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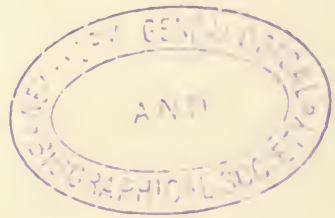
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Obed Hufsey

OVERLOOKED PAGES
OF
REAPER HISTORY

Chicago, Illinois, 1897

PREFACE.



THIS book is a republication of three pamphlets, printed as their respective title pages show. While the name of the writer is not given therein, it is known that they were from the pen of Edward Stabler, of Sandy Springs, Md., Postmaster of that place from Jackson's time until his death, a few years since. They were given by Mr. Stabler to one of his particular friends, Mr. R. D. O. Smith, then and now a prominent patent lawyer. Mr. Stabler, he informs us, was a man of great skill as a mechanic, and was particularly noted for his ability as a die sinker—long considered to be the best in the United States. He made many government seals. The seal of the Smithsonian Institution is exceptionally fine. He was also a famous rifle shot, but wasted no powder on small game; buffalo and bear hunting being his recreation until the time of his death, which occurred about ten years ago. That he was a man of ability is shown by the review which follows.

This republication is undertaken in order to preserve the historical facts contained (with which we have long been familiar) as the single copy of each, now before us, is thought to be the only one in existence.

J. RUSSELL PARSONS.

LEWIS MILLER.

JOHN F. STEWARD.

A BRIEF NARRATIVE
OF THE
INVENTION
OF
REAPING MACHINES;

AND AN EXAMINATION OF THE
CLAIMS FOR PRIORITY OF INVENTION:

BY A MARYLAND FARMER AND MACHINIST.



ALSO A SHORT APPENDIX,

CONSISTING OF

ENGLISH PUBLICATIONS,

AS TO THE

Operation and Success of Reaping Machines
IN ENGLAND,

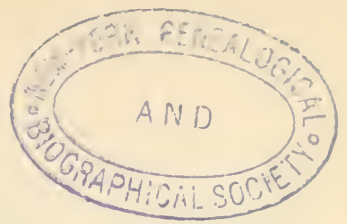
IN THE YEARS 1851, 1852 and 1853.



BALTIMORE:
FROM THE PRESS OF MILLS & COX,
(OFFICE OF THE "AMERICAN FARMER,")
No. 128 BALTIMORE STREET.

1854.

Reprinted by the W. B. CONKEY COMPANY
1897.



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1847

A BRIEF NARRATIVE
OF THE
INVENTION OF REAPING MACHINES,

AND AN EXAMINATION OF THE CLAIMS FOR PRIORITY OF INVENTION.

The object aimed at in this examination, is to ascertain as far as reliable evidence within reach will establish the fact—and before the evidence may be lost—to whom belongs the credit of first rendering the Reaping and Mowing Machine a practical and available implement to the American farmer; not who *theoretically invented* a machine for the purpose, that may have worked an hour only, and very imperfectly for that short period, and was then laid aside; but who rendered it an operating and efficient machine that was proved by successive years in the harvest field, capable of doing its work, and doing it well; better than either the scythe or cradle.

The object is *not* to detract from the merits fairly claimed by any inventor; but it is to examine into some of the rival claims, furnish the evidence that has satisfied our own minds, and leave it for others to judge for themselves. We would not intentionally deprive an inventor of his often dearly bought and hard-earned fame—the creation of his own genius—for it is more prized than even fine gold by many. But it is equally just that merit should be acknowledged, and the meed of praise awarded, where it is honestly and fairly due; and to this end, we propose and intend to examine into the evidence closely and critically. It may also be right to remark that we have no private or pecuniary interest whatever, in these, or any other patent claims.

As to the theoretical portion of the business, the enquiry might be greatly extended; indeed for past centuries, as we have imperfect accounts of Reaping Machines being used by the Romans. If the ancients were successful in making a practical implement for Reaping, by horse, or ox power, as some ancient writers assert, we certainly have no correct and reliable account of a machine that would be considered efficient or useful at the present day; a machine to save or tear off the heads only—as described by Pliny and Palladius—would more properly be termed a gathering machine, and not at all suited to the wants and habits of modern farmers.

It was not until near the close of the past, and within the present century, so far as we can learn, that the subject again claimed much attention of the inventive talent of either this, or foreign countries.

Of some half a dozen or more attempts made in Great Britain, and recorded in Loudon's *Encyclopædia of Agriculture*, the *Edinburg Encyclopedia*, and other similar works, all, or nearly all, relied either upon scythes or cutters, with a rotary motion, or vibrating shears. And although there was "go ahead" about them in one sense of the term, as it was intended for the "cart to go before the horse," none of them appeared to have gained, or certainly not long retained, the confidence of the farmers; for at the exhibition of the "World's Fair in London," the whole Kingdom could not raise a Reaping Machine;—a practical implement which was considered worth using and exhibiting.

That the idea was obsolete there, and had been unsuccessful, is clearly proved by the fact that the English journals and writers of that period, without a single exception, spoke of the American Reapers—after the trials!—as "completely successful"—"taking every one by surprise"—"their reaping machines have astonished our agriculturists"—"few subjects have created a greater sensation in the agricultural world than the recent introduction into the country of the reaping machines"—the "curiosity of the crowd was irrepressible to witness such a novelty, even to stopping the machine, and trampling the grain under foot," &c., &c.—Much more and similar evidence is at hand; but *better* need not be produced to prove the entire failure of reaping machines in Great Britain, as late as 1851. We would also refer the curious to Rees' *Cyclopedia*, for a very brief account of what had been effected;—a few paragraphs only are written on reaping machines, but several pages are compiled as to the use of the scythe, sickle or reap hook, and reaping *fork*. The Doctor refers to Plunknett's Machine by name, as being "somewhat on a new principle, the horse drawing the machine instead of pushing it forward as was the old mode of applying the power." The machine is fully represented in the *Farmers' Dictionary*; and he winds up the account as follows: "But the success with which they have been attended, has hitherto been far from complete;" again, "Other machines of this kind have still more lately been invented by other persons [meaning of course his own countrymen] but without answering the purpose in that full and complete manner which is necessary in this sort of work."

The Doctor undertakes to tell us *what is wanted*, but fails entirely to inform his readers *how to do it*. That John Bull had not done it is clearly established; but Brother Jonathan, the "Live Yankee," as John calls his cousin, has solved the problem; and the solution is so simple, when you know how to do it! that it is marvelously strange no one for centuries had before struck upon the right key.

Philip Pusey, Esq., M. P. and F. R. S.—the chief manager of the London Exhibition—admits the failure, though apparently reluctantly; but the source of his information, in writing about the American machines was interested and defective; and when he again writes on this subject he will be better informed. He says: "At the opening of this century it was thought that a successful reaping machine had been invented, and a reward had been voted by Parliament to its author. The machine was employed here and abroad, but from its intricacy,

fell into disuse. Another has been lately devised in one of our Colonies, which cuts off the heads of the corn, but leaves the straw standing, a fatal defect in an old settled country, where the growth of corn is forced by the application of dung. Our farmers may well, therefore, have been astonished by an American implement which not only reaped the wheat, but performed the work with the neatness and certainty of an old and perfect machine. Its novelty of action reminded one of seeing the first engine run on the Liverpool and Manchester railway in 1830. Its perfection depended on its being new only in England; but in America the result of repeated disappointments and untired perseverance, &c."

We propose to prove, and by better evidence, and disinterested too, than he then had, that in 1833, near the date of "the first engine run on the Liverpool and Manchester railway in 1830," the American machine cut the "corn" just as perfectly, with equal "neatness and certainty" as did the "Novelty" or "Rocket" pass over the Liverpool and Manchester railway. We shall again recur to English authority. John Bull is a right honest and clever old gentleman in the main; but he is rather prone to claim what he has no title for—inventions, as well as territory. We are willing to give him what he can show a clear deed for, but no more. He beat us by one year only in the Locomotive; but we fairly beat him eighteen or twenty in the Reaping Machine; and yet some of his writers contend to this day that we "*pirated*" from Bell and other English inventors all we know!

The excitement and sensation thus produced by the American Reapers, caused renewed efforts on the part of English inventors; some who had near a quarter of a century previously, been endeavoring to effect this "great desideratum," to use an English editorial; and the most conspicuous of these was one invented by the Rev. Patrick Bell, of Scotland. Of the half a score or more and previous inventors in Great Britain—Boyce, Plunknett, Gladstone of Castle Douglass, Salmon of Waburn, Smith of Deanston in Perthshire, &c., &c.—none were waked up from their Rip Van Winkle slumbers; or if they were, the world is not advised of it. They all used revolving scythes, revolving cutters, or shears instead. Several trials were made with Bell's in 1828 or 1829; and a very full and minute description with plates, was published some 24 or 25 years ago, and may be found in Loudon's Encyclopedia of Agriculture.

It was, however, too complicated, too cumbersome and expensive, performed too little service, and required too much tinkering and repairs to be viewed as a practical and available implement.—The English farmer found the sickle or reap hook preferable, for it was every where resorted to.—The cutting apparatus of Bell's consisted of shears, one half stationary, the other vibrating, and turning on the bolt that confined them to the iron bar which extends across the front of the frame. The vibrating motion was given by connecting the back end of one shear to a bar—making the bolt the fulcrum—and which was attached to a crank, revolving by gear to the driving wheels.

A reel was used to gather the grain to the shears, and adjustable,

back and forth, and higher or lower, to suit the height of the grain. A revolving apron delivered the grain in a continuous swath; and the team was attached to the rear of the machine, *pushing* it through the grain.

We have been more minute in the description of Bell's machine, because it may have been the foundation of some of the early, and nearly simultaneous attempts made in this country. In fact it does not admit of doubt that several were nearly identical with Bell's in the use of the shears and reel, though with much more simple gearing, and in the general arrangement. Whether they were original inventions, cannot be ascertained. In this country, from 1800 to 1833 out of some 15 or 20 patents granted for "cutting grain" and "cutting grass," only four appear to have been "restored"; i. e. technically speaking, "not restored" in models and drawings after the burning of the Patent Office in 1836. Many, if not most of them, were probably improvements in the grain cradle, and mowing scythe: though the names are preserved, there is no record to show for what particulars the patents were granted. There can be no doubt however, that the inventors considered them valueless, as they were "not restored," though Congress voted large sums to replace the burnt models and drawings, without any expense to the parties. Of those restored James Ten Eyck's patent is dated 1825. Wm. Manning's in 1831, Wm. & Thos. Schnebly's in 1833, and Obed Hussey's also in 1833.

James Ten Eyck used an open reel; not only to gather the grain, but his cutters or *shears*, were attached to, and revolved with the reel;—very much, if not exactly on the principle of shearing cloth.

