of letters, &c., and for the cancellation of postage stamps thereon in ink, at one blow of the instrument, in the manner substantially as described and set forth in said reissued patent of August 23, 1864, which I have read and understand, as I also have and do the said patent of August 9, 1859. The

invention and improvements described and claimed in the said patents of December 16, 1862, of April 14, 1863, and reissued under date of August 23, 1864, is not, and was not intended to be, or to have been, embraced in, or covered by, the said assignment from said Norton to me and said Low, and dated, as aforesaid, May 2, 1859. Nor is said invention contained in, or covered by, the said patent of August 9, 1859, and was not so intended. That assignment was only intended to cover the said invention contained in the revolving or changing dates, and described in the drawings and specification of the said patent of August 9, 1859, and the said assignment has no relation whatever to or with the said patents of December 16, 1862, of April 14, 1863, and of August 23, 1864, or to the inventions therein described, set forth, and claimed. The application by said Norton for a patent upon said revolving dates was rejected by the Commissioner of Patents upon the patent granted to T. J. W. Robertson for the same invention, on the 27th day of September, A. D. 1857, which said patent the said Low purchased of the said T. J. W. Robertson, and who afterwards assigned one quarter interest to me, in order to contract with William B. Hatch, of the firm of Fairbanks & Co., of the city of New York, to manufacture the said stamps containing the said cylinders or revolving dates, which was the only invention assigned by said Low and myself to the said Hatch. I was subpoenaed as a witness by the defendant on the trial of the case of Jacob Shavor and Albert C. Corse *vs.* Edmund Hoole, for an infringement of the said patent of April 14, 1863, reissued under date of August 23, 1864, as aforesaid. I attended court at the city of Albany, in obedience to such subpoena. I have no claim whatever in the said patents of December 16, 1862, of April 14, 1863, and August 23, 1864, or in or to the invention and improvements therein named and set forth; nor can the same be held by the said assignment of May 2, 1859, by said Norton, to me and to said Low, as aforesaid. My claim is only to the cylinder or revolving dates as aforesaid, and it was this which I and the said Low sold and intended to sell, and assigned to said Hatch one quarter interest. I have no interest in the said patents of December 16, 1862, of April 14, 1863, and the reissuing thereof, dated August 23, 1864, as before stated. I believe that the verdict rendered by the jury in the case above named was correct and truthful, and that the judgment of the court therein and thereon was and is correct.

F. G. RANSFORD.

Subscribed and sworn to before me this 6th day of December, A. D. 1864.

AUSTIN F. PARK,

*Commissioner of Deeds, Troy, N. Y.*

STATE OF NEW YORK,

*Rensselaer County, Clerk's Office, ss :*

I, Edwin Brownell, clerk of said county, and also clerk of the supreme, county, and mayor's courts, being courts of record held therein, do hereby certify that A. F. Park, before whom the annexed affidavit was made, and whose name was thereto subscribed, was, at the day of the date thereof, a commissioner of deeds in and for said county, duly commissioned and sworn, and that his signature thereto subscribed is genuine.

[SEAL.] In testimony whereof, I have hereunto subscribed my name, and affixed the seal of said county this 7th day of December, A. D. 1864.

EDWIN BROWNELL, *Clerk.*

TROY, N. Y., *November 7, 1864.*

We hereby certify that we have heard read the foregoing affidavit, subscribed and sworn to by Frederick G. Ransford on the 6th day of December, 1864. We

firmly believe that each and every matter of fact therein stated is strictly true and correct. We are assignees of the said letters patent of August 9, 1859, and own one equal undivided third part of the same, and purchased it of and from the said Ransford and Low, who gave us a deed of assignment therefor, which was duly recorded in the United States Patent Office. We have not, and never claimed to have any right, title or interest, under our said assignment from said Ransford and Low of the said patent of August 9, 1859, to the said patents of December 16, 1862, of April 14, 1863, and the reissued patent of August 23, 1864, or to the inventions and improvements therein specified and claimed. We are fully satisfied that the inventions contained in the said patents last above named have no relation whatever with, or to do with, the said patent of August 9, 1859.

