

*Crawford 747(2)*

CANCELLING AND MARKING STAMP.

LETTER

FROM

THE POSTMASTER GENERAL,

TRANSMITTING

*Additional papers on the subject of a patent cancelling and marking stamp used by the department.*

JANUARY 27, 1865.—Referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

POST OFFICE DEPARTMENT,

*Washington, January 27, 1865.*

SIR: In addition to the papers accompanying my letter to you of the 19th instant, relating to Norton's post-marking and cancelling stamp, I have the honor to transmit herewith the following, viz:

1. Affidavit of General John A. Dix.
2. A copy of a letter from postmaster of New York to Third Assistant Postmaster General, dated January 3, 1863.
3. A letter from Edmund Hoole, of New York, dated January 11, 1865.
4. Letter from Marshall Smith, assistant postmaster at St. Louis, Missouri, dated January 27, 1865.
5. Exemplification of record of a suit brought in the United States circuit court for the northern district of New York, and proceedings therein, wherein Shavor and Corse were plaintiffs, and Edmund Hoole was defendant.

I am, very respectfully, your obedient servant,

W. DENNISON,

*Postmaster General.*

Hon. SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

STATE OF NEW YORK,

*City and County of New York, ss:*

John A. Dix, of the said city, county, and State, being duly sworn according to law, doth depose and say: My name is John A. Dix; I am 65 years of age; I reside at the said city of New York, and have resided there for \_\_\_\_\_ years; I am now major general in the army of U. S. volunteers. In the year 1860 I was appointed by President Buchanan postmaster at the New York post office.

I was such postmaster until I went into Mr. Buchanan's cabinet as his Secretary of the Treasury in the year 1861. While I was postmaster at New York as aforesaid, and during the early part of the year 1860, I found great difficulty in post-marking letters and in cancelling the postage stamps thereon in time for their transportation in the regular mails, which often caused their delay and detention until the next mail of such letters as could not possibly be post-marked and their postage stamps cancelled *before* the closing of the mail for the regular mail or express trains. At that time it required two sets of employes to post-mark letters and to cancel stamps thereon—one set to do the post-marking, and one set to cancel the postage stamps thereon. This required the handling of such letters a second time, which of course was a slow operation. In view of these facts, I at that time conceived the plan of a combined stamp, consisting of the ordinary post-marking stamp, with a stamp connected therewith in such a manner as to cancel the postage stamp on letters, &c., in ink at the same time and operation of making the post-mark on the letter envelope one side of such postage stamp. These double stamps thus combined formed one instrument operated with one handle, by which the post-marking and the cancellation of the postage stamp were performed by one blow of such instrument. This device was at once put into use in the New York post office by my directions, and gave perfect and complete satisfaction for the purposes aforesaid. There was then no delay of letters or of the mails, but on the other hand the mails were made up in time for transportation without any delay. One man could and did do the work which had before been required to be done by two men. The letters were then handled over but once for the purpose of post-marking and cancelling of the postage stamps thereon. The letters contained a more intelligible post-mark, and the postage stamps were more perfectly and effectually cancelled so as to prevent a second or ruse of the same. I communicated this plan of double stamp for post-mark and cancellation of postage stamps in ink to the Post Office Department at Washington in the early part of the year 1860, I think. The Post Office Department immediately thereafter informed me that such invention had been before that time submitted to that department by Marcus P. Norton, of the city of Troy, N. Y. I afterwards took measures to have an interview with said Norton with regard to its use by me in the New York post office. The said Norton, in company with a friend of his by the name of Ransford, afterwards had an interview with me at the post office in New York concerning the said improvements. I found that said Norton was an older inventor of the said stamp than I was. He consented to my using the same in the New York office, with the view of giving it a thorough trial, without charge for its use. During the year 1860 I obtained consent from the Post Office Department to contract with said Norton to furnish a number of such stamps for use in said post office. During that time I had some correspondence with the Post Office Department at Washington in relation to the said invention; it was then understood to have been the invention of the said Marcus P. Norton; I have no claim prior to his. I then believed and now believe the said invention to be valuable and useful for the purposes aforesaid.

JOHN A. DIX.

Subscribed and sworn to before me this 4th day of February, 1864,

G. E. STILWELL,

*United States Commissioner, Southern District of New York.*

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 G. E. Stilwell, whose nam

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.

[SEAL.] In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the said circuit court, this fourth day of March in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of these United States the eighty-eighth.

KENNETH G. WHITE.

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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 is indispensable to us. Indeed, unless I should nearly double the stamping force, we could not dispense with its use. I am satisfied the interests 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 box-wood. 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, *Postmaster.*  
Per Secretary.

A. N. ZEVELY, Esq.,  
*Third Ass't P. M. Gen'l, Washington, D. C.*

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NEW YORK, January 11, 1865.

GENTLEMEN: Yours of the 3d instant is at hand. In reply, I would say, I must make the first question the subject of a separate letter, as I have not time to make the necessary estimates at present.

2d. I find the combined stamp makes a more effectual cancellation of the postage stamp than any other device heretofore in use. The metal stamp or canceller does its work well, but not equal to the cork, as the latter holds more ink. Moreover, the labor of using the cork is much less than the metal, and it can consequently be used with greater expedition. I enclose an envelope with two post-marks—one, the New York, made with a cork canceller; the other, Mount Vernon, with a steel one. This shows the comparative effectiveness of the steel and cork. This letter passed through the post office in the usual course of business, and was not got up for a sample.

3d. As regards the expedition of making up the mails, I have made stamps for the New York post office for the past twenty-five years, and during that time have been intimately acquainted with the working of stamps in that office. I find it to be the unanimous opinion of the stamp clerks that it would be difficult to make up the mails in time without the use of this invention—as without it they would have to employ five or six extra clerks, and have to stamp the letters twice, which would cause a great delay. My only further knowledge extends to the post office at Mount Vernon, New York, my late place of residence. The mail arrives there at 8.20 a. m., and leaves at 9.15 a. m., leaving less than one hour to sort the mail, deliver the letters, and make up the return mail. This the postmaster was often unable to do, until I furnished him with one of your combined stamps, since which time no difficulty has been experienced.

4th. As to your title to said invention, I had some doubt of your title until the late suit, when all doubt in my mind was effectually dispelled, and from my researches in the Patent Office, the Post Office Department and elsewhere, I am convinced that Mr. Norton was the first and original inventor of said combined stamp. There has been several other claims to the invention, but *all* of them later than Norton's caveat of 1853 and 1854, and most of them later than his first patent.

5th. As to the late suit to which I was defendant, I would say that I made every effort to procure testimony to defeat your claim on its merits, but was unable to do so, and was advised by counsel to absent myself, unless I would contest it on the ground of non-user, which I was not willing to do.

I subpoenaed the following witnesses: F. G. Ransford and Peter Low, of Troy, New York; C. E. Wheeler, of Cleveland, Ohio; and Wm. B. Hatch, of New York, a member of the firm of Fairbanks & Co.

6th. I have no interest in said patent, nor in any of the patents granted for improvements in post office stamps.

7th. I have made about five hundred of the combined stamp, and delivered the same to Fairbanks & Co.

8th. Fairbanks & Co., employed counsel for me in our late suit, and at my request, but none for themselves.

In conclusion, I would say, that I have not only made stamps for the New York post office for the past twenty-five years, but for the last fourteen years have made all the metal stamps used by the Post Office Department, having been sub-contractor with the firm of Wm. A. Wheelen & Co., who obtained the contract under the Fillmore administration; also under Gilbert C. Cornwell, under the Pierce administration, and was contractor myself under the Buchanan administration, and now manufacture for Fairbanks & Co., under their contract. I flatter myself that I am capable of forming a correct opinion on any matters connected with post office stamps. Various inventions have from time to time been brought to my notice, but none of any value except Mr. Norton's cancelling device. Mr. Norton or his assignee was the first to show me said invention, and I am convinced his claim to be such inventor is well founded.

Most respectfully yours,

EDMUND HOOLE.

Messrs. JACOB SHOVAR and ALBERT C. CORSE,  
Troy, New York.

WASHINGTON CITY, D. C., *January 27, 1865.*

SIR: We have been using the combined post-marking and cancelling stamp in the St. Louis post office several years. I have no hesitation in saying that, if we had used the stamp cancellor separately, as we were required to do be-

fore the invention of this combination, the services of at least one more clerk would have been necessary in that office, and in many cases letters might have been delayed.

Very respectfully,

MARSHALL SMITH,  
*Assistant Postmaster.*

HORATIO KING, Esq., *Washington, D. C.*

United States circuit court.