Wm. Manning used another form of cutters, and quite different from James Ten Eyck's—he likewise used fingers or teeth to support the grain during the action of the horizontal cutters.

Wm. & Thos. Schnebly of Maryland, also used the reel, with shears as cutters, very similar to Bell's.

Abr'm Randall or Rundell, of N. Y. (for the name is spelled both ways), was another of the early inventors. His patent of 1835 is not restored, though it is stated his machine was experimented with as early as 1833 or 1834. He also used the reel, and his cutters, it is said, were similar to Bell's—using shears.

T. D. Burrall, of N. Y. was also one of the early inventors, about 1832 or 1833, but we believe professedly after Bell's, so far as to use a reel and shears.

None of these machines however, Hussey's excepted, were successful, or were used any length of time; nor is it necessary here to refer particularly to other attempts, about this time, or indeed, prior to this period, for they were equally unsuccessful; and their inventors cannot claim the merit of doing a thing, that was not in fact performed—making an efficient and successful Reaper. We may here remark, however, that so far as now known, no machine like Bell's, on the shear or scissor principle, has succeeded in this country; or as we believe, is ever likely to succeed. We have seen a number by different inventors, and all have failed to give satisfaction. They may work well for a very

brief period and with keen edges; but as they become dull, the shears are forced apart by the straw and grass—particular the latter, and the machine fails, as it inevitably must do, in its allotted duty: and for very obvious reasons. If the shear rivet or bolt is kept tight, there is too much friction; if loose enough to play freely, it is too loose to cut well; and lastly, it is too liable to wear at the most important point of the whole machine. During the harvest of 1853 in England, every effort was made to uphold Bell's machine; in some cases prizes were awarded to it, though evidently partial; for in the face of these awards, some who witnessed the trials, and had used Bell's machines, laid them aside and purchased Hussey's. At the close of the season, as we learn from reliable authority, even the engineers who operated Bell's, frankly admitted that the American machine as exhibited by Hussey, was the better implement, owing to the arrangement of the guards and knives; Bell's required so much tinkering, that several machines were required to cope with one of Hussey's. At the recent harvest, (1854) the Mark Lane Express acknowledges that at the Royal Agricultural Societies' show at Lincoln, Bell's machine was "at last fairly beaten" by Hussey's, including McCormick's, and Hussey's machine received the prize over all others. It is just, however, to add, that far as we consider Bell's machine behind some of the present day, yet complex and cumbersome as it was, it combined more of the essential features of success, than any Reaper that preceded it.

We now come to 1833, the date of Hussey's patent; and to 1834, the date of C. H. McCormick's first patent. These were known and admitted by all to have been the rivals for popular favor and patronage, from about the year 1844 or 1845 to the opening of the great Industrial Exhibition in London, in 1851. To these, therefore, the Enquiry will be more particularly directed.

We must however refer back for a brief period to 1831; for although C. H. McCormick's first patent was dated in 1834, yet when he applied for his extension in 1848, he alleged that *his invention* was prior to Hussey's, as he had invented a machine in 1831, two years before the date of O. Hussey's, and three years before the date of his own patent. The evidence produced (*written and prepared* by C. H. McCormick and now on file in the Patent Office) was deemed inadmissible and informal by the Board, and it refused to go on with the examination either as to priority or validity of invention without notice to Hussey—his patent being called in question by McCormick—to be present when the depositions were taken.

Before however receiving the official notice, he was called on by C. H. McCormick in Baltimore, and requested to sign a paper, agreeing or admitting, that the testimony he had himself prepared should be considered evidence—i. e. considered formal; alleging that it would save him trouble and expense in going to Virginia. This was declined by Hussey on the ground that he might thus unwittingly injure himself: he having previously applied for an extension of his own Patent. Neither was he then aware of the nature of this evidence; or until this interview, was he advised of C. H. McCormick's application for extension.

Hussey was subsequently duly notified by order of the Board to be present at taking the depositions in Augusta County, Virginia,—the Board having adjourned three weeks for that purpose.

Either just previous, or subsequent to these proceedings the case was referred by the Commissioner of Patents, or Board of extensions, to Dr. Page, one of the Examiners of the office.

His report is as follows—

“Sir:

PATENT OFFICE, }
Jan. 22d, 1848. }

In compliance with your requisition, I have examined the patent of Cyrus H. McCormick, dated 31st June, 1834, and found that the principal features embraced in said patent, viz: the cutting-knife and mode of operating it, the fingers to guide the grain and the revolving rack for gathering the grain, were not new at the time of granting said letters patent.

The knife-fingers and general arrangements and operation of the Cutting apparatus are found in the reaping machine of O. Hussey, patented 31st Dec. 1833.

The revolving rack presents novelty chiefly in form, as its operation is similar to the revolving frame of James Ten Eyck, patented 2nd November 1825.

Respectfully submitted,

CHAS. G. PAGE, Examiner.”

Hon. Edmund Burke, Com'r. of Patents.

As some have enquired, and others may enquire, why a patent should issue under these circumstances, we reply, that previous to 1836 but little, if any examination was made as to priority of inventions, or into preceding Patents; the applicant made oath as to his invention, and the patent was issued as a matter of course. And as another matter of course, if the rival interests clashed, litigation was the result:—the Courts and juries often decided what they little understood, and at times not at all, after the pleading of well fee'd lawyers: a pretty fair illustration of the fable of the boys and frogs: it may be *fun* for the lawyers but it is *death* to the hopes of many a poor patentee. We are however pleased to perceive a disposition manifested by the courts to sustain patents; even if occasionally an unjust claim is recognized as a valid one, it is better, according to the legal and moral maxim, that half a dozen rogues should escape punishment for a time, than that one innocent person should be unjustly convicted: the rogue is almost certain to be caught in the end, and truth will ultimately triumph.

This testimony was taken in due form at Steele's Tavern, Augusta County, Va., McCormick and Hussey both being present. It is too voluminous to copy entire, but we will refer briefly to each, having read them carefully, and obtained certified copies of all, from the Patent office.

Dr. N. M. Hitt—testified to a reaping machine being made by C. H. McCormick in 1831—it had a straight sickle blade.

William S. McCormick and Leander J. McCormick, brothers of C. H. McCormick, also testified to the making of a machine in 1831.

Mary McCormick,—mother of C. H. McCormick; agreed in general with the testimony of her sons,—did not doubt but it was correct, "it appears familiar to me," but testified to nothing in particular.

John Steele, Jr.—Was tavernkeeper at "Steele's Tavern"—testified as to the year being 1831 or 1832. In his amended testimony, admitted that C. H. McCormick wrote the paper describing the machine for him to testify to; recollects little else about the machine than the straight sickle edge.

Eliza H. Steele—refused to testify, without first seeing a certificate previously signed by her; admitted that C. H. McCormick wrote it for her to sign; her testimony as to the year, depended on the building of a certain house, on which the workmen put 1831.

John McCown—was a black-smith—testified that *he* made the "straight sickle blade," and that it was "a long straight sickle" blade.

This was most singular testimony to found a claim of priority of invention on, and by which to invalidate another man's patent. There was discrepancy in the evidence as to the year of the invention; also whether the machine was intended for one or two horses; how the "fingers" were arranged, and whether of *wood* or *iron*, *above* or *below*, the "straight sickle blade." Two of the brothers—one at least who helped to make, if not also to invent this machine—testified that the plan or arrangement of the machine here sworn to, was changed in 1840, 1841, 1842, or 1843, they did not know which; from 9 to 12 years afterwards!

John McCown swears positively that he helped to build the machine, so far at least as to forge "a long straight sickle;" but neither he, or a single one of the seven sworn witnesses, "*ladies* and *gentlemen*," testify that the machine ever worked a single hour, or cut as much grain of any kind as would make a single sheaf!*

In a long communication to Com'r. Burke in 1848, together with a list of sales and profits, C. H. McCormick states, and on oath, that he had exhibited his machine in 1840 or 1841 to a considerable number of farmers and *very satisfactorily*, though but one person could be induced to purchase—a Mr. John Smith we believe—and that up to 1842, *eleven* years after the alleged invention, he had sold but two machines, and one of them conditionally. Again, in the *same paper* he states, "but they failed to operate well," and had to be altered:—in other words they would not work at all. Amongst others, he had

*The reading of this testimony strongly reminds us of an anecdote related at the hustings in Va. by that talented but eccentric character, John Randolph, of Roanoke, in a political canvass with an opponent, who promised what he would do for his constituents, if elected. Randolph told him he was like one of his overseers, a plausible fellow, but on whom little reliance was to be placed—and who, desiring to show what fine crops he had raised, exhibited a better tally board than the crop could justify. "I told him," said Randolph, "this is very good tally, John, but where's the corn? and I tell the gentleman, I don't want to see his tally, but the corn—the evidence of what he ever did to entitle him to a seat in Congress." The effect was electric, and the hustings rang with plaudits. Now we would say to C. H. McCormick, this is very good tally John, but where's the CORN? The *evidence* that the machine ever cut a single acre of grain.

applied to "the farmer of Virginia, Mr. Sampson," for a certificate as to the satisfactory working of the machine, but it was declined.

We are not surprized at this; for some 35 years ago we were personally acquainted with this "farmer of Virginia," and also with his mode of farming; and know that a machine of any kind to please him *must work* and must also work "*well*." Richard Sampson was at that early day in this "age of progress," one of the best and most practical farmers in the "Old Dominion," and was not a man to be "caught napping," either at home or abroad.

The record shows that "on March, 29, 1848, the Board met agreeably to adjournment—Present James Buchanan, Sec'y of State, Edmund Burke, Commissioner of Patents, and R. H. Gillet, Solicitor of the Treasury,—and having examined the evidence adduced in the case, decide that said patent ought not to be extended."

Signed,

JAMES BUCHANAN, Sec'y State.
EDMUND BURKE, Commiss'r. Pat's.
R. H. GILLET, Solicitor Treas'y.

This evidence, taken in due form, and certified to by the magistrates in Augusta and Rockbridge Counties, Va., was *not* ruled out as informal, as we have seen it stated: but it was certainly laid before the Board; and was doubtless satisfactory both as to priority of invention;—and in connexion with Dr. Page's report, conclusive, "that said patent ought not to be extended."

We have also seen it stated that Hussey appeared before the Board of Extensions "to contest the extension of McCormick's patent."

We think injustice—and no doubt unintentionally—is here done to Hussey. Until the order of the Board was passed to afford him the opportunity to defend his rights, assailed without his knowledge, he was not aware of C. H. McCormick's application. As a matter of course he then attended, but stated in writing, and which is now on file, "I had no intention, neither had I any desire to place any obstacle in the way of the extension of C. H. McCormick's patent. But the course he has taken before your Board and before Congress, has compelled me to act in self defense."