In testimony whereof we have, on this seventh day of November, A. D. 1864, hereto set our hands.

CHARLES EDDY & CO.

Witnesses :

SAMUEL INGALLS,  
CHARLES D. KELLUM.

*Affidavit of Shavor and Corse.*

CITY OF TROY,

*County of Rensselaer, State of New York, ss :*

Jacob Shavor and Albert C. Corse, each of the city of Troy, county and State aforesaid, being each by me severally and duly sworn according to the law, each for himself, depose and says : We reside in the said city of Troy. On or about the 23d day of February, 1864, we made an affidavit containing, among other things, a statement of moneys expended by us at the request of Marcus P. Norton, of said city of Troy, in and about the business of securing patents, in making experiments, and in introducing into use his invention known as the combined post-marking and postage stamp cancelling device, of the kind and character mentioned, described and set forth in a certain patent reissued to us as assignees, bearing date August 23, 1864, of and concerning which we were and now are familiar. Up to that time said Norton had so expended the sum of \$3,200. At that time we had, as such assignees, petitioned to the Congress of the United States, asking payment for the use of the said invention by the government of the United States, also asking Congress to purchase of us the said invention and improvements. That petition was, we believe, referred by the House of Representatives to the proper committee of that body. Said committee, upon the examination of the subject-matter of said petition, discovered that said Norton's claim to said invention and improvement as the original and first inventor, or original discoverer of the same, had been assailed and claimed by another person, that our right and title to said letters patent, invention and improvements, had been disputed and claimed by other persons ; whereupon it was advised and deemed best and important that the said disputed rights and claims by other persons should be determined by resort to the law, that the same might be disposed of and settled in a judicial manner. In the summer of the year 1864 we commenced a suit at law in the United States circuit court for the northern district of New York, against Edmund Hoole, who was at that time manufacturing said stamps, invention or improvements for Fairbanks & Co., of New York, who were then and now are government contractors to make and furnish for the Post Office Department at Washington. That suit was brought to trial at Albany, in said district, at a regular term of said court before the honorable N. K. Hall, judge, then presiding, and was conducted by our attorneys, John B. Gale, esq., of the said city of Troy, and

Joel Tiffany, esq., of the city of Albany. In that suit we succeeded, and thus it was established that said Norton was the original and first inventor of the said invention as well as the fact that we were the lawful owners of the same, as stated in our said petition to said Congress. In consequence of the necessity of the said suit it became necessary to expend more money in getting said suit ready for trial and in the trial of the same. The money so expended, as appears from our books of accounts, amounts to the sum of *fourteen hundred and eighty-five dollars and fifteen cents*. In addition to the above sum last named, we are informed by our attorney, and believe it to be true, that there still remain unpaid bills which have not yet been presented, and for which we are liable to pay, to the amount of *four hundred dollars*, in all eighteen hundred and eighty-five dollars and fifteen cents. And the entire sum of money expended in and about the said invention and improvements for the purposes aforesaid, since we began or obtained control of the said invention, as requested by him, the said Norton, is five thousand and eighty-five dollars and fifteen cents. How much money the said Norton had expended upon said invention and improvements prior to that date we have no personal knowledge. The said Norton was, in the years 1857-'8, driven into a financial failure or bankruptcy, from the effects of which he has not yet fully recovered. To save this invention and improvements from failure and from the hands of unworthy creditors, we assumed control of the same and title thereto, under an agreement with the said Norton.

JACOB SHAVOR.

ALBERT C. CORSE.

Subscribed and sworn to before me this 12th day of January, 1865.

JOHN T. LAMPOROT,

*Commissioner of Deeds, &c., Troy, N. Y.*

STATE OF NEW YORK.