JACOB SHAVER and ALBERT C. CORSE }  
*against* } At law.  
EDMUND HOOLE. }

*Plaintiffs' costs.*

For fee by statute on trial before a jury.....	\$20 00
Fees of witness three days, at \$1 50.....	4 50
Six miles' travel for witness .....	60
Marshal's fees, service of capias on defendant, \$2; six miles' travel, fee 60 cents; service of narr. \$2.....	4 60
For narr. filed with United States circuit court clerk.....	10 00
Government stamp on capias.....	50
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	40 20

*Clerk's fees.*

Serving capias, \$1; two certified copies, \$1; docketing case, \$1	\$3 00
Narr. filing and rule, 50 cents; entering of dockets, 50 cents; do. narr. and stipulation, 50 cents .....	1 50
Serving in all six subpoenas and six copies for term.....	4 50
Filing and entering answer, 50 cents; do. answering one, 50 cents; serving two copies, \$1 .....	2 00
Collector's fees, \$1; trial fees, oaths, orders, filings, &c., \$5....	6 00
Certified minutes of trial, 50 cents; do. of stipulation, 50 cents..	1 00
Making judgment record, 165 folios, at 15 cents.....	24 75
Final fee on taxation and "proofs" in case.....	3 00
Execution \$1; filing papers on tax, and certified return of exe- cution, 50 cents.....	1 00
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	47 25
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	87 45
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Taxed at eighty-seven dollars and forty-five cents, this 22d November, 1864.  
A. A. BOYCE, *Clerk.*

CIRCUIT COURT OF THE UNITED STATES,

*In and for the Northern District of New York, ss:*

Pleas in the circuit court of the United States for the northern district of New York, of the term of October, A. D. 1864.

Witness Hons. Samuel Nelson and Nathan K. Hall, judges; A. A. Boyce, clerk.

NORTHERN DISTRICT OF NEW YORK, ss :

Be it remembered that heretofore, in the term of June last past, in said court, the said Jacob Shavor and Albert C. Corse, plaintiffs, by John B. Gale, their attorney, came and brought into the said court, before the said judges thereof, their certain declaration against Edmund Hoole, defendant, and which follows in the words and figures, to wit :

United States circuit court, northern district of New York.

JACOB SHAVOR and ALBERT C. CORSE }  
*against* } At law.  
 EDMUND HOOLE.

The President of the United States of America to the marshal of the northern district of New York, greeting :

We command you that you take Edmund Hoole, if he shall be found in your district, and that you safely keep him so that you may have his body before the circuit court of the United States of America for the northern district of New York, to be held at Albany, in the second circuit, in and for the said northern district of New York, before the judges of the same court, on the second Tuesday of October next, to answer unto Jacob Shavor and Albert C. Corse, in an action of trespass on the case for infringement of (their) letters patent issued by the United States, to their damage \$300,000, and that you also have then and there this writ.

Witness the honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States of America, at Canandaigua, in the said northern district of New York, the 29th day of June, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the said United States the eighty-ninth.

A. A. BOYCE, *Clerk.*

JOHN B. GALE,  
*Plaintiffs' Attorney, Troy, N. Y.*

[U. S. rev. stamp, 50 cts.]

United States district court, northern district of New York—Of the term of June, 1864.

JACOB SHAVOR and ALBERT C. CORSE }  
*against* } At law.  
 EDMUND HOOLE.

Jacob Shavor and Albert C. Corse, citizens of the United States of America, and residing at the city of Troy, county of Rensselaer, and State of New York, and citizens of said State of New York, plaintiffs in this suit, by John B. Gale, of the city of Troy, county of Rensselaer, and State of New York, their attorney, and by *capias* duly served herewith, commence this their action against Edmund Hoole, defendant, residing at Mount Vernon, county of Westchester, State of New York, and a citizen of said State of New York, and thereupon file this their declaration or complaint in the office of the clerk of this honorable court, at the city of Utica, in said district, entering with the said clerk a rule to plead thereto, and serving a copy of said declaration with a notice of said rule upon the said defendant according to the rules of this court, and thereupon complain of the said defendant in an action or plea of trespass on the case.

For that whereas Marcus P. Norton, of the city of Troy, county of Rensse-

laer, and State of New York, then a citizen of the United States of America, before and at the time of the granting of the letters patent as hereinafter set forth, was the original and first inventor and discoverer of new and useful improvements in "post-marking letters, packets, and cancelling postage stamps thereon," to wit, at Troy, within the State of New York, and thereupon, heretofore, to wit, on the 14th day of April, one thousand eight hundred and sixty-three, at the city of Washington, District of Columbia, upon the application of the said Marcus P. Norton, in due form of law, and upon the payment of fifteen dollars into the treasury of the United States upon said application, and upon the further payment of twenty dollars upon the granting of the patent upon said application before the issuing of the same, as by law provided, and in all other respects complying with the act or acts of Congress in such case made and provided, letters patent were duly granted and issued in due form of law, unto the said Marcus P. Norton, under the seal of the Patent Office of the United States, signed by the Secretary of the Interior, and countersigned by the Commissioner of Patents, according to the provisions and requirements of the law, bearing date on the day, the month, and the year as aforesaid, to wit, on the 14th day of April, 1863, and were afterwards duly delivered to the said Marcus P. Norton, wherein and whereby was granted to the said Marcus P. Norton, his heirs, administrators, or assigns, for the full and only term of seventeen years from and after the date thereof, the full and exclusive right or liberty of making, constructing, using, and vending to others to use or to be used, the said new and useful improvement hereinbefore mentioned, all of which was in due form of law, as will fully appear by said letters patent ready in court to be produced, as by law, rule, or order of this honorable court may be required.

And the said Marcus P. Norton afterwards, to wit, on or about the 20th day of April, 1863, at the city of Troy, county of Rensselaer, State of New York, by a certain deed of assignment then and there made and delivered by him the said Marcus P. Norton to the said plaintiffs, Jacob Shavor and Albert C. Corse, which said deed of assignment, sealed with the seal of the said Marcus P. Norton, the plaintiffs now bring here into court, for good and valuable consideration therein named, did assign, sell, and transfer unto the said Jacob Shavor and Albert C. Corse, their heirs, administrators, or assigns, the entire said letters patent, and the invention and improvements therein and thereby secured to him, the said Marcus P. Norton, by the said letters patent, or as might afterwards be secured by any reissue of the said letters patent, which said deed of assignment afterwards, to wit, on or about the 8th day of March, A. D. 1864, was duly recorded in the said Patent Office, at the city of Washington, District of Columbia, in liber C, 7, page 458 of Transfers of Patents, as by reference to the said deed of assignment and to the certificate of the recording thereof thereon indorsed, will fully and at large appear. By virtue of which said deed of assignment so made and recorded, the said plaintiffs, Jacob Shavor and Albert C. Corse, became and were on the said 20th day of April, A. D. 1863, and have ever since been, and still are, the exclusive owners of, and vested with all the rights, liberties, and privileges so as aforesaid granted to the said Marcus P. Norton, in and by the said original letters patent, dated April 14, 1863, and all reissues thereof.

And whereas the said Jacob Shavor and Albert C. Corse, plaintiffs in this action, thereafter, to wit, on or before the 1st day of June, 1864, in pursuance of the statute in such case made and provided, did surrender the said letters patent so as aforesaid granted to the said Marcus P. Norton, and the same were duly cancelled as by law provided and required, and new letters patent were ordered to issue to the said Jacob Shavor and Albert C. Corse, on amended and corrected specifications, and thereupon and thereafter, to wit, on or about the 23d day of August, 1864, at the said Patent Office, upon the application of the said Jacob Shavor and Albert C. Corse, in due form of law made to the honor-

able Commissioner of Patents, letters patent for and upon the said new and useful improvements in "post office stamps for post-marking letters, &c., and cancelling postage stamps thereon," were duly reissued on the aforesaid amended and corrected specifications in the name of the United States of America, signed by J. P. Usher, Secretary of the Interior, and countersigned by D. P. Holloway, Commissioner of Patents, bearing date on the 23d day of August, 1864, wherein and whereby was granted to the said Jacob Shavor and Albert C. Corse, their heirs, administrators, or assigns, for the term of seventeen years from and after the said 14th day of April, 1863, the full and exclusive right and liberty of making, constructing, using, and vending to others to use or to be used, the said improvements in "post office stamps for post-marking letters, &c., and cancelling postage stamps thereon," as by the said letters patent, with the specifications, claims, and description hereto annexed, and which make a part of the pleadings in this complaint, which said letters patent, so as aforesaid granted, assigned, and reissued, with the corrected and amended specifications annexed thereto and forming a part thereof, the said plaintiffs bring here into court.

And the said plaintiffs in fact and in truth say, that the said exclusive right and privilege so as aforesaid secured to the said Marcus P. Norton in and by the said letters patent granted as aforesaid and sold, assigned, and transferred to the plaintiffs, Jacob Shavor and Albert C. Corse, and by them reissued as aforesaid, has been and is possessed and used by them the said assignees, and the said patentees, plaintiffs, since the said granting of the same by reissue on the 23d day of August, 1864, as aforesaid, and is of great and important value to the said plaintiffs, to wit: of the value of "three hundred thousand dollars. And also of great and important value to the public, and especially so to the Post Office Department or government of the United States of America, in the post-marking of letters, packets, &c., and in the cancellation of postage stamps thereon, so that great labor is saved in the post-marking of letters, &c., and in the cancellation of the postage stamps thereon, and in facilitating the making-up of mails for transportation, and in cancelling postage stamps in such thorough and effectual manner as to prevent frauds by a second or reuse of any postage stamp, substantially as described and set forth in the specifications attached to and forming a part of the letters patent assigned, reissued, and bearing date August 23, 1864, as hereinbefore set forth.