Not so with C. H. McCormick; for when his claims were rejected by the Board of Extensions,—and most justly, as we think, in accordance with the evidence—*he petitioned Congress against Hussey's extension*: and to this most ungenerous, illiberal and unfair course, and of which Hussey was for years totally ignorant, C. H. McCormick may justly attribute this Enquiry;—but for this, it had never been written. Our object is not to injure C. H. McCormick; but it is that justice may be done to another, whose interests and rights he was the first to assail.

If the foregoing testimony is not conclusive, as regards priority of invention in 1831 against C. H. McCormick, we think the evidence which follows—and which no one will pretend to call in question, or doubt—establishes the fact that the machine of 1831 was good for nothing,—not even *half invented*; and that the machine of 1841, was not much more perfect.

On page 231 of the Reports of Juries for the Great London Exhibition, and now in the Library of Congress, we find the following:

"It seems right," says Philip Pusey, Esq., M. P., "to put on record Mr. McCormick's own account of his progress, or some extracts at least, from a statement written by him, at my request."—[PUSEY.]

"My father was a farmer in the county of Rockbridge, State of Virginia, United States. He made an experiment in cutting grain in the year 1816, by a number of cylinders standing perpendicularly. Another experiment of the same kind was made by my father in the harvest of 1831, which satisfied my father to abandon it. Thereupon my attention was directed to the subject, and the same harvest I invented and put in operation in cutting late oats on the farm of John Steele, adjoining my father's, those parts of my present Reaper called the platform, for receiving the corn, a straight blade taking effect on the corn, supported by stationary fingers over the edge, and a reel to gather the corn; which last, however, I found had been used before, though not in the same combination.

"Although these parts constituted the foundation of the present machine, I found in practice innumerable difficulties, being limited also to a few weeks each year, during the harvest, for experimenting, so that my first patent for the Reaper was granted in June, 1834.

"During this interval, *I was often advised by my father and family to abandon it, and pursue my regular business, as likely to be more profitable, he having given me a farm.* [Italicised by C. H. McC.]

"No machines were sold until 1840, and I may say that they were not of much practical value until the improvements of my second patent in 1845.

"These improvements consist in reversing the angle of the sickle teeth alternately—the improved form of the fingers to hold up the corn, &c.—an iron case to preserve the sickles from clogging—and a better mode of separating the standing corn to be cut. Up to this period nothing but loss of time and money resulted from my efforts. The sale has since steadily increased, and is now more than a thousand yearly."*

It would be just as conclusive and reasonable for the *father* of C. H. McCormick to claim at this day priority of invention for his Reaper invented in 1816, "by a number of cylinders standing perpendicularly;"

*"The sale has since steadily increased, and is now more than a thousand yearly." This was written in 1851, and by a little calculation, we can readily estimate the "yearly" profits. In the Circuit Court of the United States, at Albany, in the suit brought by C. H. McCormick against Seymour & Morgan, in 1850, for an alleged infringement of patent, it was proved on the oath of O. H. Dormon, his partner, and also on the oath of H. A. Blakesley, their clerk, that these Reapers only cost \$36 to \$37 to manufacture. By the same evidence, the sales averaged from \$110 to \$120 each machine; leaving a clear profit of at least \$73. C. H. McCormick first received a *patent fee* of \$30 on each machine, then *three-fourths* of the remainder in the division of profits. It would thus appear, if these figures are correct—and they are all sworn to—that C. H. McCormick realized full fifty thousand dollars clear profit annually, with a margin of eight to ten thousand dollars for commissions and bad debts in addition.

or for "the invention made by my father in the harvest of 1831, which satisfied my father to abandon it." This authority, high and official as all must admit it to be, [and italicised too, by the writer for a particular object,] clearly proves that the invention of 1831 was an abortion; for if the principle was effective to cut one acre of grain properly, any man of common sense knows that it was equally so to cut one thousand acres; but so complete was the failure that, "During this interval"—between 1831 and 1834—"I was often advised by my father and family to abandon it, and pursue my regular business, as likely to be more profitable, he having given me a farm."

Again, "No machines were sold until 1840, and I may say that they were not of much practical value until the improvements of my second patent in 1845." What these improvements were we are also informed: "These improvements consist in reversing the angle of the sickle teeth alternately, the improved form of the fingers to hold up the corn, &c.—an iron case to preserve the sickle from clogging, &c.—up to this period nothing but loss of time and money resulted from my efforts."

Nor is it at all surprising; for until improvements were added, invented and long in successful operation by others, the machine would not work, and consequently no one would buy.

This letter is the most perfect and complete estopper to priority of invention—not only for 1831, but to 1841 inclusive, if not to 1845, that could be penned. His *pen* cuts a "cleaner swath," as we farmers say, than ever did his Reaper; and this letter at least is certainly C. H. McCormick's own "invention," which no one else can lay any claim to. Yet strange as it may appear, he contended before the Board of Extensions in order to invalidate Hussey's Patent, that he invented a Reaping Machine nine years before! So has perpetual motion been invented a hundred times—in the estimation of the projectors; and by his own showing, and on oath, he sold but two machines up to 1842—one of them conditionally sold—being *eleven* years after the alleged invention, and even they had to be re-invented to make them work, or use the previous inventions of others.

In this letter to Philip Pusey, Esq., M. P., C. H. McCormick admits that the Reel "had been used before," yet he includes it in his patent of 1834.—Both the specifications and drawings in the Patent Office, conclusively establish the fact that James Ten Eyck *patented* the reel or "revolving rack," or "revolving frame" in 1825, used not only to *gather* the grain as all such devices are used, but by the knives attached to it, also intended to *cut it off*.

Could it be contended that because *rockers* are attached to a chair, it is no longer a chair, or useful as a seat? Even "Mary McCormick the mother of Cyrus," and "Eliza H. Steele, of Steele's Tavern, Va."—nay every woman and child in the country would tell you that it was then a *rocking* chair,—just as much a seat as ever—and Ten Eyck's was a Reel to all intents and purposes, but also a *cutting* reel. It does not require the mechanical tact and skill of Professor Page to discover that, "the revolving rack presents novelty chiefly in form, as its oper-

ation is similar to the revolving frame of James Ten Eyck, patented November 2d, 1825." It is certain the reel was no "novelty," either in 1831, or 1834 when patented by C. H. McCormick; *he* tells us so himself; and it is most likely the Father of C. H. McCormick also used a reel for his "cylinders standing perpendicularly, in 1816," and also for his other plan in 1831, and "which satisfied my father to abandon it." And it is equally probable that most of the "fathers" and the sons, who invented Reapers for a hundred years preceding the date of Hussey's patent, used reels;—indeed the reel seemed to be considered a *Sine qua non* by many; most of the inventors we have any clear account of, resorted to the reel.

Hussey also used the reel in 1833,—of course the reel and seat in combination—but only for a short period, as it was found quite unnecessary,—an actual incumbrance with *his* cutting apparatus, and soon laid it aside.

We will now examine another invention patented by C. H. McCormick, in 1847. We here assert and challenge a denial, that from 12 to 14 years after the alleged invention of a Reaper by C. H. McCormick in 1831, and from 9 to 12 years after the date of his patent in 1834 his *raker walked* by the side of his machine, while Hussey's raker *rode on the machine as they always had done* since his first machine that cut the grain like "a thing of life" in Hamilton county, Ohio, in 1833. Yet, in 1847, C. H. McCormick takes out a patent for the *raker's seat!* this was a "novelty" and well worth a patent!

In two trials of reaping machines by Hussey and McCormick in the same fields in Virginia, in 1843, one at Hutchinson's, and the other on the plantation of the late Senator Roane, at Tree Hill, near Richmond, McCormick's raker *walked* by the side of the machine, while Hussey's *rode* on the machine, in the same manner as he did just exactly ten years before.

We have three letters from the late Hon. Wm. H. Roane referring to these trials, and ordering a machine from Hussey, after witnessing the operation of both. Two of the letters he desired might not be published; but says in one of them, "I have no objection to your stating publicly that a *member* of the committee who made the report last summer at *Hutchinson's*, which was published a few days thereafter, witnessed a fuller and fairer trial between the two machines, and has in consequence ordered one of yours. * * * What I have said above of —, is intended only for your eye *confidentially*, to show you in part the character and probable motives of the opposition your Reaper has met. Let what I say be private, as I have a great objection to going into the newspapers. Should you ever want it, you can have from me the strongest public testimonial of my good opinion of your machine."

The third letter, giving this "testimonial" was published in the *American Farmer*, in January, 1844. As the Raker's Seat—the main feature of C. H. McCormick's patent of 1847, comes fairly within the scope of this Enquiry as to priority of invention, we re-publish Senator Roane's letter and also furnish other testimony on the subject.

To the Editor of the American Farmer.

As the question of *which is the best Reaping Machine* is of no little importance to wheat growers, it is highly necessary that they be rightly informed of every fact which tends to decide the question.—The trial which forms the subject of the following correspondence was looked forward to with great interest by farmers; such was the partial character of the trial, and the general terms of the committee's report, in which the particulars that led to the result were omitted, it cannot appear strange that the public should be in some degree misled with regard to the relative merits of the two machines. If my own interest was alone concerned, I would not thus far trespass on your columns, but you will doubtless agree with me, that it is due to wheat growers throughout the country that the views expressed by Mr. Roane, in connection with the committee's report, should be published as extensively as the report itself; I therefore solicit the insertion of the following correspondence in your paper.

Very respectfully,

OBED HUSSEY.

—
BALTIMORE, January 18th, 1844.

To the Hon. Wm. H. Roane:

Dear Sir,—You will remember that a trial took place on the farm of Mr. Hutchinson near Richmond, Va., in July last, between my reaping machine and Mr. McCormick's, at which trial you were one of a committee which gave the preference to Mr. McCormick's machine.

You will also recollect that the machine which I used at that time was a small one, and quite different from that which I used in your field a few days afterwards, in a second trial between Mr. McCormick and myself.

As the first trial was made under circumstances unfavorable to myself, owing to the difficulties which prevented me from getting my best machine to the field on that day, and other impediments incidental to a stranger unprovided with a team, &c., and as no report was made of the second trial, you will oblige me by informing me what your impressions were after witnessing the second trial.

I would very gladly embrace the opportunity which the next harvest will afford of following up my experiments in wheat cutting in Virginia, but the new field opened to me in the *great west* for cutting hemp, in which I was so successful last September, as will appear by the Louisville Journal of that date, will claim my particular attention this year. I mention this to you lest it might appear that I had abandoned the field in Virginia by my non-appearance there in the next harvest.

Very respectfully, yours, &c.,

OBED HUSSEY.

—
TREE HILL, January 23d, 1844.