*City of Troy, Rensselaer County, Clerk's Office, ss :*

I, Edwin Brownell, clerk of said county, and also clerk of the supreme, county, and mayor's courts, being courts of record held therein, do hereby certify that John T. Lamport, whose name is subscribed to the certificate of proof or acknowledgment of the annexed instrument, was, at the time of taking such proof or acknowledgment, a commissioner of deeds in and for the city aforesaid, dwelling in said city, and duly authorized to take the same; that I am well acquainted with the handwriting of the said commissioner, and verily believe that his signature to the said certificate of proof or acknowledgment is genuine, and that said instrument is executed and acknowledged according to the law of the State of New York.

[SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of said county this 12th day of January, A. D. 1865.

EDWIN BROWNELL, *Clerk.*

*Affidavit of Edward Hoole.*

CITY, COUNTY AND STATE OF NEW YORK, ss.

Edmond Hoole, of the city of Brooklyn, State of New York, and formerly residing at Mount Vernon, Westchester county and State aforesaid, being by me duly sworn, doth depose and say: My name is Edmund Hoole; I now reside in the city of Brooklyn aforesaid. I am now and have for about twenty-five years last past been engaged in the manufacture of post office marking and rating stamps, for use by postmasters in different post offices in this country. I have so manufactured such stamps for about fourteen years last past under contract with the Post Office Department at Washington. I put in a bid for the contract which was let by said department to Fairbanks & Co., of the city

of New York, on or about the 24th day of February, 1863, to manufacture and furnish to the department aforesaid a device for post-marking letters, &c., and for the cancellation of the postage stamps thereon, in ink, at one blow or operation of the instrument; but such contract was let by said department to said Fairbanks & Co., who afterwards contracted or agreed with me to manufacture such stamps for them, under their said contract with said department, as well as such other stamps as provided for in their said contract. I have been so engaged in manufacturing such stamps for the said Fairbanks & Co., under their said contract with the said department, since the spring of the year 1863, and am now so engaged in such manufacture. I have made for them a considerable number of the said combined post-marking and postage-cancelling device, which was patented to Marcus P. Norton, of the city of Troy, New York, on the 14th day of April, 1863, and reissued bearing date August 23, 1864. The said stamp or device so made by me and delivered to the said Post Office Department through and by the said Fairbanks & Co., were each and all of such combined device, made substantially in the manner and for the purpose as specified, and set forth and covered by the claim in the said patent so granted to the said Norton, and also according to the reissue thereof. There are a good many such combined devices now in use by the general government in different post offices. I have also manufactured single stamps, when required under their said contract with said department. The said Post Office Department is now extensively using, in the various post offices in this country, the said combined devices for the post-marking of letters, packets, &c., and for the cancellation of the postage stamps thereon, as aforesaid, and patented to the said Norton, as aforesaid, the same having been made by me and under my directions for that purpose, and delivered to said department, as aforesaid. I have been informed, and believe it to be true, and am of the opinion, that such combined instrument so patented does and will save full one half of the labor formerly required in post offices for the post-marking of letters, &c., and for the cancellation of postage-stamps thereon, while at the same time the postage-stamp thereon is more fully, perfectly, and permanently cancelled, thereby preventing frauds by the re-use or reissue of postage stamps, (which have once been used,) by means of a washing or cleansing by a chemical process. I am of the opinion that the cork device, also embraced in and covered by the letters patent aforesaid, is by far the best, or superior to any other known device for the perfect and permanent cancellation of postage stamps on letters, packets, &c. The cancellation by this device seems to be, when used, perfect and permanent. The said combined instrument or device, patented as aforesaid, is beyond a question of doubt a great labor-saving instrument for each and every purpose specified in said letters patent, which I have carefully examined and well understand; such kind of stamps are now and have for a considerable length of time been in use in the New York post office with complete and most perfect success for the purposes for which said patents were granted. The same were made by me for and at the request of the postmasters from the year 1860 until 1863, the time when the said contract was let, who have held that office during that time. I personally know that the use of such combined instrument in that post office has, during all that time from the fall of 1860, and now does give universal and most perfect satisfaction for all the purposes set forth and specified in said letters patent. It there saves great labor, cancels permanently the postage stamps, thereby preventing frauds, and it greatly economizes in the time required to get mails ready for transportation. It also reduces the clerk-hire in that department full one half. The mails can be, and are, by the use of this combined stamp or instrument, made up with greater rapidity than by the old system, whereby the transportation of the mails are greatly facilitated and delays avoided.