Yet the said defendant, well knowing the premises, but contriving and wrongfully intending to injure the said plaintiffs, and to deprive them of the value, profits, benefits, and advantages which they might and otherwise would have acquired and derived from the said exclusive right and privilege of making, using, and vending to others the right to sell and to use the said invention and improvements in "post office stamps for post-marking letters, &c., and for cancelling postage stamps thereon," described and set forth in the said letters patent, and thereby secured, which said reissued letters patent bear date the 23d day of August, 1864, and hereinbefore described, a correct and printed copy of which, together with a description and claims of the invention and improvements thereof, is hereto annexed as hereinbefore stated, and accompanied by a copy of the drawings thereof, which said letters patent were granted, delivered, assigned, and reissued as aforesaid; and after the assignment and reissue of the said letters patent, as aforesaid, and during the term of time of the said reissued letters patent, from August 23, 1864, and on divers days and times thereafter, and before the commencement of this suit, hitherto, to wit, at the village of Mount Vernon, county of Westchester, and State of New York, unlawfully and wrongfully, and without the consent or allowance and against the will of the said plaintiffs, Jacob Shavor and Albert C. Corse, did manufacture, use, vend, and put in practice the said invention and improvements, and did vend to others to sell, to use, and to be used, and did cause to be used, vended, and put in practice by others, "post office stamps for post-marking letters, &c., and for cancelling postage stamps thereon," which were and are constructed in accord-



ance to and with, and containing the invention, plan, features, and improvements, invented, patented, assigned, and reissued, as hereinbefore stated and set forth, in violation of and infringement upon the said exclusive rights and privileges so secured to said plaintiffs by said assignment and letters patent, as aforesaid, and contrary to the form of the statute of the United States in such case made and provided.

And the said plaintiffs say, and charge the fact and the truth to be, that the said defendant is now, and has for a long time been, engaged in the manufacture of the said post office stamps for post-marking of letters, packets, &c., and for the cancellation or destruction of postage stamps thereon, substantially as specified in said patent for Fairbanks & Co., of the city, county, and State of New York, under a certain contract with the said Fairbanks & Co., which said stamps, so manufactured by said defendant, are an infringement upon and infraction of plaintiffs' said reissued letters patent, bearing date August 23, 1864, and in violation of plaintiffs' exclusive rights and privileges, so secured to them by said assignment and said reissued letters patent, which said stamps, so manufactured, were and are manufactured at Mount Vernon, Westchester county, and are delivered by the said Fairbanks & Co. to the United States Post Office Department, unlawfully and against the will of plaintiffs, as hereinbefore stated.

Whereby and by means of which grievances the said plaintiffs have been greatly injured and deprived of great gains, profits, sales, and advantages, which they might and otherwise would have derived from said invention, in said letters patent, specifications, claims, and drawings, described as aforesaid, to wit, at the said village of Mount Vernon, in the county of Westchester, and State of New York, and southern district of New York, and have sustained, by such acts of infringement, actual damages to the amount of three hundred thousand dollars.

By means of which several premises, and by force of the statutes aforesaid, an action has accrued to them the said plaintiffs, Jacob Shavor and Albert C. Corse, to recover the said actual damages, and such additional amount, not exceeding in the whole three times the amount of such actual damages, as the court may see fit to order and adjudge.

Yet the said defendant, Edmund Hoole, though often requested so to do, has not settled or paid the same, or any part thereof to the said plaintiffs, but has refused, and still does refuse so to do, to the damage of the said plaintiffs of three hundred thousand dollars, to recover which, together with just costs they bring suit.

JACOB SHAVOR.  
ALBERT C. CORSE.

JOHN B. GALE,  
*Plaintiffs' Attorney, Troy, New York.*

[U. S. rev. stamp 50 cents.]

NORTHERN DISTRICT OF NEW YORK,  
*City of Troy, County of Rensselaer, ss.*

On this 31st day of August, 1864, before me, the subscriber, a United States commissioner, personally appeared Jacob Shavor and Albert C. Corse, plaintiffs in the foregoing action, and each for himself made oath, according to law, that they have heard read the foregoing narr. or complaint by them subscribed respectively, and know the contents thereof, and that the same is true of their own knowledge, except as to those matters therein stated on information and belief, and as to those matters they and each of them for himself believes it to be true.

JOHN T. LAMPORT,  
*United States Commissioner, Northern District New York.*

[Reissue, No. 1748.]

## THE UNITED STATES OF AMERICA.

*To all whom these letters patent shall come:*

Whereas Jacob Shavor and Albert C. Corse, of Troy, New York, assignees of Marcus P. Norton, of the same place, have alleged that said M. P. Norton invented a new and useful improvement in post office stamps, (for which letters patent were reissued to him, dated April 14, 1863, which letters patent having been surrendered by said assignees, the same have been cancelled and new letters ordered to issue to them on an amended specification,) which he stated had not been known or used before his application; had made oath that he was a citizen of the United States; that he did verily believe that he was the original and first inventor or discoverer of the said improvement, and that the same hath not, to the best of his knowledge and belief, been previously known or used; have paid into the treasury of the United States the sum of thirty dollars, and presented a petition to the Commissioner of Patents, signifying a desire of obtaining an exclusive property in the said improvement, and praying that the patent may be granted for that purpose:

These are, therefore, to grant, according to law, to the said Shavor and Corse, their heirs, administrators, or assigns, for the term of seventeen years from the fourteenth day of April, one thousand eight hundred and sixty-three, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said improvement, a description whereof is given in the words of the said Shavor and Corse, in the schedule hereunto annexed, and is made part of these presents.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Patent Office has been hereunto affixed.

[L. s.] Given under my hand at the city of Washington, this twenty-third day of August, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States of America the eighty-ninth.

J. P. USHER,

*Secretary of the Interior.*

Countersigned and sealed with the seal of the Patent Office.

D. P. HOLLOWAY,

*Commissioner of Patents.*

[The schedule referred to in these letters patent and making part of the same.]

*To all whom it may concern:*

Be it known that Marcus P. Norton, of the city of Troy, county of Rensselaer, and State of New York, invented new and useful improvements in post-marking letters, packets, &c., and cancelling the postage stamps thereon, in the manner and by the means substantially as hereinafter described and set forth; that the same were duly assigned and transferred to the undersigned, Jacob Shavor and Albert C. Corse, on the 20th day of April, 1863, and recorded in the United States Patent Office on the 8th day of March, A. D. 1864, liber C, 7, page 458, of transfers of patents; and we do hereby declare the following to be a full, clear, and exact description of the construction and operation thereof, reference being hereby had to the accompanying drawings and to the letters of reference marked thereon, which drawings make a part of these specifications.

[Like letters refer to and represent like or corresponding parts.]





Fig. 6.

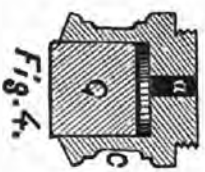


Fig. 4.

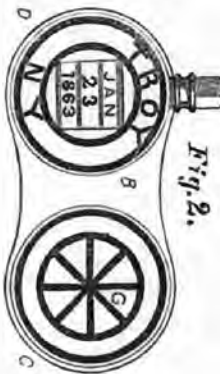


Fig. 2.

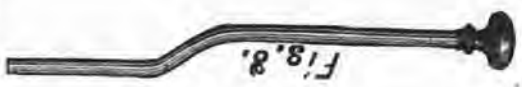


Fig. 8.

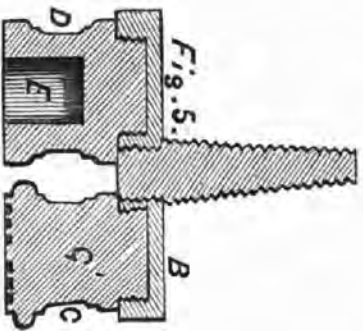


Fig. 5.



Fig. 7.

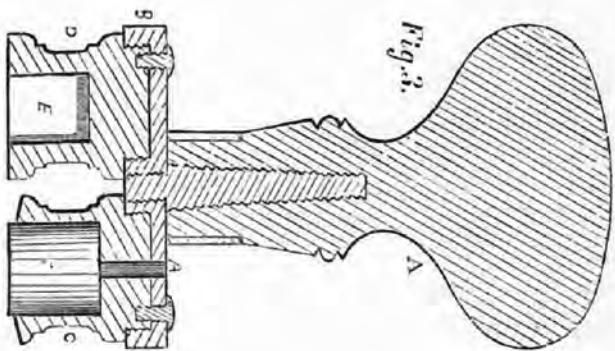
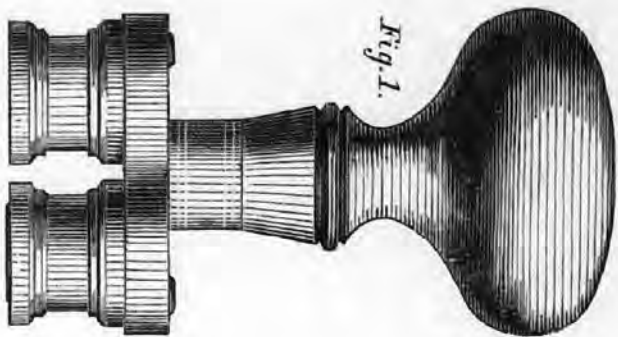


Fig. 1 is a side elevation of the post-marking and postage-stamp cancelling device, hereinafter described and set forth, for cancelling stamps issued by the "Post Office Department," with indelible or other ink, at the same time and operation of the making of the post-mark on the packet, one side of such frank or postage stamp so cancelled.