Dear Sir,—I received a few days ago your letter of the 17th inst., on the subject of your reaping machine; you call my recollection to a trial between it and Mr. McCormick's reaper at Mr. Hutchinson's in July last, on which occasion I "was one of a committee which gave

the preference to Mr. McCormick's machine;" you also advert to a trial between these rival machines a few days subsequent, at this place, and request to know my impressions after this second trial. I presume from the fact of my having ordered one of your reapers for the ensuing harvest, that it is your purpose to publish this statement. Averse as I am to having my name in print on *this*, or any other occasion, I cannot with propriety decline a response to your inquiry. I had never seen or formed an idea of a reaping machine until I went to Hutchinson's—I was surprised and delighted with the performance of each of them, and fully resolved to own one of them by the *next* harvest, but their performance that day left me in a state of doubt which I should select.—The report spoke in terms of high praise of each machine, and I consented to its award that *on the whole* Mr. McCormick's was preferable, merely because being the cheapest and requiring but two horses, it would best suit the majority of our farmers, who make small crops of wheat on *weak land*—for I doubted its capacity in *heavy* grain. After this Report was made I heard your complaint that you did not have a fair trial, because being unable to bring into the field your large improved Reaper, which was up the River, you were compelled to comply with your *engagement* for the day, with a *small* and *inferior* machine, drawn by an indifferent and untutored team. Mr. Hutchinson's wheat was badly rusted, and therefore light. I had ready for the scythe, a low ground field of heavy and well matured grain; partly to expedite my harvest work, and partly to renew the trial, that I might solve my doubts as to the merits of these machines, I succeeded in engaging them to be at Tree Hill on a named day—they both came agreeable to appointment, Mr. McCormick bringing the machine he used at Hutchinson's, and you bringing the one you could not on that occasion bring down the river. The day was fine; and both machines did their best, and had a very fair trial. My doubts were fully removed, and my mind convinced that for the heavy wheat we raise on our river low grounds, rich bottoms, &c., *your* machine is superior to Mr. McCormick's, of which I still think highly—I accordingly ordered one of yours to be made for the approaching harvest.

I wish you all possible success in cutting hemp in the "Great West."—It must be very desirable to cut that valuable plant instead of pulling it up by the roots, and I cannot doubt that your reaper has ample *power* for the process

Most respectfully, yours, &c.,
Mr. Obed Hussey, Baltimore.

W. H. ROANE.

We are not advised at what precise period subsequent to 1843 and previous to 1847, (when C. H. McCormick patented the raker's seat) that he changed the arrangement of his wheels, &c., so as to admit a seat for his raker without "tipping up the machine" as was unavoidable previously. From evidence deemed fully reliable, *he* was not the first even on his own machine, to provide a seat for the raker, "and all take a ride." It is laborious enough to test fully the endurance of the most powerful and muscular man, to *ride* and *rake*; but to *walk* and

rake is even more barbarous than the old time ball and chain to the leg of the felon. The considerate and feeling farmer would certainly "wait for the wagon" to be better fixed before thus undertaking to reap his grain fields if himself or his hands had to *ride* in this sort of style.

We have a letter from Isaac Irvine Hite, Esq. now of Clarke County, Va., which throws some light on the subject; he says, (itali- cised by the writer:)

"In 1842 my father, by my request purchased for me of C. H. McCormick and Father, a reaper at \$110, which was *drawn* by two horses, and it was raked off to the right hand side by a *man on foot*. The father of C. H. McCormick stated to me at the commencement of that harvest, that it had been *nine years since they* had first operated with it, in pretty much the form it was then constructed. On a recent visit to Messrs. McCormick, who then resided on the line between Augusta and Rockbridge Counties in this State, the old gentleman stated to me that *he* had been at *odd* times at work on the reaper for many years; and either he or his son stated to me that C. H. McCormick had been *improving, changing or inventing* various parts until they had (as they thought) perfected the machine. * * * I disliked the labor *imposed on the hand who had to walk and remove* the wheat from a platform seven feet in width, and urged Messrs McCormick to attach another contrivance so as to enable the raker to ride and perform his arduous task; the old gentleman contended that that could never be accomplished, but that a self-operating appendage could be constructed to remove the grain, but that would be uncertain, and entirely unreliable. During my visit, he pointed out to me *one or more* fixtures they had tried for the raker to ride on. I think one was on one wheel, and the other on two.

I yet contended that it could be accomplished; if by no other means, by changing the construction of the machine, and remarked to him, if I were a mechanic, and understood the construction of the machine well enough to venture to alter its parts, I was certain I could so arrange it, and requested him to urge his son to make the effort; he replied that it would be useless; that they had tried every imaginable way or plan before placing the machine before the public, and that they regarded it as an impossibility, successfully, and properly, in any other way than on foot, and said it was necessary for the heads to be brought round to the right, in which I fully agreed; but contended it could be done while the raker was riding or standing in an erect position.

After this unsatisfactory interview I returned home, and at the close of the next wheat harvest I had a small carriage, about 3 feet by 3½ feet, constructed on two wheels, and connected underneath the plat- form, by means of shafts to the back part of the head of the machine; this during the cutting of my oat crop answered every purpose, so far as the raker was concerned, but there was a difficulty in turning. C. H. McCormick came to see this combination sometime during the year, and condemned it in toto. But by the next harvest I had it so

constructed, as to be drawn by an iron bar *so* shaped, appended and supported on the underneath part of the carriage, as to admit of the machine turning in any direction, and the carriage would follow just as the two hind wheels of a wagon do; the carriage had a seat behind, and a thick deep cushion in front, for the raker to press his knees against while removing the grain from the platform to his right hand, which he was enabled to do with apparent ease with a *rake of peculiar shape*;—(it cannot be done with a rake of ordinary shape.)

The working of the first carriage was witnessed by many gentlemen who approved of it; and the combination of the second carriage I applied for a patent for. The model carriage can now be seen in the room of the Patent Office, containing models of all rejected patents. After this, I heard of McCormick making experiments at one of his Western factories—I think it was at Chicago; and finally he addressed me *a letter, stating he had changed the construction of his machine, and had it so constructed that the raker could ride on the machine and remove the grain.*"

We think the foregoing letter—for it carries truth on its face—clearly shows that the idea of "changing the construction of the machine," and permit the raker to ride, did not originate with the McCormick's, father or son; for "they had tried every imaginable plan or way before placing the machine before the public, and that they regarded it as an impossibility for the wheat to be so removed regularly, successfully and properly, in any other way except on foot."

At the trial referred to at Hutchinson's, and the late Senator Roane's in 1843, it was demonstrated that a raker could ride and rake, and as was also done by Hussey many years before, at various places, and delivering the grain at back or side. But we have still better evidence than the above—C. H. McCormick himself.

His Patent of 1847, covering some four or five folio pages, is altogether to change "the construction of the machine," to admit of, and to patent the raker's seat; the substance of the whole is comprised within the following brief extract from the patent of 1847:

"And the gearing which communicates motion to the crank is placed back of the driving wheel, which is therefore subject to be clogged by sand, dirt, straw, &c. —and in consequence of the relative position of the various parts, the attendant is obliged to walk on the ground by the side of the machine, to rake the cut grain from the platform as it is delivered and laid there by the reel. These defects which have so much retarded the introduction into practical and general use of Reaping Machines, I have remedied by my improvements, the nature of which consists in placing the driving wheels further back than heretofore, and back of the gearing which communicates motion to the sickle, which is placed in a line back of the axis of the driving wheel, the connexion being formed, &c. and also bringing the driving wheel sufficiently far back to balance the frame of the machine with the raker on it, to make room for him to sit or stand on the frame," &c. &c.—"*which cannot be done, if the raker walks by the side of the machine, as HERETOFORE.*"

Now if C. H. McCormick's testimony in his own favor, can be considered reliable, he certainly had not *invented* a seat for his raker as late as 1845—and not long prior to 1847, when he patented it; and just *fourteen years* after Hussey had used it *every year*, successively. The raker's seat therefore was just as *original* an invention as the reel.

The "straight sickle blade," but cut one way only, and abandoned some 10 or 12 years after its conception in 1831, as he states, appears to be the only original idea—properly belonging to whom it may—in the patent of 1834. As to the "foundation" of the machine, viz:—the platform, cog wheels, crank, &c. &c., they have been used by every projector in reaping machines, for a century.

A machine exhibited at the World's Fair in London, by C. H. McCormick, had the "straight sickle blade," but alternating the cuts every few inches. With such a machine it is impracticable to cut grain, much less grass, efficiently, divested of the reel. That plan has since been changed to a much more efficient blade, the scolloped edged sickle. That it was used in the N. Western States by others several years previous to its adoption by C. H. McCormick, we believe admits of just as little doubt, as rests with the priority of invention of the Reel, Rakers-seat, &c.

There is one other important feature, patented in 1845 and referred to in the Pusey letter;—an "Iron case to preserve the sickles from clogging;" these we will also take a look into after a while.

Obed Hussey as appears by the evidence before us, made his first Machine in Cincinnati, Ohio, where he then resided, in the spring of 1833, and it was patented the same year. Threshing machines were then being introduced into that section, and were attracting much notice. Overhearing the conversation of an individual interested in such implements, he asked the question if there were no machines to reap the grain? The reply was no; "and whoever will invent one will make a fortune."

Without any knowledge, as we believe, of what had been done by others,—and certainly his occupations had not been such as to make him familiar with the subject by reading, or otherwise—it claimed the attention of his leisure hours so far as to make a model. This satisfied him that the thing was practicable, and he undertook an operating machine, which although lightly made, was sufficient fully to test the principle.

This principle—the arrangement and construction of the Guards and Knives, was precisely identical with those used by him at the present day, except an improvement patented in 1847, leaving openings at the back end of the slot in the guards for the escape of particles of straw or grass that might get in between the blades and guards.

It was communicated at the time by letter with a diagram to a personal friend now living, and of the highest respectability, from whom we have a certificate, and copy of the drawing. The knives or cutters, for lack of more suitable materials were made out of hand saw blades cut into suitable form, and riveted to a bar, vibrating through an opening or slot in the guards.

Judge Foster residing within a few miles of the city, and to whom he applied, kindly offered him every facility to test the machine by cutting grain, ripe and unripe, being himself greatly interested in its success. When taken to the field, a considerable number of persons were attracted to the spot; and rather to the discomfiture of the in-

ventor, for it may well be supposed it was an anxious moment to him, and he desired *no witnesses to his failure*. The machine was started; but owing to some part giving away, or some slight defect not apparent until then, it failed to work satisfactorily. One burley fellow present picked up a cradle, and swinging it with an air of great exultation, exclaimed, "this is the machine to cut the wheat!"

After the jeers and merriment of the crowd had somewhat subsided, the inventor remedied the defect, and assisted by the laborers present—the horses having been removed—pulled the machine to the top of an adjacent hill; when alone, he drew the machine down the hill, and through the standing grain, when it cut every head clean in its track!