In the suit of Jacob Shavor and Albert C. Corse vs. Edward Hoole, defendant, this deponent says: I defended that suit as far as I could with any degree of success. The said Fairbanks & Co. joined with me in that defence. We employed counsel and subpoenaed witnesses for the trial of that cause at Albany, northern district of New York, in October, 1864. I caused to be issued subpoenas for Peter Low, Frederick G. Ransford, and C. E. Wheeler, of Cleveland, Ohio, for each of them to attend the trial of that cause, which were duly served upon each of them. The said Low and Ransford attended court at Albany, when said cause was tried by a jury. Being well satisfied, after consultation with my witnesses and counsel at that term of court, before the day of actual trial of the said cause, that my defence set forth in my original and amended pleading or answer in said cause could not be maintained in view of the overwhelming proofs ready then and there to be produced by the said plaintiffs, I, under the advice of my said counsel, abandoned that defence and returned to New York, and thus allowed my default in said cause, which was wholly without the knowledge or procurement of the said plaintiffs or either of them, or of their counsel, and of course without collusion with said plaintiffs, their counsel, or of their witnesses or of either of them. I am confident and firmly believe that the verdict rendered in the said cause was fair and just, and that the result would have been the same had I produced my proofs on the trial, and had the said case been argued by my counsel, paid by the said Fairbanks & Co. Since the rendition of that verdict I have procured from said Shavor & Corse a conditional license or permission to manufacture said combined stamps in such numbers as may be ordered by the Post Office Department at Washington, through said contractors, Fairbanks & Co., until April 1, 1865. The Post Office Department has, through necessity in the economy of labor, for the more rapid facilities in the transportation of the mails, for more intelligible post-marks with dates on letters, packets, &c., and for the purpose of preventing frauds by the re-use of chemically washed or cleansed postage stamps, by a most thorough and complete cancellation of postage stamps on letters, &c., created a large demand for such patented combined stamp or device, and which is now in extensive use in the larger post offices in this country. I am of the opinion, founded upon my knowledge of the said device and its usefulness, that it ought to be in use in each and every post office in the country, both large and small; all letters then would have an intelligible post-mark, and the postage stamp would be permanently cancelled, and frauds aforesaid prevented. I have no doubt but that the said Marcus P. Norton is the original and first inventor of the said invention and improvements contained in the said letters patent issued to said Norton. I come to this conclusion from and after a most complete and thorough examination of that question, and I firmly believe that the said patents were correctly and justly granted by the Commissioner of Patents. I have no interest whatever in the said patents, or in any appropriation which Congress may now or hereafter make in or for purchase of the said patents of the said Jacob Shavor and Albert C. Corse, either directly or indirectly.

[SEAL.]

EDMUND HOOLE.

Subscribed and sworn to before me this 13th day of January, A. D. 1865

CHAS. W. NEWTON,

*U. S. Commissioner for the Southern District of N. Y., 2d Circuit.*

UNITED STATES OF AMERICA,

*Southern District of New York, ss.*

I, Kenneth G. White, clerk of the circuit court of the United States of America for the southern district of New York, second circuit, do hereby certify, that I am well acquainted with the handwriting of Charles W. Newton, whose name

is subscribed to the annexed jurat, and that the signature to the same is in his proper handwriting. And I do further certify, that he was at the time of signing the same a United States commissioner, duly appointed by the circuit court of the United States of America for the southern district of New York, second circuit.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the said circuit court, this thirteenth day of January, in the year of our Lord one thousand eight hundred and sixty-five, and of the independence of these United States the eighty-ninth.

[SEAL.]

KENNETH G. WHITE, *Clerk.*