Fig. 2 is a vertical section taken through the centre of the various parts of the post-marking and postage-cancelling device herein described and set forth.

Fig. 3 is a face view showing the post-marking stamp ready for use, and the postage-cancelling stamp or device made of wood, cork, rubber, or other and similar material, and therein inserted, and more fully described hereinafter.

Fig. 4 shows a device to cancel postage stamps or letter franks with indelible or other ink by means of wood, cork, rubber, or any elastic or similar material for type or blotter, which may be used for that purpose separate and alone, or in combination with the post-marking device, substantially as shown at Fig. 3.

Fig. 5 is a vertical section of a post-marking and cancelling postage stamp device combined, and entirely made of iron, steel, or similar material, and described hereinafter more fully.

Fig. 6 is a plan or face view of Fig. 5, and fully showing the postage-cancelling device made of iron, steel, or similar material.

Fig. 7 shows the wrench for securing the type for the month, day of month, and year, in the post-marking device.

Fig. 8 shows the punching tool or device for forcing the cork, wood, rubber, or similar material, from the tube in which the same is held for use, so as to repair or replace the same with a similar blotter or postage-stamp cancelling device.

The nature of the said invention and improvements herein described consists in the employment and combination of a device for the more complete and perfect cancellation of postage stamps by means of wood, cork, rubber, or similar material, whereby such stamps are *blotted* or *effaced* with indelible or other ink in the manner substantially as herein described and set forth.

It also consists in the combination of a postage cancelling device, having wood, cork, rubber, or any similar material, for the type or blotter, with any post-marking device, so as to *blot*, *cancel*, or *efface* postage stamps with indelible or other ink at the same time, blow, or operation of the instrument by which the post-mark is made upon the letter, envelope, or packet, substantially as herein described and set forth.

It also consists in the post-marking of letters, envelopes, or packets, and in the cancellation of postage stamps thereon with ink or similar material by means of wood, cork, rubber, steel, iron, or any other suitable material, so combined with the post-marking instrument as to blot or efface such postage stamps *at the same blow* or operation of the instrument thus constructed for such purpose.

To enable others skilled in the art to which said invention or improvements relate to make and use the same, we will here proceed to describe the construction and operation thereof, which is as follows, to wit: We construct the post-marking device, or stamp, (D,) of any suitable material and of any size in diameter required, while in length it must correspond to the cancelling device herein described. (E,) Fig. 3, is the mortice or recess of suitable dimensions to receive the type for the month, day of the month, and the year, around which is the name of the place where used, and is similar to the post marking device described and set forth in our *letters patent*, bearing date the 16th day of December, 1862, which were issued to the said Marcus P. Norton, and by him afterwards assigned and transferred to us, and which said type is secured to the cross-piece (B) in the same manner and by the same means as described and set forth in the said patent, as well as in this specification hereinafter.

We construct the postage-cancelling stamp, or device, (G,) for the purpose of cancelling in a more perfect and thorough manner the postages tamps on letters, packets, &c., of wood, cork, rubber, or any similar or elastic material, and insert

the same in the tube or recess (F,) which is in that part of the cancelling device (C,) connected to and combined with the said crosspiece (B,) as herein described.

The said tube, or recess (F,) Figs. 2, 3, and 4, may be of any diameter or depth desired.

We prefer to have the diameter thereof at least the same as the width of the postage stamp to be cancelled or destroyed with ink as aforesaid. The said cancelling device (G) will, of course, be so made as to correspond with each tube or recess, and to closely fit the same, and may be made of cork, wood, rubber, or any elastic material as aforesaid. The face of this device may contain a plan or form for cancelling postage stamps with ink like that shown at Fig. 3, or it may have any configuration deemed proper to use for the purpose aforesaid. This device (G) will project somewhat below the lower end of the said tube (F,) as seen at Figs. 1 and 4, and it may also project somewhat below the face of the post-marking or rating device (D,) if deemed best so to do, and it may be driven out of the said tube or recess (F,) by means of a pin or bolt substantially like that shown at Fig. 8, the lower end of which operates in and through the hole (a,) Figs. 2 and 4, for the purpose of repairs or to replace it by a new one. (A) is the handle firmly secured to the cross-bar (B.)

The said postage-stamp cancelling device (G,) being thus constructed, with cork, rubber, or other elastic material for the type or blotter, and combined with the said device (C,) with recess (F,) therein as aforesaid, will receive and hold on the face or configuration thereof ink in quantities sufficient to permanently *blot, efface, and cancel* the postage stamp whereon the same is used, in such manner as to prevent the said postage stamp being cleaved of the said cancelling ink by any chemical or other process; for the said ink so put on would be so effectual that any attempt to remove it therefrom would entirely destroy the said postage stamp and thereby render the same incapable of a second or other use without *immediate* detection. The said cork, rubber, or other elastic material as aforesaid will render the said stamp and cancelling device of an easy and rapid use, for there being a yielding of the same when the blow is given, the operator will not tire as soon by a constant or continuous use of the same, and it will somewhat aid in raising the entire apparatus from the paper and postage stamp, when the impression and cancellation shall have been given by the operator. The said type, blotter, or cancelling device can be easily repaired or replaced by a new one at very little expense or trouble. The said cork, rubber, wood or elastic device for cancelling postage stamps as aforesaid may extend upward to the said cross-bar (B,) and there be connected to the same by means of a screw, pin, bolt, or similar device if desired. The operation and effect produced would in such case be the same. The said postage cancelling device may be of any desired distance from the said post-marking or rating device, or it may be securely fastened to the immediate side of the said post-marking or rating part or stamp by any proper and sufficient means.

The said postage cancelling device may also be made of iron, steel, or similar material as shown at (G<sup>1</sup>) Figs. 5 and 6, which may be secured to the said cross-piece (B) in like manner as the said device (C,) Figs. 2 and 4, which is done either by screw and nut where the same unites with the said cross-bar, or it may there be firmly fastened by means of pins or rivets, or soldered, as deemed best. The said post-marking or rating device is secured to said cross-bar (B,) in like manner, and by substantially the same means. The said metal cancelling device (G<sup>1</sup>) Figs. 5 and 6, may also be fastened to the immediate side of the said post-marking device, by any good and sufficient means as hereinbefore described in reference to the said device (C,) Figs. 2 and 4. This metal device may also have upon its face or lower surface any configuration deemed best, for the purpose of cancelling the postage stamp in ink *at the same blow* of the instrument or apparatus, as hereinbefore stated. In every case the post-marking of the letter, or packet, and the effacing or cancellation of the postage stamps

thereon, is done at the same time, and at one operation of the devices, constructed and combined substantially as herein described and set forth. Both the post-mark and the cancellation of the said postage stamps are done with indelible or other kind of ink, and without any injury to the said letter or packet, or contents thereof, as would be the case were the said postage stamp cancelled by being cut in several places by means of cutters or knives constructed for that purpose. The instrument and devices herein described will not cut either the letter envelope or postage stamp thereon, but performs the cancellation aforesaid with ink only as aforesaid; no cutting device whatever is used.

In no case could any fraud be committed by a second or re-use of the government postage stamp or frank without being immediately discovered. This combination of devices will greatly facilitate the making up of mails for transportation, will reduce the labor in post-marking letters, and in cancelling the postage stamps thereon, to about one-half of that required where this combined instrument is not used. It therefore saves about one-half of the labor in the post-marking of letters, and in the cancellation of the postage stamps thereon. It also makes the cancellation of the said postage stamps more effectual, so as to prevent a second or re-use by any means whatever, which are very important items in the successful management of the post offices in this country, whereby large sums of money are annually saved this government.

Having thus described the original invention and improvements of the said Marcus P. Norton in post-marking and cancelling devices combined, as and for the purposes aforesaid, what we claim and desire to secure by letters patent of the United States of America is:

First. The postage-cancelling device (C) with "wood," "cork," or "rubber" type, or blotter (G) therein, or any equivalent therefor, so as to cancel, blot, or efface the postage stamp with indelible or other ink, in the manner and for the purposes substantially as herein described and set forth.

Second. We claim the cancelling device (C) with wood, cork, or rubber, or any equivalent thereof, forming the type or blotter (G) therein, in combination with the cross-piece (B) and with the post-marking device (D,) substantially as and for the purposes herein described and set forth.

Third. We claim the post-marking of letters, envelopes, and packets, and the cancellation of the postage stamps thereon with ink, at one and the same blow or operation of the instrument, in the manner and by the means substantially as herein described and set forth.

Fourth. We claim the employment and combination of post-marking device, with postage-stamp cancelling device, both being operated by one or the same handle for the post-marking the letter, envelope, or packet, and for the destruction of postage-stamps thereon, with indelible or other ink, substantially as herein described.

In testimony whereof, we have, on this 27th day of May, A. D. 1864, hereunto set our hands.

JACOB SHAVOR.  
ALBERT C. CORSE.