The *same* machine was directly afterwards exhibited before the Hamilton County Agricultural Society near Carthage, on the 2nd of July, 1833. Of its operation and success, the following statements: and certificates, now in our possession, sufficiently testify. Doctor Wallace as well as some others of the gentlemen, are living witnesses of what is here stated.

CINCINNATI, November 20th, 1833.

This may certify, that I was present on the 2nd day of July near Carthage in this county, at an experiment trial with a machine invented by Mr. Obed Hussey for cutting grain. The operation was performed on a field of wheat. The machine was found to cut the wheat clean, and with great rapidity. But owing to its having been imperfectly made, being only constructed for the experiment, some parts of *wood* which should have been made of iron, and in consequence frequently getting some parts out of order, a correct estimate of the quantity of work it would perform in a given time could not be made. One point was however satisfactorily established, that the principle upon which the machine is constructed will operate; and when well built will be an important improvement, and greatly facilitate the harvesting of grain. I would also remark that the horses moving the machine, were walked, and trotted, and it was found to cut best with the greatest velocity.

C. D. WALLACE.

Secretary of the Hamilton County Agricultural Society.

We, the undersigned, witnessed the exhibition of Mr. O. Hussey's Machine for cutting grain alluded to by Dr. Wallace, and do fully concur with his statement of its performance. We would further add, that notwithstanding its temporary construction, its performance far exceeded our expectation. Cutting the grain clean and rapidly, and leaving it in good order for binding. We are of the opinion that the machine is capable of being propelled at the rate of five miles the hour, and do good work. The machine was worked when the cutters were both in a sharp, and a dull condition, and no difference could be perceived in its execution.

(Signed.)

G. A. Mayhew,
T. R. Sebring,
A. Castner,

Jacob White,
H. B. Coffin,
C. F. Coffin,

S. W. Folger,
T. B. Coffin,
Wm. Paddock.

There are several other certificates equally conclusive and satisfactory; but we will only copy in addition to the foregoing, a short piece from the "Farmer and Mechanic," issued July 3d, 1833, in Cincinnati, as follows:

"Several members of the Agricultural Society on last Wednesday, attended in Carthage to see a machine for cutting wheat by horse power, in operation. It was propelled by two horses, and cut as fast as eight persons could conveniently bind, doing the cutting neatly.

This machine is the invention of Mr. O. Hussey, and will no doubt prove a useful addition to our agricultural implements. Mr. J. C. Ludlow suggested that it would be good economy of time and labor, to take a threshing machine into the field, and thresh out the grain as it is reaped, thereby saving the binding and hauling to the barn or stack. We think the suggestion a good one."

Here then, was the problem solved—the great discovery made, that had puzzled the brains of hundreds if not of thousands, and for centuries. No one we fearlessly assert had ever succeeded so completely and satisfactorily, and with so simple and practical a machine.

Some visited the exhibition determined to condemn as they afterwards acknowledged, deeming the thing impracticable; but all were convinced; for the demonstration was of that character which left no room for doubt or cavil on the minds of any.

It was indeed a triumph,—not perhaps entirely unexpected to the inventor—but neither he, or any one else at that early day, could foresee the wonderful changes ultimately to be effected, and the world wide renown to be conferred on the inventor as the result of this experiment; one that was certain to immortalize his name as a pioneer and benefactor in the most useful and peaceful pursuits in life. It was too, the dawn of a brighter day to the toiling husbandman, by lightening his labours, and adding to his comfort and independence; only circumscribed in its beneficial influence by the bounds of civilization.

Some may possibly suppose that we view the invention in too glowing colours; but we have yet to meet with the farmer who owned a good reaping and mowing machine, that would dispense with its advantages for twice the cost of the implement, and again be compelled to resort to the sickle, the cradle, and the scythe; for of a truth it completely supersedes all three in competent hands and with fair usage, in both the grain and grass crops.

It is difficult to confine our narrative to its intended brief limits and select from the mass of evidence on hand, as to the uninterrupted success of Hussey's invaluable invention from that day to the present—now twenty one years. We will therefore only select a single and short account of each year; until about 1840 or '42; not long after which a few other inventors came before the public. There was however no competitor in the field from 1833, to 1841, or 1842, either in Europe or America, so far as we can ascertain, that did more than make a few occasional trials; none attracted public attention, or were successful and efficient machines even in the estimation of the projectors themselves. The evidence proves it, and it is corroborated by our own personal knowledge, having been constantly engaged in Agricultural and Mechanical pursuits for more than thirty years—and as we believe,

familiar with most of the important improvements of the age;—of all in fact, directly connected with agriculture in its labour saving implements, of any notoriety.

Many alleged improvements have been made in the Reaper in the past 10 or 12 years; and many more still, within half that period. How far they are *new* inventions, and actual *improvements*, we can better judge by examining Hussey's patent; for it describes the cutting apparatus clearly and minutely, and which in fact is the whole thing,—the “one thing needful” to success. For the use of wheels, or a system of gearing to all kinds of motive machinery is coeval with the first dawn of mechanical science. How ancient we know not, for the Prophets of old spoke of “wheels within wheels” near three thousand years ago; and it is very certain the hand of man, unaided by wheels and machinery, never erected the vast Pyramids and other structures of antiquity. We do not believe there is a single Reaping and Mowing machine in successful operation on this continent that is not mainly indebted to Hussey's invention in the cutting apparatus, for its success: deprive them of this essential feature—disrobe them of their borrowed plumes, and their success would be like the flight of the eagle, suddenly bereft of his pinions,—he must fall; and the machines would stand still, for not a farmer in the land would use them.

As previously remarked, O. Hussey's first patent is dated in 1833. We omit the more general description of the machine, and copy only what embraces the most important features, the guards and knives: also an extract from his improvement patented in 1847, to obviate choking in the guards:

“On the front edge of the platform is fixed the cutting or reaping apparatus, which is constructed in the following manner:—A series of iron spikes, and which I will call *guards*, are fixed permanently to the platform, and extend seven or eight inches, more or less, beyond the edge of the platform, parallel to each other, horizontal, and pointing forward.—These guards are about three inches apart, of a suitable size, say three-quarters of an inch square, more or less, at the base, and lessening towards the point. The guards are formed of a top and bottom piece, joined at the point and near the back, being nearly parallel, and about one-eighth of an inch apart, forming a horizontal mortice or slit through the guard; these mortices being on a line with each other, form a continued range of openings or slits through the guards. The first guard is placed on the rear of the right wheel, and the last at the extreme end of the platform, and the intermediate guards at equal distances from each other, and three inches apart, more or less, from center to center.

The cutter or saw, *f*, is formed of thin triangular plates of steel fastened to a straight *flat rod*, *g*, of steel, iron or wood, one-inch and a-half wide; these steel plates are arranged side by side, forming a kind of saw with teeth three inches at the base, and four and a half inches long, more or less, sharp on both sides, and terminating nearly in a point. The saw is then passed through all the guards in the aforesaid range of mortices, the size of the mortice being suited to receive the saw with the teeth pointing forward; observing always that the points of the saw teeth should correspond with the center of the guards. One end of the saw is connected with a pitman moved by a crank, and receiving its motion from the main axis, by one or two sets of cog wheels. The vibration of this crank must be equal to the distances of the centers of the guards, or the points of the saw teeth, or thereabouts, so when the machine is in motion, the point of each saw tooth may pass from center to center of the guards on each side of the same tooth at every vibration of the crank; if the main wheels are three feet four inches in diameter,

they should in one revolution give the crank sixteen vibrations, more or less; the saw teeth should play clear of the guards, both above and below. * * *

OPERATION.—The power is given by locking the wheels to the main axis, the machine has one square wheel box, the other round and locked at pleasure. If the power should be wanted, one, two, or more horses are attached and driven on the stubble before the machine, the right wheel running near the standing grain, the platform with the saw in its front edge extends on the right, at right angles with the direction of the horses, with the guards and saw teeth presented to the standing grain—when the machine moves forward, the saw moves with the teeth endwise and horizontal, the grain or grass is brought between the guards, the saw teeth in passing through the guards, cut the stalk while held both above and below the saw—the butts of the grain receive an impulse forward by the motion of the machine while in the act of being cut, which causes the heads of the grain to fall directly backwards on the platform—in this manner the platform receives the grain until a sufficient quantity is collected to make one or more bundles, according to the pleasure of the operator, then it is deposited with a proper instrument by the operator, WHO MAY RIDE ON THE MACHINE."

Here follows the dimensions of a machine suited to two horses, which is only copied so far as refers to the cutting apparatus, viz: "the back of the saw may be from one inch to $1\frac{1}{2}$ inches wide, and from three sixteenths to one quarter of an inch thick; and the steel plates for the teeth should be about one-tenth of an inch thick; one end of the mortice in the guard should be fitted to receive the back of the saw, so that the bearing may be on the back of the saw only."

"In this machine the following points are claimed as new and original:—1st.—The straight horizontal saw, with the teeth sharp on their two sides for cutting grain. 2d.—The guards forming double bearers above and below the saw, whereby the cutting is made sure, whether with a sharp or dull edge, the guards at the same time protecting the saw from rocks or stones, or other large substances it may meet with. 3d.—The peculiar construction that the saw teeth may run free, whereby the necessary pressure and consequent friction of two corresponding edges cutting together, as on the principle of scissors, is entirely avoided. 4th.—The peculiar arrangement by which the horses are made to go before the machine, being more natural, and greatly facilitating the use of the machine, and the general arrangement of the points as above described.

In cutting grass, the platform is reduced in width, and the grass falls on the ground as it is cut."

In this improvement of the guards patented in 1847, the claim states, "I accordingly claim the opening above the blades A, fig. 3, and at D, fig 1, in combination with vibrating blades. I also claim the particular application of the flush edge at the fork of the blades, for the purpose described.

The end and design of the improvements above claimed, is to prevent the blades choking."

En passant, we would ask any intelligent and candid farmer or mechanic who has examined a successful reaper, to compare the foregoing plain specifications which all can understand, with the cutting apparatus of the most successful modern machine. And we would especially desire him to compare them in principle with the "improved form of fingers to hold up the corn, and an iron case to preserve the sickles from clogging;" not the alleged invention of 1831, by C. H. McCormick, and abandoned from 1840 to 1843, but the claims patented by him in 1845, [as stated in the letter to Philip Pusey, M. P.] twelve years after the date of Hussey's patent,

and twelve years after his most complete and uninterrupted success in cutting both grain and grass. In fact there was no year from, and including 1833, up to 1854, a period of 21 years the past harvest, that we have not the most positive and conclusive evidence of the success of Hussey's reaper; in numerous cases the same machines had cut from 500 to 800, and even one thousand acres; in one instance, the same machine was used for fourteen harvests, or as many years, successively and successfully.

