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# THE PATENT OFFICE.

One of the Most Important Branches  
of Our Government.

Founded by the Framers of the Constitution and Carefully Nursed  
by the Officers First Placed  
in Charge of It.

[Special Washington Letter.]

FOR the first time in two score years the patent office has sufficient room for the transaction of its voluminous and increasingly important business. The interior department building, one of the most beautiful structures in this city, was



WILLIAM THORNTON.

(First Patent Clerk of the United States.)

overcrowded for many years, and its magnificent corridors were disfigured with book racks and other official impedimenta. But when the new post office department edifice was constructed, and that department was moved from its quarters opposite the interior department, the building which it had occupied since 1846 was taken possession of by the interior department; and this gave an opportunity for the commissioner of patents to so arrange the working force of his office that business might be carried on in a systematic manner.

By a wise provision of the constitution of our republic (article 1, paragraph 8 of section 8), the congress was given power to promote the progress of science and the useful arts, by securing to authors and inventors, for limited times, the exclusive right to their respective writings and discoveries. This portion of the constitution was obtained through the efforts of James Madison and Charles Pinckney, and was the beginning of the patent system. The first general law providing for patents was passed in 1790, and the first patent issued was to Samuel Hopkins, July 31, 1790, for making pot and pearl ashes.

Under this patent law the office fees were paid to the state department clerks who made out the patent. The fees amounted to \$3.70, and ten cents for every 100 words for filing the specification. The chief clerk of the state department issued the patent and received the fees as a part of his salary. Under this law, which was repealed in 1793, there was no patent office, and not even a division of patents. A new law was passed in 1793, and several amendments made thereafter. The issuing of patents, however, still remained in the state department.

In 1800 the department of state removed to Washington and took up its quarters at Pennsylvania avenue and Twenty-first street; and in May, 1802, President Jefferson appointed William Thornton as a clerk at \$1,400 per year to have charge of the issuing of patents. This William Thornton was an interesting character, especially to inventors and Washingtonians. An excellent portrait of him hangs in the commissioner's room in the patent office. Thornton had charge of the patent affairs from 1802 to his death in 1828. He was an intimate friend of Washington, and was by him appointed one



DR. THOMAS JONES.

(Second Superintendent of the United States Patent Office.)

of the three commissioners to survey and lay out the federal capital. Thornton's house, at 1331 F street, was one of the first private residences to be erected in Washington.

He was an Englishman and was born on the island of Tortola, his uncle being at that time president of the island. He first met Washington at Philadelphia and became a warm friend of the "Father of His Country," and his home on F street in Washington became a familiar resort of Washington when he was president.

A story is told of him that during the war of 1812, when the British captured the city of Washington and destroyed the capitol building, a loaded cannon was trained upon the patent office for the purpose of destroying it, and he is said to have put himself before the gun, and in a frenzy of excitement exclaimed: "Are you Englishmen or only Goths and vandals?"

This is the patent office, a depository of the ingenuity and inventions of the American nation, in which the whole civilized world is interested. Would you destroy it? If so, fire away, and let the charge pass through my body." The effect is said to have been magical upon the soldiers, and to have saved the patent office from destruction.

In 1821 Thornton assumed the title of superintendent, and was so registered in the government blue book, but it was not until 1830 that the law recognized the title by specifically mentioning the office.

The 1810 congress authorized the purchase of a building for the post office and the keeper of the patents. Into this building, where the post office now stands, Thornton moved the records, etc., of the patent office.

In 1816 the personnel of the patent office consisted of Superintendent William Thornton, \$1,400; Clerk William Elliott, \$500; and Messenger Benjamin Fenwick, \$73 per annum.

Dr. Thomas Jones, who succeeded Dr. Thornton as superintendent of the patent office, was born in Herefordshire county, England, in 1774. In 1826 he founded the famous Franklin Journal at Philadelphia. On April 12, 1828, he removed to Washington and took charge of the patent office under Henry Clay, secretary of state. This position he held until after the organization of the patent office under the act of July 4, 1836, at which time Hon. H. L. Ellsworth was made commissioner at a salary of \$3,000 per annum, and Charles M. Keller and Dr. Jones were appointed the next year examiners at a salary of \$1,500 per year. The officials of the office under Dr. Jones' reign were William Elliott, clerk, at a salary of \$1,000 a year; Alexander McIntire, clerk, at \$800, and B. Fenwick, messenger, at \$400. Dr. Jones resigned his position in 1836 at the age of 64.

In 1836 a new law was passed which was a return to the American system. The law established the patent office as a bureau under the department of state, and put it in charge of a chief officer to be called the commissioner of patents, at a salary of \$3,000 per annum, his duty being, under the direction of the secretary of state, to superintend the issuing of patents. The law further provided for a chief clerk, "an examining clerk," at \$1,500; two other clerks, one of them to be a



HON. H. L. ELLSWORTH.

(First Commissioner of the United States Patent Office.)

competent draughtsman; one other clerk, a machinist and a messenger. It provided also a seal for the office, and required that the patent should issue under that seal, and be signed by the secretary of state and countersigned by the commissioner.

The first patent issued under this law was to Hon. John. Ruggles, for locomotive engines on inclined planes.

Henry L. Ellsworth was appointed the first commissioner under this law and Charles M. Keller examining clerk, and thereupon the present system of examinations began. Later the office was transferred from the department of state to the interior department. Every man has more or less inventive instinct, and there are thousands of attorneys throughout the land who devote their time and attention to the study of patent law, and to the interests of their inventive clients.

And right here, to be practical rather than historical and discursive, let it be known that no man, be he attorney or claim agent, can secure a patent for anybody by the use of money to influence a decision. No man should allow himself to be deceived on that score. Any attorney or claim agent who intimates anything of that character should be set down as a fraud. The commissioners and the assistant commissioners are always men of high character, standing well in their home communities and in this community. The examiners and clerks are honorable men. Each case receives as careful consideration as any case in a court of justice. Each case is decided upon its merits. Because of the careful consideration given to each case there are necessary delays which are often exasperating to the inventors who believe that their fortunes are being withheld from them, because each inventor looks upon his model and believes, as Col. Sellers believed, that "There's millions in it."

But there's not. The inventor usually gets some fame for his name; but the capitalist gets the cash-paying game. Poor men constitute a vast majority of inventors, probably because necessity is the mother of invention; but very few of them die any richer than they were born. SMITH D. FRY.