Witnesses:

B. H. HALL,  
C. L. ALDEN.

*Deed of assignment.*

Whereas I, Marcus P. Norton, of the city of Troy, in the county of Rensselaer and State of New York, have invented "new and useful post-mark and cancelling-stamp," for and upon which I did, on the 14th day of April, 1863, obtain of and from the United States of America letters patent, to which reference is hereby had, for the invention this day sold and assigned;



And whereas Jacob Shavor and Albert C. Corse, each of the city of Troy, county and State aforesaid, are desirous of purchasing and have purchased of and from me all the right, title, and interest secured to me in said invention by said letters patent, or which may be secured to me by reissue of the same or otherwise; now, therefore, this indenture of assignment witnesseth, that for and in consideration of the sum of five hundred dollars, to me in hand paid, the receipt whereof is hereby acknowledged, I have sold, assigned, and transferred, and do hereby sell, assign, and transfer unto the said Jacob Shavor and Albert C. Corse, their heirs, assigns, executors, or administrators, all the right, title, and interest which I have in the said invention as secured to me by said letters patent, or as may be secured to me by reissue of the same or otherwise, the same to be held and enjoyed by them, the said Jacob Shavor and Albert C. Corse, for their own use, benefit, and behoof, and for the use, benefit, and behoof of their legal representatives, to the full end of the term for which the same were and are granted, as by reference to said patent will fully appear, as fully, freely, and entirely as the same would have been held and enjoyed by me had this sale, assignment, and transfer not been made.

In testimony whereof I have, on this, 20th day of April, 1863, hereunto set my hand and seal.

MARCUS P. NORTON. [L. s.]

Signed and sealed in presence of—

CHARLES D. KELLUM.

CHARLES E. PATTERSON.

[15 cent U. S. revenue stamp.]

U. S. PATENT OFFICE.

Received and recorded March 8, 1864, in liber C 7, page 458 of Transfers of Patents.

[L. s.] In testimony whereof I have hereunto caused the seal of the Patent Office to be affixed.

D. P. HOLLOWAY,  
*Commissioner of Patents.*

United States circuit court, northern district of New York.

*Order for defendant to answer.*

JACOB SHAVOR and ALBERT C. CORSE, }  
vs. }  
EDMUND HOOLE.

TROY, August, 1864.

On issuing *capias ad respondendum*, and on filing *narr* or complaint in this action, and on motion of John B. Gale, attorney for plaintiffs, ordered, that defendant plead to or answer the plaintiffs said *narr*, or complaint within twenty days after service thereof and of this order upon defendant, and on failure thereof judgment by default, &c., &c.

JOHN B. GALE,  
*Solicitor for Plaintiffs, Troy, N. Y.*

EDMUND HOOLE, Esq., *Defendant.*

United States circuit court, northern district of New York.

JACOB SHAVOR and ALBERT C. CORSE }  
*against* } At law.  
 EDMUND HOOLE. }

*Answer to narr. or complaint.*

The above-named defendant, Edmund Hoole, of Mount Vernon, county of Westchester, State of New York, and southern district of New York, for answer to the narr. or complaint in the above-entitled action, answers and says: That he has been informed, and believes it to be true, and therefore admits the same, that letters patent of the United States of America were duly issued and delivered to Marcus P. Norton, of the city of Troy, county of Rensselaer, and State of New York, a citizen of the said United States of America, upon improvements in post office stamps for post-marking letters, packets, &c., and for the cancellation of postage stamps thereon, bearing date April 14, 1863, as charged and set forth in the said complaint. And this defendant also admits that the said plaintiffs are citizens of the United States; that the said letters patent were duly assigned to them, the said Jacob Shavor and Albert C. Corse, by the said Marcus P. Norton, and afterwards duly recorded in the United States Patent Office at the city of Washington, as stated and set forth in their said complaint in this action. And this defendant, further answering said complaint, hereby admits: That after the making and recording of the said assignment, as stated in said complaint, the said plaintiffs, Jacob Shavor and Albert C. Corse, duly surrendered the said letters patent of April 14, 1863, as by law provided, and upon their application, in writing, made to the Commissioner of Patents, consisting of a petition, amended and corrected specifications, new drawings, oath, and of the payment of thirty dollars into the treasury of the United States upon said application, the said original letters patent of April 14, 1863, were duly cancelled, as by law provided and required, and new letters patent were duly granted as a reissue of the said original letters patent, as by law provided upon the said amended and corrected specifications and new drawings, which said reissued letters patent were signed by J. P. Usher, Secretary of the Interior, and countersigned by D. P. Holloway, Commissioner of Patents, as charged and set forth in the said complaint in this action, all of which was in due form of the law, and in compliance with the provisions of the statutes in such case made and provided.

And this defendant, further answering the said complaint, hereby admits: That he now is and has, for a long time past, been engaged at Mount Vernon, county of Westchester, southern district of New York, in the manufacture of post office stamps for post-marking of letters, packets, &c., and for the cancellation of postage stamps thereon, and in vending the same to Fairbanks & Co., of the city of New York, who deliver the same to the Post Office Department of the government of the United States of America, under and in pursuance with a contract with the said Post Office Department as the party of one part, and the said Fairbanks & Co., party of the other part, which said post office stamps, so made and delivered, were and are for use in the several post offices of the said United States named upon the face or printing surface of such stamps. And the said post office stamps, so made and delivered by this defendant, were and are made in the manner and for the purposes described and set forth in the specifications and drawings attached to and forming a part of the plaintiffs' said reissued letters patent, bearing date August 23, 1864, and were made substantially in accordance to and with the plan and principle described and set forth in the plaintiffs said reissued letters patent, as charged and set forth in the said narr. or complaint in this action.

And this defendant, further answering the said complaint, hereby admits that the said post office stamps for post-marking of letters, packets, &c., and for cancellation of postage stamps thereon, so made and vended, and described and set forth in the specifications and drawings of the plaintiffs' said reissued letters patent bearing date the 23<sup>d</sup> day of August, A. D. 1864, are valuable labor-saving, and important to the said Post Office Department for the post-marking of letters, packets, &c., and in the cancellation or destruction of postage stamps thereon, as charged and set forth in said complaint.

And this defendant, further answering the said complaint, denies that he has damaged the said plaintiffs by reason of such manufacture and vending of the aforesaid post office stamps in the manner hereinbefore admitted by this defendant, or to the amount of any other sum whatever, as charged and set forth in the said complaint in this action.

And this defendant, further answering the said complaint, avers and charges the fact and the truth to be that the said plaintiffs, Jacob Shavor and Albert C. Corse, are not and never were the sole and exclusive owners of and vested with all the rights, liberties, and privileges of the aforesaid invention and improvements for the use and purposes aforesaid, or of any material and substantial part thereof, as stated and set forth in their said complaint; but, on the contrary, defendant charges the fact and the truth to be, that the said invention and improvements are now, and have for a long time prior to the commencement of this suit been owned, enjoyed and held by the following firm and persons, to wit: Charles Eddy & Co., Frederick G. Ransford, and Peter Low, each and all now, and then, residing at the city of Troy, county of Rensselaer, State of New York, and William B. Hatch, of the city and county of New York, who is a member of and a partner in the firm of said Fairbanks & Co., of said city of New York, who purchased the said invention and improvements of the said Marcus P. Norton by deed of assignment duly executed and delivered by said Norton to the said Frederick G. Ransford and Peter Low, and dated May 2, 1859, and afterwards by them duly recorded in the said United States Patent Office on or about the 6th day of May, 1859, who afterwards duly assigned a certain interest in the said invention and improvements to the said Charles Eddy & Co., and to the said William B. Hatch, by deeds of assignment duly executed and delivered by said Ransford and said Low to the said Charles Eddy & Co., and to the said Hatch, as by reference to the said assignments, duly recorded as aforesaid, and now ready here in court to be produced, will fully and at large appear.

And this defendant, further answering the said complaint, avers and charges the fact and the truth to be, that the said invention and improvements mentioned in the said complaint, and described and set forth in the drawings, specifications and claims of plaintiffs' said letters patent, dated April 14, 1863, and reissued, bearing date August 23, 1864, as stated in said complaint, were patented to the said Frederick G. Ransford and Peter Low, on the 9th day of August, A. D. 1859, as by the said original letters patent, or a certified copy thereof, now here in court, ready to be produced, will fully appear, which said letters patent were so granted and delivered by reason and virtue of a deed of assignment, made and dated the 2d day of May, 1859, and duly recorded May 2, 1859, and delivered to them by the said Marcus P. Norton, as hereinbefore stated, who made the application to the commissioner of patents as the original and first inventor of the said invention and improvements, upon which the said letters patent of August 9, 1859, were granted as aforesaid, which said assignment was duly recorded in the United States Patent Office before the granting of the said patent, and subsequent to the said application by said Norton to said Commissioner of Patents, for said patent of August 9, 1859, to issue as aforesaid, and which said application was so made some time during the fore part of the year 1859, and more than two years prior to any application by said Mar-

cus P. Norton to the Commissioner of Patents, upon which the plaintiffs' said letters patent bearing date the 14th day of April, 1863, were granted and issued, as stated in the plaintiffs' said complaint. And the said Ransford & Low afterwards sold, assigned and transferred unto the said Charles Eddy & Co., and said William B. Hatch, certain rights, liberties and privileges, in and to the said letters patent of August 9, 1859, as by reference to said assignments duly recorded as by law required, and as hereinbefore stated, will fully and at large appear, through which, and by which, the said Fairbanks & Co. did obtain the right and privilege to contract with this defendant to manufacture for them, the said Fairbanks & Co., to be delivered by them to the Post Office Department, at Washington, D. C., the kind and character of post office stamps named in said complaint, and described and claimed in the plaintiffs' said reissued letters patent bearing date August 23, 1864, and having reference and relation to the said original letters patent dated April 14, 1863, issued and delivered to the said Marcus P. Norton, as set forth in said complaint. And this defendant avers and claims, as a part of his defence in this suit, that the said Fairbanks & Co., of the said city of New York, had and now have the full and legal right and privilege to contract with the Post Office Department of the government of the said United States, to furnish and deliver to the said department, for use in the various post offices in the said United States, post office stamps of the same kind, character and nature as those mentioned in plaintiffs' said complaint, and described, set forth, and claimed in the specifications of their said original patent, dated April 14, 1863, and also in the specifications of their said reissued letters patent bearing date August 23, 1864, and also had such right to contract with the defendant to manufacture and deliver to them, the said Fairbanks & Co., such post office stamps, to be delivered to and used by the said department or government of the said United States aforesaid.