We have given some of the evidence for 1833. For 1834 we annex two letters giving an account of the two machines made this year, one in Illinois, and the other in New York, viz:

SPRING CREEK, SANGAMON CO., ILL., }

Oct. 1st, 1834. }

Mr. Obed Hussey, Baltimore.

DEAR SIR:—Your favor of August 10th came to hand a few days since. The reason was, it lay at Berlin (formerly Island Grove Post-office) and my Post-office address is Springfield, the only place where I call for letters.

In answer to your query, how your Reaping Machine worked in 1834, I have to say that it cut about sixteen acres of wheat for me on my farm; that it did the work in first rate style; according to my best recollection, as well as any of the machines that have since been introduced. The only objection I recollect being made, was, that when the straw was wet, or there was much green grass among the wheat, the blades would choke. You certainly demonstrated in 1834 the practicability of cutting grain or grass with horse power; and all the machines since introduced, seem to have copied your machine in all its essential features.

I am respectfully yours,
JOHN E. CANFIELD.

The next letter, we copy from the Genessee Farmer of December 6th, 1834. The reader will readily perceive that the author, Wm. C. Dwight, knew how to handle the pen as well as the plow, and equally well to work the reaper, being a practical farmer. But we are pained to add that he lost his life by the fatal railroad accident at Norwalk, Ct. about a year since.

From the Genessee Farmer, Dec. 6, 1834.

To the Editor of the Genessee Farmer:

I wrote you last May that Mr. *Hussey*, the inventor of a machine for harvesting wheat, had left in this village one of his machines for the purpose of giving our farmers an opportunity to test its value, and I promised to write you further about it when it had been put to use. For many reasons which will not interest either yourself or the public, the matter has been delayed till the first rainy day, after my fall work was out of the way, should give leisure to remember and fulfil my promise.

The machine has been fully tried, and I am gratified to be able to say, that it has fully succeeded; hundreds of farmers from the different towns of this and the adjoining counties, have witnessed its operations, and all have not only expressed their confidence in its success, but their gratification in the perfection of the work.

As every inquirer asks the same series of questions, I presume your readers will have a like course of thought, and wish for satisfaction in the same particulars. To give them this, I will write them in their order, and give the answers:

Does the machine make clean work?

It saves all the grain. To use the language of a gratified looker-on, an old and experienced farmer, "it cheats the hogs."*

Does the machine expedite the work?

What the machine is capable of accomplishing, we who have used it can hardly say, as we had no field in fit order, large enough for a fair trial thro' a whole day; and can only say what it has done. Five acres of heavy wheat, on the Genessee flats, were harvested in two hours and a quarter.

In what condition is the wheat left, and how is the work done where the wheat is lodged?

The machine leaves the wheat in gavels large enough for a sheaf, and where grain stands well enough to make fair work with the cradle, it leaves the straw in as good condition to bind as the gavels of a good reaper. Whether the grain stands or is lodged is of little consequence, except as to the appearance of the sheaf, and the necessity of saving more straw, when lodged, than is desirable. The condition of the sheaf when the grain is lodged depends much upon the adroitness of the raker.

What number of hands, and what strength of team is necessary to manage the machine advantageously?

Two men, one to drive the team and the other to rake off the wheat, and two horses, work the machine; but when the grain is heavy, or the land mellow, a change of horses is necessary, as the gait of the horses is too rapid to admit of heavy draft. The horses go at the rate of four to five miles an hour, and when the growth of straw is not heavy a fair trot of the team is not too much.

Is the machine liable to derangement and destruction from its own motion?

This is a question which cannot be so directly answered as the others. We have only used the machine to cut about fifty acres, and have had no trouble; judging from appearances so far, should say it was as little subject to this evil as any machinery whatever. The wear upon the cutting part being so little as to require not more than fifteen minutes sharpening in a day; there is no loss of time on this score.

Is the sheaf a good one to thresh?

The man who has fed the threshing machine with the grain of twenty acres cut by this machine, says the sheaves are much

*The hogs are the gleaners in this section of country.

better than those of cradled grain, and quite as good as those of a reaper.

There is one more advantage beyond ordinary inquiries, of consequence, where so much grain is raised as in this valley; be the grain ever so ripe, there is no waste of grain by any agitation of the straw, and all the waste which can take place must arise from the handling and shaking in binding.

I am yours, &c.

WM. C. DWIGHT.

Moscow, Livingston Co. N. Y., Nov. 14, 1834.

N. B. The machine we used was intended only for upland, but by some little alterations and additions we used it with equal facility on all kinds of soil; and it can be used on any farm so clean from stumps and stones as not to endanger the blocking the wheels.

The following letter is evidence for 1835, and also refers to the originality of the invention by O. Hussey.

PALMYRA, MO., Aug. 14, 1854.

Friend Hussey—Yours duly received. As to the machines sent by you (ordered some two years since) they both worked well.

Before you had invented your machine in 1831 or 1832, your attention was drawn to a mode of cutting grain, hemp, and grass, and you told me you thought you could invent such a machine to be drawn by horses; and after you had returned to Cincinnati from Laurenceburg, you wrote me a letter in '32 or at the furthest in '33 (for I left Indiana 2nd Oct. 1833) with a draft and description of a plan for cutting grain. The draft was thus (here follows a diagram of the cutting apparatus exactly as described by the patent) and the description was, that these knives were to work by the motion of the wheels, being a perfect description of the invented principle.

As soon as I saw the plan, I was satisfied of its success and wrote to you that there was no doubt of the success of your machine; that it was astonishing the world had so many thousand years been confined to the sickle when so obvious a mode of cutting grain and grass existed; and shortly after you obtained a patent for the machine.

On the 6th July, 1835, you brought to Palmyra two of your machines, and they were put in operation near this place—one in a meadow between here and Philadelphia, and one in the heavy grass in Marion City bottom.* The machines did cut well. I was the editor of the Missouri Courier, from the month of November, 1833, until 1838, and brought your machine before the public; it excited much attention, and its performance was highly satisfactory. The results of the trials were published in the paper by me in August or September, 1835. I knew of the capacity of the machine, and that it did so execute in the bottom three acres an hour. In this I cannot be mistaken, for I felt at the time the deepest interest in the success

* Both of these machines were sold to Wm. Muldrow, Agent, of Marion College, Marion county, Mo.

of the machine. Mr. McElroy is dead, where you boarded, and also Samuel Muldrow and James Muldrow. Still I will inquire if any persons can be found who were present.

I know the results, and recollect distinctly the reception the machines met with, and the prices, to wit: \$150 each. Muldrow bought another for \$500—which was a whirling wheel. You recollect it: it never run any. Yours, I know it was said then, would cut off brush large enough for a hoop-pole. Court is now in session, but as soon as I can ascertain the witnesses (at the exhibition) I will write you further. But my recollection is distinct, from the relations existing between us, my interest in machinery generally, and my position as editor of the only paper of this section of country.

As ever, your friend,
EDWIN G. PRATT.

In 1836, O. Hussey visited Maryland at the written solicitation of the Board of Trustees of THE MARYLAND AGRICULTURAL SOCIETY, for the Eastern Shore. The fame of his reaping exploits in the State of New York, and the far West, had reached the East; though with something like a "snail's pace." We had not then the Magnetic Telegraph, which with lightning speed enables the East to *talk* with the West; nor even the "iron horse," by whose speed and power, the reaper that cut a large crop of wheat in Maryland, could within the same week, cut another equally large in the valley of the Mississippi; but it then required some two to three *years* to prepare the public mind for the reception of the machine here; and owing to the limited means of the inventor, the transportation from place to place was often done by a single horse; accompanied by the inventor foot-sore and weary from walking hundreds of miles!

The annexed certificate was given, published, and widely circulated after a full trial of the machine, in cutting more than two hundred acres, and by large farmers and practical men, known throughout the State. Comment is unnecessary on such a paper; but we feel bound to state that it was mainly owing to the exertions of the liberal public spirited gentlemen, the last, though not the least of the signers, Gen. Tench Tilghman, that the Reaper was then introduced into this State. He was the early and steadfast friend of the Patentee, and to the cause of agricultural improvement in our State. Strange as it may appear to many at the present day, and notwithstanding these demonstrations in Ohio, Illinois, New York, Missouri and Maryland, which did not admit of cavil or doubt as to the entire efficiency and success of Hussey's reaper, scarcely a farmer could be found ready and willing to take hold of it, and aid the Inventor in introducing it into use. But farmers as a class are proverbially cautious, and disinclined to change from established customs and usages; it often requires "line upon line and precept upon precept," aided too, by almost a free gift of the article, to induce them even to give a new agricultural implement a fair trial,—a plough for instance, that will do better work, with a fourth

to a third less draught; the old and nearly worn out implement "does well enough." Gen. T. was, we believe, the first farmer in Maryland to use, and purchase a reaping machine; and by so doing, to aid the inventive genius and talent of his countrymen, and also at the same time greatly to benefit the interest of his brother farmers. It avails little to the inventor, or the public, how valuable his improvement may be,—for in nine cases out of ten the inventor is limited in means—if none can be found who are both able and willing to lend a helping hand to modest merit; for true genius is ever modest; and unfortunately the term is too often synonymous with penury and want.

Very few of the really valuable inventions inure to the benefit of the inventors,—even to a tithe of the profits that are occasionally realized. His necessities often compel him to a forced sale of his Patent right to some capitalist who has the tact to turn other men's wits to his own advantage; or the *Public*,—which simply means other capitalists of another description, who possess little or no inventive genius themselves, and just about as much principle as genius—seize upon the invention, and often in spite of law, justice, or right, reap the reward justly due to another.

This however, is a digression for which we beg the reader's pardon; but we could not let the occasion pass, without rendering this honest tribute to the public spirited farmer, who had the discernment to perceive its merits, and the liberality to aid its introduction, of one of the most valuable improvements of this, or any age.

REPORT of the Board of Trustees of "The Maryland Agricultural Society," for the Eastern Shore, on the Machine for Harvesting Small Grain, invented by Mr. Obed Hussey of Cincinnati, Ohio.
—*Trial for Harvest of 1836.*

The favorable accounts of the operation of this implement, in several of the Western States, induced the Board to invite Mr. Hussey to bring it to Maryland and submit it to their inspection. It was accordingly exhibited in Oxford, Talbot Co., on the first of July, in presence of the Board and a considerable number of other gentlemen. Its performance may justly be denominated perfect, as it cuts every spear of grain, collects it in bunches of the proper size for sheaves, and lays it straight and even for the binders. On the 12th July, a public exhibition was made at Easton, under the direction of the Board; several hundred persons, principally farmers, assembled to witness it, and expressed themselves as highly satisfied with the result. At the Trappe, where it was shown by the Inventor on the following Saturday, an equal degree of approbation was evinced. It was afterwards used on the farm of Mr. Tench Tilghman, where 180 acres of wheat, oats, and barley were cut with it. Three mules of medium size worked in it constantly with as much ease as in a drag harrow. They moved with equal facility in a walk or trot. A concise description of this simple

implement will show that it is admirably adapted to the important purpose for which it was invented. Resting on two wheels which are permanently attached to the machine and impart the motion to the whole, the main body of the machine is drawn by the horses along the outer edge of the standing grain. As the horses travel on the outside of the grain, it is neither knocked down or tangled in the slightest degree. Behind the wheels is a platform, (supported by a roller or wheel,) which projects beyond the side of the machine five feet into the grain. On the front of the edge projecting part of the platform is the cutter. This is composed of twenty-one teeth resembling large lancet blades, which are placed side by side and firmly rivetted to a rod of iron. A lateral motion is imparted to it by a crank, causing it to vibrate between two rows of iron spikes, which point forward. As the machine advances the grain is cut and falls backwards on the platform where it collects in a pile. A man is placed on the part of the platform directly behind the horses, and with a rake of peculiar construction, pushes off the grain in separate bunches, each bunch making a sheaf. It may appear to some that the grain will accumulate too rapidly for this man to perform his duty. But upon considering the difference between the space occupied by the grain when standing and when lying in a pile after it is cut, it will be evident that the raker has ample time to push off the bunches even in the thickest grain. In thin grain he has to wait until sufficient has collected to form a sheaf.

The machine is driven around the grain, which may be sown either on a smooth surface or on corn ridges. For the first round a way may be cleared with a cradle; but this is deemed unnecessary, for the grain when driven over, is left in an inclined position, and by cutting in the opposite direction as much of it is saved as with a cradle. Fourteen acres in corn lands were cut between 10 A. M., and 7½ P. M. The hands had never worked with the machine before, nor was it a trial day's work. For owing to the shortness of the straw, the machine was not allowed to cut when passing over the ridges from one side of the ground to the other, and this time was consequently lost. From the principle on which the cutting is performed, a keen edge to the cutter is by no means essential. The toughest weeds, an occasional corn stalk or a stick of the thickness of a man's little finger, have been frequently cut without at all affecting its operation; it can be sharpened, however, in a few minutes with a file. The width of the swath may be increased by having the cutter made longer, and the same machine will cut a stubble of several different heights.

There is ample room to make the different parts of any size, though the strength of every part has been fully tested. The machine has been often choked by oyster-shells getting into the cutter, in attempting to cut too low a stubble. The motion of the machinery being checked, the main wheels slide on the ground; the strain on every part being equal to the power exerted by the horses. It can be managed by any intelligent careful negro. We deem it a simple, strong, and effective machine, and take much pleasure in awarding

unanimously the meritorious inventor of it a handsome pair of silver cups.

ROBT. H. GOLDSBOROUGH,
SAMUEL STEVENS,
SAML. T. KENNARD,
ROBT. BANNING,
SAML. HAMBLETON, Sr.
NICHL. GOLDSBOROUGH,
ED. N. HAMBLETON,
JAMES LI. CHAMBERLAIN,
MARTIN GOLDSBOROUGH,
HORATIO L. EDMONDSON,
TENCH TILGHMAN.

The following three letters not only embrace the year 1837, but are equally good evidence from that period to the present, 1854. As they are short, and to the point, we use them all. The very appropriate and just remarks of Col. Hughes as regards the rights, and what is due to inventive talent, we most cordially respond to; as must every right minded and disinterested reader. He refers to Col. Edw. Lloyd of "Wye House" as the largest wheat grower in Maryland; we much doubt if he is not the largest in the Union. Several years since, he informed us that his average crop of wheat was from 33 to 35 thousand bushels; and a year or two ago we learned that the crop exceeded forty thousand bushels. He now, and for many years past has used Hussey's Reaper exclusively. More satisfactory and conclusive evidence cannot be given, or desired, than is afforded in these three letters, of the early use, and long proved efficiency of the invention.

HORNEWOOD, E. Shore, Md., Aug. 22, '54.

DEAR SIR:—In reply to your enquiry whether I recollect the time, and the success of your reaping machine at my father's in 1837. I answer that I do perfectly; and also seeing it in operation in company with my friend Mr. J. H. Lockett, of Balto., at Col. H. L. Edmondson's of Talbot Co. the same season.

My father expressed himself highly satisfied with the performance of the reaper, as did other gentlemen who saw it in operation at Cheston. So well convinced was my father of the value of the machine, that he offered you a considerable advance per acre on your charge for cutting, to remain and reap his two fields, say 125 to 130 acres, which you declined, owing to prior engagements. At an early date after this trial, my father secured one of your reapers, and the farm has since never been without.

My brother Dr. DeCourcy has now one which did its work most excellently well this past harvest, and without any stoppage. With some trivial repairs, it has been in successful use nearly ten years.

Wishing you every possible success with your reaper, for which the agricultural community owe you a heavy debt,

I am respectfully, yours,

N. H. ROZIER DECOURCY.

BALTIMORE, October 17th, 1854.

To Obed Hussey, Esq.

Sir—In the harvest of 1837 I saw one of your Reapers in operation in my neighborhood [West River, Anne Arundel Co., Md.] in charge of the Hon. John C. Weems, who I believe was the owner of it; and was so much pleased with its performance, that I ordered one from you in the following year, 1838, which you set in motion for me. It worked most admirably, and fully met my expectations; *as it has done from that early period to the present day.*

In a loose way, I estimated that in the saving of labour, and grain from shattering, it nearly or quite paid for itself the first harvest. Since then the machine has been much improved.

Up to the time I purchased, very few had been used in this State. The first, as I have always understood, was bought by that intelligent and enterprising farmer, Gen. Tench Tilghman, of Oxford, Talbot County. In 1838, Col. Edward Lloyd, of "Wye," Talbot Co., the largest wheat grower in Maryland, and myself, as above mentioned, availed ourselves of your invention; but I did not hear of any other orders for it in this State. It came, like most other agricultural implements, slowly into use; and I fear has not fairly compensated you for the labor and ingenuity bestowed upon it. This, however, is too often the fate of discoverers and inventors; and others reap the fruits of their toil and genius. I have long thought that governments were unjust to inventors; and could never understand why a man has not the same right of property to a machine conceived in his head, and constructed by his hands, as to that acquired in any other manner. The same that a farmer has to the lands he owns.

Very respectfully, y'r ob't serv't,
GEO. W. HUGHES.

OXFORD, Md., Sept. 22d, 1854.

Mr. Obed Hussey:

Dear Sir:—I recently received from the Commissioner of Patents the Report on Mechanics for 1853, and have examined with much interest the descriptions of what claim to be improvements in the Reaping Machine.

I was rather surprised to find that so many of them were almost identical with the notions which were tried and rejected during the season you spent with me nearly twenty years ago; when for the first time, (I believe,) a reaper was used throughout our entire harvest, on a farm as large as six hundred acres.

You had just then arrived from Cincinnati with two machines—one a reaper, and the other a reaper and mower.

They were exhibited publicly at Oxford and Easton, and their operation on wheat gave entire satisfaction. The work throughout the harvest was equally well done; the only objection being the delay caused by repairing the machinery, a difficulty common to all new machines of much power at that period.

Since then, I have used one or more reapers every year, and have

watched with much interest the progress of their improvement. I have examined most of those which have the best reputation, and do not believe there is a single one in which the cutting principle has not been copied from yours.

In attempting to avoid an infringement of your patent, variations have been made either in the cutting apparatus, or the driving machinery, by which they have been made more complicated and less efficient. Burrall's, which approaches nearest to yours in simplicity and efficiency, is so close a copy, that I do not see how the courts could refuse an injunction to prohibit the use of it. The only material difference is the attempt at a side delivery which was tried by you on your first machine, and proved an entire failure.

Believing sincerely that the farmers of the U. S. owe you a debt of gratitude, which a regard for themselves should prompt them to pay, and understanding that attempts have been made to question even the priority of your invention, I send you a volume of the *Genessee Farmer* published in 1834, which will show the opinion entertained at that time by the farmers of that celebrated wheat growing region, both as to the efficiency and priority of your reaper.

Your ob't serv't,
TENCH TILGHMAN.

As we have already much exceeded the intended limits of the narrative, we might, perhaps, with propriety, here rest the Enquiry, having as we think satisfactorily shown, and by evidence that cannot be disproved; first, that for a period of 9 or 10 years after the alleged invention of the reaper by C. H. McCormick in '31, he did not sell a single machine; nor could he establish by all the evidence adduced before the Board of Extensions, in 1848, that prior to 1840 or 1841, was his reaper in any degree an effective or practical machine; for as he himself states in the letter to Philip Pusey, Esq., M. P., it was not until very material alterations—all essential it may be said—were made, some 6 or 8 years after the date of the patent, could the machine be made to work even tolerably well. Indeed, he states, "I may say they were not of much practical value, until the improvements of my second patent in 1845," being eleven years after the date of the patent, and fourteen years after the alleged invention in 1831.

On the other hand we have shown by as good and respectable testimony as can be had in any cause, that from 1833 to 1854, a period of twenty-one years, Hussey's invention was most efficient and satisfactory, *every year*; not by cutting a patch of the fraction of an acre, but by reaping hundreds, nay thousands of acres annually, by the few machines placed in the hands of the farmers from '33 to '40.

As however, we have given no direct evidence from Delaware, or Virginia, none from North Carolina, and but one from New York, we annex a few short testimonials from each, that embrace the period from 1838 to 1845; and with a few more of the same respectable character up to 1853, both in this country and in England, we will leave the decision of the question to the intelligent reader.—We will how-

ever, call the reader's attention to the concluding paragraph of Maj. J. Jones' letter, from Delaware—one of the smallest States, but containing as large a proportion of noble minded, talented men, and as good practical farmers, as any in the Union.*

It will be perceived that a Reaper sold in 1838 to the St. George's, and Appoquinomick Ag. Society, had, after subsequently coming into the possession of Col. Vandergrift, and prior to 1845, "cut about *seven hundred acres* of his grain," and "was then in good repair"! We wish it was in our power to state, how many times seven hundred acres, this single machine had reaped since 1838.

WHEATLAND, Del. July 21, 1845.

Mr. Hussey--Dear Sir: I have just finished cutting my oats; I finished cutting my wheat on the 28th of June, having cut over 160 acres, excepting what was cut by a cradle in opening tracks for the horses and rounding the corners so that the machine might sweep round without loss of time in turning, which it did with ease and certainty, cutting more than 20 acres a day on an average. A part of the wheat was so heavy as to require three active shockers to keep up with the cutting; the whole cost of all necessary repairs $31\frac{1}{4}$ cents for the harvest.