And this defendant, further answering the said complaint, avers and charges the fact and truth to be, that the said Marcus P. Norton was not the original and first inventor of the invention and improvements described, set forth and claimed in the plaintiffs' said original letters patent bearing date the 14th day of April, 1863, and reissued upon amended and corrected specifications, on the 23d day of August, 1864, and fully shown by the drawings thereto annexed and forming a part thereof, and mentioned in the complaint or declaration in this cause, or of any substantial or material part thereof; but that, on the contrary, the said invention and improvements, and substantial and material parts, claimed as new, were, prior to any invention thereof by the said Norton, well known to, and publicly used by divers persons in the said United States of America; and that among the persons who had such prior knowledge of said invention and improvements, and of substantial and material parts thereof, and who publicly used the same as aforesaid, are Major General John A. Dix, then postmaster at the city of New York, and who now resides at said city, and there had such prior knowledge of said invention and improvements, and publicly used the same in the New York city post office in the fall of the year A. D. 1860, and also C. E. Wheeler, a clerk in the post office at the city of Cleveland, State of Ohio, and who now resides at said city, and there had such prior knowledge of the said invention and improvements, and there publicly used the same in the month of August, A. D. 1861, in the post office at the said city of Cleveland, Ohio, and who communicated such knowledge and public use of the said invention and improvements and of material and substantial parts thereof to the "Post Office Department" at the city of Washington, in the fall of the year A. D. 1861, or at about that time.

Wherefore this defendant demands judgment for his costs and disbursements

in this suit, and that plaintiffs' said patent of August 23, 1864, and their alleged title thereto, be declared void.

Dated at Mount Vernon, southern district of New York, this 6th day of September, 1864.

EDMUND HOOLE,  
*Defendant and Attorney in person,*  
*Mount Vernon, New York.*

NORTHERN DISTRICT OF NEW YORK,  
*City of Troy, County of Rensselaer, ss :*

On this 6th day of September, 1864, before me, the subscriber, a United States commissioner, personally appeared Edmund Hoole, defendant in the foregoing action, and made oath, according to law, that he has read the foregoing "answer" by him subscribed, and knows the contents thereof, and that the same is true of his own knowledge, except as to those matters therein stated on information and belief, and as to those matters he believes it to be true.

JOHN T. LAMPORT,  
*U. S. Commissioner, Northern Dist. of N. Y.*

[U. S. revenue stamp, 5 cents.]

United States circuit court, northern district of New York.

JACOB SHAVOR and ALBERT C. CORSE }  
*against* } At law.  
EDMUND HOOLE.

JOHN B. GALE, Esq.:

SIR: Take notice that the paper hereto appended is a copy of my amended answer filed in the above-entitled suit.

EDMUND HOOLE,  
*Attorney in Person.*

*Dated New York, October 8, 1864.*

United States circuit court, northern district of New York.

JACOB SHAVOR and ALBERT C. CORSE }  
*against* } At law.  
EDMUND HOOLE.

The above-named Edmund Hoole, pursuant to the stipulation made by John B. Gale, esq., attorney for plaintiffs in the action, dated the 24th day of September, 1864, hereby alters and amends the answer heretofore filed in this action, and dated the 6th day of September, 1864, as follows, to wit:

By striking out of said answer all after the first paragraph thereof, which ends with the words "and in compliance with the provisions of the statutes in such cases made and provided," and inserting instead thereof the following:

And this defendant, further answering and pleading, says: that as to the truth of the allegation contained in the said bill that the said Norton was the original and first inventor and discoverer of any new and useful improvement or improvements in post-marking letters and packets, and cancelling postage stamps thereon, described and claimed in said letters patent and in said reissue, or as to any of said allegations, defendant has no knowledge or information save what is contained in the said bill, and leaves the plaintiffs to make such proof of the same as they may be advised.

And this defendant, further answering and pleading, says: that he has no knowledge, save what is contained in the said bill of complaint, as to the truth of the allegation contained in the said bill; that the said specification and claim,

forming part of the said reissued patent, is an amended and corrected specification and claim, and leaves the plaintiffs to make such proof of the same as they may be advised.

And this defendant, further answering said complaint, says : that he has no knowledge, save what is contained in the said bill of complaint, that the said reissued letters patent are for the same invention described and set forth in the said patent, dated 14th April, 1863, surrendered as aforesaid, and leaves the plaintiffs to make such proof thereof as they may be advised.

And this defendant, further answering said bill of complaint, says : as to the allegations contained in the said bill, that the exclusive right and privilege granted to the plaintiffs by the said patent, dated 14th April, 1863, assigned as aforesaid, and reissued on the 23d day of August, 1864, as aforesaid, is of great and important value to the said plaintiffs, to wit, of the value of \$300,000, and also of great and important value to the public, and especially to the Post Office Department or government of the United States of America, that he *denies* each and every said allegation except as herein otherwise stated; and says that the said right and privilege is not an exclusive right and privilege to the joining of a cancelling blotter of whatever kind, employing ink to the printing stamp; because a cancelling blotter employing ink to assist in cancelling and destroying postage stamps had been long previously known and used, and had been long previously patented by said Norton, and assigned to other and different parties.

And this defendant, further answering the said complaint, avers, on information and belief, that the said improvement is not of the value of three hundred thousand dollars, or of any other considerable sum.

And this defendant, further answering the said complaint as to the allegations that he has contrived and wrongfully intended to injure said plaintiffs, and to deprive them of their value, profits, benefits, and advantages which they might and otherwise would have acquired and derived from the said exclusive right and privilege of making, using, and vending to others the right to sell and use the said invention and improvements in post office stamps for post-marking letters, &c., and for cancelling postage stamps thereon, described and set forth in the said reissued letters patent, bearing date 23d day of August, 1864, by unlawfully and wrongfully manufacturing, using, vending, and putting in practice the said inventions and improvements, or by vending to others to be used, vended, and put in practice by others, post office stamps, which are constructed in accordance to and with, and containing inventions and improvements invented, patented, assigned, and reissued, as hereinbefore said and set forth, in violation of and infringement upon said exclusive rights and privileges secured to said plaintiffs, by said assignment and letters patent as aforesaid, *denies* each and every of the said allegations.

And this defendant, further answering the said bill of complaint, in reference to the said allegation, hereby admits and avers, that he is by trade an engraver of dies and stamps, and that he is and has been for considerable time engaged in the manufacture of hand stamps for post office use; and that he has, within the four years last past, manufactured post office stamps adapted to cancel the postage stamp with ink at the same time and the same blow or operation with the printing or impression on the letter or packet of the place and date of mailing; that he has manufactured altogether in the interval of time from the beginning of 1859 down to the present date, the number as follows : Seven sold to General Dix for the New York post office, five sold to William B. Taylor, or Abram Wakeman, for the same post office; sundry single specimens, less than ten specimens, for various parties; and four hundred and forty-one made for and delivered to Messrs. Fairbanks & Co., of the city, county, and State of New York, under an agreement with the said Fairbanks & Co. And this defendant is informed and believes, that the said four hundred and forty-one stamps made for Fairbanks & Co. have been delivered by them to the Post Office Depart-

ment at Washington, under a contract made between said Fairbanks & Co. and the Post Office Department of the United States; that such contract has several years yet to run, and requires the delivery of said stamps at such a price that the said articles are so manufactured and delivered at a loss to this defendant, or to the said Fairbanks & Co., or to both, because of and during the continuance of the present extraordinary high prices of materials and labor. But this defendant *denies* that the said four hundred and forty-one hand stamps for printing and cancelling as aforesaid, made by him as aforesaid, or any hand stamps or instruments or articles made by him and delivered to the said Fairbanks & Co., or sold by him to any parties, or delivered by him or with his knowledge or contrivance to the Post Office Department, or to any parties to be by them sold or delivered for use in the Post Office Department, or to be used in any post office, or made by him, or sold by him, or used by him in any place or places, were made, sold, or used in violation of the plaintiffs' exclusive right and privileges secured to them by said assignment and said reissued letters patent.

And this defendant further says, that the following is a full and exact description of the combined printing and cancelling stamps made by him and delivered to Fairbanks & Co., as aforesaid: Each of said stamps is made entirely of metal, with the exception of the handle. The handle is round, as usual, armed with a brass ferule at its lower end, and receives a shank of iron to form an attachment for the printing and cancelling pieces. This shank is widened immediately below the handle, and the cancelling and printing parts are attached thereto, side by side, with about one-fourth of an inch clear space between them.

The printing device is a piece of steel engraved or otherwise lettered in a circle on its lower face, and adapted to receive changeable type, with straight steel bodies, in the centre, and to confine the same by aid of a binding screw inserted through the side, all substantially the same as has been made by this defendant for more than twenty years past.

The cancelling device is a solid piece of steel. Its face is engraved or otherwise prepared with four concentric circles adapted to strike upon and print corresponding impressions on the postage stamp. These circles project about one thirty-second of an inch beyond the surface in the spaces between them, but not sufficiently sharp to cut into the postage stamp. They cancel the stamp by blotting it with ink; all substantially the same as has been made by this defendant for upwards of fifteen years, *except* that it is attached to the same handle and forms one instrument with the aforesaid printing piece.

The printing piece is cylindrical in form, as usual. The cancelling piece is also cylindrical. The diameter of the printing piece is one inch, and that of the cancelling piece three-fourths of an inch.

Each of these said pieces is one inch long, and is secured independently to the shank piece by a separate screw countersunk into the shank and tapped each into the separate pieces. The printing pieces is more nearly in a right line with handle than is the cancelling piece, but neither is exactly in a line with the handle. The centre of the printing piece is about three-eighths ( $\frac{3}{8}$ ) of an inch from the prolonged axis of the handle, and the centre of the cancelling piece is about three-fourths ( $\frac{3}{4}$ ) of an inch from such prolonged axis. All these stamps are very accurately proportioned according to the gauges provided for the work. This defendant is informed and believes that they operate successfully and give good satisfaction. Defendant has operated them and seen them operated, in printing the date, &c., and cancelling the postage stamp *at a single blow*. The operation of these stamps is as follows: the instrument is taken hold of by the handle, and the ink pad and the letters or packages to be marked are struck therewith alternately in rapid succession. The blow upon the ink pad supplies the face of *both* the printing piece and the cancelling piece with ink, and the succeeding blow upon the letter or packet, being skilfully aimed, prints the name of the place and the date, in black ink, upon the plain surface of the letter, and

prints the cancelling circles or marks with similar ink upon the face of the postage stamp, and thereby cancels it with ink, so that it cannot be afterwards removed or used again.

This defendant, farther answering the said complaint, says that he did not, either directly or indirectly, individually or in connexion with any other person or parties, make, use, or vend any post office stamps for post-marking letters, &c., and cancelling postage stamps thereon at the same time and operation of the making of the post-mark thereon, on or after the date of the said reissued patent, to wit, the 23d day of August, 1864, and before the commencement of the suit; and that he did not in or during that time make, use, or vend any of the alleged improvements patented by said Norton, or make, use, or vend any article or thing containing any of said alleged improvements, and did not perform or do any act or thing which was an infringement upon said letters patent.

And this defendant, further answering said bill of complaint, says: that all the hand stamps or instruments adapted to print the date, &c., and to cancel the postage stamp with ink at the same time, and by the same blow by which the printing of the date, &c., is effected, so manufactured and delivered by him as aforesaid, in and since the year 1860, to the successive New York city postmasters, and to the said Fairbanks & Company, were made under and according to certain letters patent of the United States, issued to F. G. Ransford and Peter Low, of Troy, of the county of Rensselaer, in the State of New York, as earlier assignees of the said Marcus P. Norton, which letters patent were duly applied for, granted, signed, countersigned, sealed and issued according to law, and bear date the 9th day of August, 1859, and are numbered 25,036,—and that a consent and agreement that he (this defendant) should manufacture the combined printing and cancelling hand stamps so made by this defendant was contained in the aforesaid agreement with Fairbanks & Company, and that an interest in said patent and a right to so authorize him was acquired by them, Fairbanks & Company, from the patentees, through certain assignments, as follows: one assignment from the said Ransford & Low, the original patentees, as assigns of said Norton, duly executed and delivered to Charles Eddy & Company, of Troy, aforesaid, for one-fourth part of said patent, dated December 31, 1860, and recorded January 22, 1861, in liber A<sup>6</sup>, page 446, 'Transfer of Patents, and another assignment from said Ransford, and said Low, and said Eddy to William B. Hatch, of New York city aforesaid, one of the said firm of Fairbanks & Company, for one-fourth part of said patent, dated April 19, 1861, and recorded April 26, 1861, in liber E<sup>6</sup>, page 372, 'Transfer of Patents, both of which assignments are ready to be produced on the trial of this cause.

And this defendant, further answering said bill of complaint, says: that he is advised and believes that the said hand stamps, so constructed and delivered by him as aforesaid, were made and operated in accordance with the principle of the whole or a material and important and substantial part of the new and original invention, described and set forth in said patent, dated 9th August, 1859, issued to Ransford and Low, as aforesaid, and not in accordance with the principle of the whole or any part of any new and original invention described and set forth in the patent, dated 14th April, 1863, assigned to the plaintiffs and reissued as aforesaid.

And this defendant, further answering the said plaintiff's said bill of complaint, says, on information and belief, that if the first clause of the claim of the aforesaid patent, reissued in 1865, be held to include a claim to the use of a cancelling device of any and all kinds adapted to cancel with ink and affixed to the printing stamp, or be held to include a claim to such a blotting stamp thus affixed, as is made and delivered by this defendant as above described, then said reissued patent is void, so far as such claim is concerned, for the reason that the construction and operation of defendant's stamp is the same, and a material and substantial part of the same, as is described in the patent issued in 1859, and assigned, &c., as aforesaid.



And that if the second clause of the claim of the aforesaid patent, reissued in 1864, be held to include a claim to the exclusive right to the use of a cross-piece or widened shank as a means of connexion to connect two separate stamps or marking devices to one and the same handle, for operating at a single blow as aforesaid, or of connecting the parts in the same manner as in the hand stamp made by this defendant as above described, then said reissued patent is, so far as such claim is concerned, void, for the reason that similar plates or cross-pieces, or widened shanks for similar purposes, were not first invented by said Norton, but have been known upwards of twenty years before, and that such devices, so made and so used, prior to any invention thereof by said Norton, were known generally to the trade of die sinkers and engravers, and made for a great variety of purposes; and that they were known generally to the trade of bookbinders, for stamping different marks and words at different points on book-backs by one and the same stamp; and to bank clerks generally, for stamping words and marks similarly situated on checks; and to bakers generally, for docking and stamping crackers with marks and impressions similarly situated; and were known to the leather and fur trade generally, for stamping impressions and marking leather and hides, and especially furs, with separate marks similarly situated; and were known to the soap trade generally, for stamping soap, with marks similarly situated; and were known to gentlemen generally, for marking linen with movable types confined in such cross-bar and producing with such types separate marks similarly situated. And this defendant says that such making and using of such cross-piece, handle, and separate printing or impressing devices, prior to any invention thereof by said Norton, was known specifically to James Harper, one of the firm of Harper & Brothers, in New York city, twenty years ago; and to John R. Hoole, of New York city, twenty years ago; and to Henry McCollom, formerly of New York city, but now residing at Owego, in the county of Tioga, in the State of New York, twenty years ago; and to Isaac McGay, of New York city, fifteen years ago; and to Robert Rogers, of New York city, fifteen years ago.

And that if the third clause of the claim in the aforesaid patent, reissued in 1864, be held to include a claim for all modes or methods of post-marking and cancellation of postage stamps with ink at a single blow, or be held to include a claim to such method of so doing, as is practiced in using the hand-stamps made by this defendant, as above described, then such patent is, so far as such claim is concerned, void for the reason that the same is described in the patent issued in 1859, and assigned as aforesaid.

And that if the fourth clause of the claim in the aforesaid patent, reissued in 1864, be held to include a claim to the employment and combination of post-marking devices with (any and all) postage-stamp cancelling devices, both being operated by one and the same handle, for the post-marking of letters, packets, &c., and for the destruction of postage stamps thereon with ink, or be held to include such instruments as are made by defendant, as above described, then said reissued patent is, so far as such claim is concerned, void for the reason that the same is contained in the patent issued in 1859, and assigned as aforesaid.

And this defendant, further answering and pleading, avers, on information and belief, that if the said letters patent dated 14th April, 1863, assigned and reissued, as aforesaid, shall be held to include in either of the above or any other point such a construction of hand-stamp as shall cancel the postage stamp with ink, and print the place and date at the same operation, or shall be held to include such a construction and such mode of operation for so doing as is involved in the said hand-stamp and canceller manufactured and delivered by this defendant, as aforesaid, then the said letters patent of 1863, reissued 1864, aforesaid, owned by the said plaintiffs, are, so far as such claim is concerned, void for the reasons above cited, and for the further reason that if the said patent of 1863, reissued 1864, be so held to contain any point in said stamps so made by de-

defendant, not contained in said 1859 patent, which had been contained in the caveats of said Norton, dated 1853 and 1854, or had been invented by said Norton at an earlier date than May 2, 1859, such point was conveyed to the said Ransford and Low, and through them to the present owners of the 1859 patent, by the deed of assignment executed by said Norton, dated May 2, 1859, and recorded in liber G<sup>5</sup>, page 73, and for the further reason that if it shall be held to have been not so assigned, then that it had been either abandoned or was fraudulently concealed by said Norton.

And this defendant, further answering said bill of complaint, avers, on information and belief, that if the said letters patent, dated 14th April, 1863, assigned and reissued as aforesaid, shall be held to include a claim to all means of constructing a hand stamp which shall cancel the postage stamp with ink, and print the place and date at the same operation, or shall be held to include such a construction and such mode of operation as is involved in the said hand stamp and canceller, manufactured and delivered by this defendant, as aforesaid, then the said letters patent of 1863, reissued 1864, aforesaid, owned by the said plaintiffs, are, so far as such claim is concerned, void, for the reason that said Norton was not the original and first inventor of such point or feature, but that such invention had been previously made by this defendant and others, which fact was known to Thomas H. Corbett, now residing at New York, as aforesaid, and Abram C. Beardsley, now residing in said city, and to Wm. A. Clement, Charles Smith, Munson Clark, John Post, James Gaylor, James Riley, and others, now employed in the New York city post office, and residing in said New York city; and for the further reason that such stamps were in use more than two years prior to the application for patent of 1863, reissued in 1864, aforesaid, which was dated January 5, 1863, and that such stamps were made by Thomas H. Corbett, at his manufactory, at No. 167 William street, New York city, aforesaid, and sold by him for the purpose of being used in the New York post office and elsewhere, in the year 1860, and that this was known to the said Thomas H. Corbett, now of the city of New York, and to Abram C. Beardsley, of said city, and for the reason that the said invention was publicly used, and was used for profit as a part of the post office machinery of the United States, for stamping the date, &c., and cancelling the postage stamps with ink at the same operation, on many thousands of letters per day, with the knowledge and consent of said alleged inventor Norton, in the year 1860, and that such extensive and prolonged use in 1860 was known to General John A. Dix, of the city of New York aforesaid, and to Charles Smith, a stamper in the New York city post office, and to John Post and W. A. B. Clement, aforesaid, and to the aforesaid Thomas H. Corbett and Abram C. Beardsley, now of said city, and to Cyrus A. Sherwood, of Troy, aforesaid, and that such use was in the New York city post office during that year; and for the further reason that the said reissue dated 23d day of August, 1864, so far as it can be held to include any claim to the hand stamps made by this defendant, as aforesaid, was surreptitiously and fraudulently obtained, and was obtained by misrepresenting the scope and character of said reissue, and of the said patent dated 1863, and of the said previous patent dated 1859, which fact will be proved on the trial of this cause.

All of which matters and things this defendant is ready and willing to aver, maintain, and prove in such manner as this honorable court shall direct, and he prays that he may hence be dismissed with judgment against the plaintiffs for his reasonable costs and disbursements in his behalf most wrongfully sustained.

EDMUND HOOLE,

*Attorney in Person.*

NEW YORK, *October 8, 1864.*

Wherefore it is now ordered that the issue so joined by and between the parties aforesaid be tried, adjudged, and determined at a circuit court in and for the said district, to be held at the city hall, in the city of Albany, in said district, before the said judges, on the second Tuesday of October, A. D. 1864, and to which time and place the proofs and pleadings are continued and brought by a certain stipulation in writing, signed by the said parties and duly filed in the office of the clerk of said court on the 5th day of September, 1864, and bearing date the 6th day of September, 1864, as hereto annexed. And now, at the said term this day, to wit, the second Tuesday of October, A. D. 1864, at the city hall, in the said city of Albany, came the said plaintiffs, Jacob Shavor and Albert C. Corse, by their said attorney, John B. Gale, and the said defendant, Edmund Hoole, comes in person and by his counsel, George Gifford: Whereupon, as to the issues of each and every matter of fact so joined between the parties aforesaid, it is now ordered by the said court then and there, to which time and place the same is continued and brought by the said stipulation, that the same be tried and determined by a jury.

At which time and place, and on Thursday, the 13th day of said October, A. D. 1864, before the honorable Nathan K. Hall, judge of said court, come the said Jacob Shavor and Albert C. Corse, plaintiffs, by their counsel, Joel Tiffany; and the said defendant, although duly and solemnly called, comes not on this said day, but makes default; whereupon the jurors of the jury, being duly summoned, do come, who to speak the truth of all the matters aforesaid, being duly chosen and sworn on this said 13th day of October, in the term aforesaid, say upon their oaths, and upon the proofs produced—That Marcus P. Norton, of the city of Troy, county of Rensselaer and State of New York, is the *original and first* inventor of the invention and improvements mentioned, contained, and set forth in the said plaintiffs' declaration above thereof described, and so as especially specified and contained in their *letters patent* thereto annexed and forming a part thereof, which said original patent was dated on the 14th day of April, 1863, and reissued bearing date the 23d day of August, 1864, and for and upon "improvements in post-marking letters, packets, &c., and cancelling postage stamps thereon," as and in the manner therein described and claimed.

And that the said invention and improvements so described and claimed in said reissued *letters patent* is useful, valuable, and important as and for the purposes specified and set forth in the plaintiffs' said declaration.

And that the said invention and improvements contained in said *letters patent* is now the sole and exclusive property of the said plaintiffs as set forth in their said declaration, and owned and held by them under and by virtue of a certain deed of assignment executed and delivered to them by the said Marcus P. Norton, said *original and first* inventor of said invention and improvements, which said deed of assignment bears date the 20th day of April, A. D. 1863, and duly recorded in the U. S. Patent Office, as set forth in their said declaration.

And that the said defendant, Edmund Hoole, has violated the said exclusive rights and privileges of the said plaintiffs, and infringed upon their said *letters patent* reissued bearing date the 23d day of August, 1864, in the manner as the said plaintiffs hath alleged, complained and set forth in their said declaration (here in court as aforesaid) against him, the said defendant, Edmund Hoole, and they assess the damages of the said plaintiffs, by reason of the said premises, over and above their just costs, at *six cents*—(*nominal damages, only*, being asked by the said plaintiffs upon the trial of said cause.)

Wherefore it is now considered that the said plaintiffs do recover against the said defendant, Edmund Hoole, damages to the sum of *six cents*, by the jurors in form aforesaid assessed, and costs, now here adjudge to the said plaintiffs, which said damages, costs and charges, in the whole, amount to *eighty-seven* dollars and *fifty-one* cents. And the said defendant in mercy, &c.

Judgment signed this 23d day of November, 1864.

A. A. BOYCE, Clerk.

United States circuit court, northern district of New York.

JACOB SHAVOR and ALBERT C. CORSE }  
*against* } At law.  
 EDMUND HOOLE.

*Stipulation for trial of this cause.*

It is hereby agreed, by and between the above-named plaintiffs and the above-named defendant, that this cause may be brought on for trial at the next term of this court, to be holden at the city hall, in the city of Albany, in said district, on the *second* Tuesday of October, 1864, or as soon thereafter as the court will hear the same or order trial thereof. Trial of this cause may, at such time, be moved by either party; and the respective parties will, at such time, be ready to proceed to the trial of this cause, and if either party shall then fail to be ready for trial thereof, the party ready for trial may then and there proceed to the trial of this cause without any objection by the other party.

JACOB SHAVOR,  
 ALBERT C. CORSE,  
*Plaintiffs, Troy, N. Y.*  
 EDMUND HOOLE,  
*Defendant, Mount Vernon, N. Y.*

Dated at Troy, northern district of New York, this 6th day of September, 1864.  
 Witness—

CHARLES D. KELLUM.

A true copy.

Attest:

A. A. BOYCE, *Clerk.*

At a United States circuit court held in and for the northern district of New York, in Albany, at the city hall in said city, on the 13th day of October, A. D. 1864.—

Present, the Hon. Nathan K. Hall, judge.

JACOB SHAVOR and ALBERT C. CORSE }  
*against* }  
 EDMUND HOOLE.

On motion of Mr. J. Tiffany, of counsel for the plaintiffs, ordered that a jury be empanelled in the cause, and that the parties proceed to trial.

The defendant being called failed to appear. Ordered, that his appearance be entered, &c. The following jurors, having been duly summoned, appeared, were openly drawn and sworn, to wit:

*Jurors sworn.*—James Coats, Andrew Keef, N. Armitage, John Young, George Davison, John Wilkins, William Adams, James McBride, J. Rundall, R. S. Oreutt, Jacob Ebel, F. Hughes.

*Plaintiff's testimony.*—Marcus P. Norton, witness.

Documentary evidence was then read on behalf of plaintiffs.

The jury having agreed upon their verdict, and being called, on their oath do say that they find for the plaintiffs six cents damages. Ordered judgment *nisi*.

AUGUSTUS A. BOYCE, *Clerk,*  
*Utica, New York.*

UNITED STATES OF AMERICA,  
*Northern District of New York, ss.*

*To all to whom these presents shall come, greeting :*

Know ye that I, Augustus A. Boyce, clerk of the circuit court of the United States, in and for the northern district of New York, in the second circuit, having inspected the files and records of my said office, kept by me in the city of Utica, do find therein a record of which the preceding is a true and correct copy of the whole thereof.

In testimony whereof, I have hereunto subscribed my name, and have hereto affixed the seal of the said circuit court, at my office in Utica, in said district, this 8th day of December, A. D. 1864.

AUGUSTUS A. BOYCE, *Clerk.*

SEAL.]