Of the two machines which I purchased of you, I used the large one, having sold the small one to Richard Millwood, who rents the farm of Dr. Noble. Strange as it may appear, I could find no *landholder* in the vicinity who had enterprise enough to risk the purchase of that machine until they could see it work; but after the performance was once witnessed, the impression it made was such as to justify me in ordering you to have ten ready by next harvest for New Castle County, Del. Mr. Millwood's wheat was very heavy, one measured acre having 60 dozen sheaves upon it, and the whole cutting time on the 40 acre field was but two days, making for the small machine a full average of 20 acres per day, without any repairing or accident. None of the hands who worked it had ever seen such a machine before those you sent to me. My crop has not all passed through the half bushel yet, but it will fall but little short of 3000 bushels—I expect it will all be in market to-morrow.

In conversation with Col. Vandergrift, the present owner of the Reaper you sold to the St. George and Appoquinomick Agricultural Society, in 1838, he told me that he had cut about 700 acres of wheat and oats with it since he owned it, and up to that time the cost of repairs had been \$1.25 for every hundred acres cut. It was then in good repair.

Yours,

JOHN JONES.

*It is reported of one of her sons, that during the struggle for Independence, when a Delegate to the Convention from one of the largest and most powerful Colonies was ready to quail and almost despair of success in the unequal contest, he was encouraged and cheered on by a member from little Delaware; and told, that when he found his Colony likely to be overrun by the enemy, to call on Delaware for aid—she would lend a helping hand,

JEFFERSON COUNTY, Va., Aug. 9th, 1845.

To Mr. Obed Hussey—Dear Sir: We the undersigned having used your Reaping machine during the recent harvest in cutting our respective crops, take great pleasure in tendering to you this voluntary testimonial of the very high estimation in which we hold your invention. We have now tried your machines fully and fairly, and we are unanimous in the conclusion that in every case they have borne the test in a manner which has excited our highest admiration of their merits. We were particularly pleased with their work in lodged grain; they cut and gather every straw with the utmost ease, and the only fault at all that we have had to find with them was that they did not cut wet grain with facility; this single defect however, we are pleased to perceive you have completely remedied with the late improvement (with open guards to the knives, &c.) which the most of us saw at work in Mr. Wm. Butler's field cut wet grain and green oats as well as could possibly be desired—it will also cut timothy and clover—so that now we have no hesitation in recommending your Reaper, as we hereby most cordially do, to our brother farmers, as the most complete and efficient in agricultural operations, and as one which, whilst from its simple and substantial construction, is not liable to be broken or to get out of order, will at the same time save its owner the first year more than its original cost.

WM. BUTLER,

J. H. TAYLOR,

W. SHORTT,

JOSEPH M'MURRAN,

DANIEL G. HENKLE,

DAVID L. HENSELL,

W. G. BUTLER,

JAS. S. MARKELL,

V. M. BUTLER,

ANDREW M'INTIRE,

ADAM SMELL,

GEORGE TABB,

JOHN MARSHALL.

WASHINGTON COUNTY, Aug. 7th, 1845.

I hereby certify, that I have used Mr. Obed Hussey's Wheat Cutter through the late harvest, and that it answered my fullest expectations, in every respect, except that it will not cut when the wheat is *damp* from rain or the dews of the morning. I cut 140 acres of wheat with it in nine days; and on one occasion, cut off 30 acres in 18 hours, from daylight in the morning until 11 o'clock the next day, and with the same 4 horses, never having changed them during that time.

JOHN R. DALL.

OAKLANDS, (near Geneva,) N. Y. }
26th August, 1845. }

Mr. Obed Hussey, Baltimore—

Dear Sir: Having housed all the grain crops of this farm, it is due to you that I should now frankly admit the removal of all my doubts in regard to the effectiveness and excellence of your "Reaping Machine." The doubts expressed in my early correspondence with you arose from the many abortive attempts in this country and in England to

produce a Reaping Machine, possessing power and simplicity and durability; most of them were complicated, and proved too fragile.

Soon after the arrival of your Machine, I tried its power and became readily familiar with the manner of using it; the result of my experience will appear from the following facts:

The Wheat Crop of this farm covered 104 acres, producing 2,540 shocks, 30,480 sheaves, as counted on the ground, and again when housed in the Grain barn and sheds.

The whole crop was cut by your Reaping Machine, in eight days, using one team, a boy to drive, and a man to manage the machine.

The average quantity cut per day was 13 acres.

The largest quantity cut on any one day, was 17 acres.

The longest period for working the machine on any one day was nine hours.

Seven men were stationed on the field to bind the sheaves.

The cost of *cutting* the wheat with your machine is *twenty-five cents* per acre.

The total cost for cutting, raking, binding and shocking, is *seventy-eight cents*, and a fraction per acre.

The cost may be stated as follows, viz:

A man and team for 8 days at \$1.50 per day,	\$12
A boy to drive for 8 days at 50 cts. per day,	4
Interest on cost of Machine and for wear and tear, say at 10 per cent.	10
	\$26

Which is equal to 25 cents per acre on 104 acres. The seven men employed to rake and bind, received each \$1 per day for eight days, say \$56—which sum added to the cost for cutting or reaping, gives a total cost of \$82—or 78 88-100 cents per acre.

I have compared this cost, with the cost paid by my neighboring farmers this season, and find it vastly in favor of your machine. The individual in this town who harvested with the most economy, paid \$1 13-100 per acre—other farmers have paid from \$1 25-100 to \$2 per acre.

Since the wheat harvest, the machine has cut with signal advantage about twenty acres of oats.

The wheat and oats were cut with such neatness and precision that the gleanings were not sufficient to pay the labor of raking.

The machine remains in perfect order; and did not fail to perform all you promised.

I deem it one of the best labor-saving machines ever offered for the advantage of the farmer; its effectiveness, simple and durable construction, have been witnessed with satisfaction by a large number of my neighbor farmers.

Respectfully yours,

J. DELAFIELD.

The machine alluded to in the above letter is the low priced one at \$100.

For 1846, '47 and '48, we copy from the Richmond Planter and

American Farmer;—and all from North Carolina, though the evidence from other sections is much more extended, and equally as conclusive:

SOMERSET PLACE, WASHINGTON CO.)
N. CAROLINA, 25th Aug. 1847. }

To the Editor of the American Farmer:

Dear Sir:—Yours of the 6th ult. arrived at my residence during my absence, in consequence of which I was unable to return you an answer in time for your August No. of the "American Farmer,"—I trust, however, the delay will not materially affect the value of my communication. In consequence of the recommendation of a gentleman who had used "Hussey's Reaper" in the harvest of 1846 with much satisfaction, I was induced to make a trial of one the present season. It was put in operation under the direction and supervision of Mr. Hussey himself, upon a field of reclaimed low ground, originally Cypress Swamp, which of course could only be cultivated in beds—these beds were six feet wide, including the water-furrow between, and were intersected at intervals of about fifty yards by drains, known to us as *tap-ditches*, which cross the water furrows at right angles, and are cut from two to four inches deeper than the furrows themselves. I am particular in describing the land, as I had always supposed that an insuperable obstacle in the way of the regular action of any machine would be found in the irregularity of surface into which our land is necessarily thrown by our system of culture. The machine surmounted every anticipated difficulty, and was eminently successful, both in cutting lengthwise with the beds and across them. The wheat was cut in a most thorough manner; nothing escaped the cutting surfaces, nor did weeds or any other obstruction of the kind hinder the machine from doing its work perfectly. During the running of the machine one day in the harvest, 17 acres of wheat were cut by it*—this was done by using relays of horses, four at each time, the same hands being employed however, and the working time was twelve hours.—After a heavy rain we were obliged to abandon the use of the machine, owing to the fact that the ground became so soft that the "road wheel" as it is termed, buried in the soil, and would become clogged with mud. This difficulty can, I have no doubt, be easily overcome by increasing the "tread" of this wheel, and making some slight alteration in the cog-wheel which gears into it.

Some two years since I saw an experiment made upon an adjoining estate with McCormick's machine—it cut occasionally well where the wheat was free from weeds, but any obstruction from that source would immediately choke it, when of course the wheat would be over-run without being cut—the experiment proved a failure, and the

*When Mr. Hussey was with me I informed him that the piece of wheat cut by the machine on this occasion equalled 20 acres, but I have since discovered that I had been mistaken in my calculation of the acre.

machine was laid aside. The blade in this machine appears to me to be too delicate in its cutting surface, to succeed, except under the most favorable circumstances. Quite a number of McCormick's have been in use in this part of the country, during the last 2 years, and to my inquiries concerning them, I have received but one answer and that an unfavorable one. The few of Hussey's machines, on the contrary, that have been employed within my ken, have in each instance given entire satisfaction—I do not hesitate to say that when well managed, with a skilful hand at the rake, in dry wheat, I do not recommend it when the straw is wet,) it will, as compared with ordinary cutting, save per acre the *entire expense of reaping*, from the thorough manner in which every stalk is cut, thus preventing loss or waste.

Believing as I do, that a great desideratum to those who grow wheat upon a large scale, is to be found in Mr. Hussey's Reaper, I cannot but wish that both he and they may *reap* the benefit of its general adoption.

I am sir, very respectfully your ob't serv't,
 JOSIAH COLLINS.

EDENTON, N. C., January 25th, 1848.

To the Editor of the American Farmer:

Dear Sir:—Some months ago I received a letter from you, making enquiries of me, relative to Hussey's Reaping Machine. When your letter reached me, I was on the eve of leaving home for the summer, and since my return home, my engagements have been of such a character as to cause me until the present to neglect replying to it.

I have used one of Hussey's machines one season, and though under circumstances not very favorable for the machine, I take pleasure in stating that its operation was satisfactory. During my harvest, which was about three weeks' duration, this machine was kept constantly at work, with the exception of a day and a half, yet I did not ascertain how many acres it would reap. Mr. Collins, of Lake Scuppernong, also used one last season, and from him I learned that he cut upwards of 20 acres a day.

There is certainly much less wheat left in the field by one of these machines, than is by the ordinary method of reaping by the scythe or reap hook; it cuts close, lays the straw smoothly, thus rendering tying of it in sheaves much easier.

I have witnessed McCormick's, which I consider a poor affair, and meriting no consideration except a dissent from me. Many of this last kind of reaper found their way here a few years ago; they now, or rather their remains, may be seen lying in the field whence they will never be removed.

THOS. D. WARREN.

[From the Richmond Planter.]

HUSSEY'S AND M'CORMICK'S REAPERS.

It is very painful to be compelled to inflict a private injury in the discharge of a public duty; upon a particular system of cultivation we can talk and write without restraint; but when we are called on to discuss the merits of an invention, upon which the fortunes of the originator may absolutely depend, it is a much more responsible and delicate office. We are aware, too, that in introducing a subject of the kind, we are opening the floodgates of a controversy that is often hard to close; we have had the strongest evidence of that fact in the controversy that once occurred in this paper between Messrs. M'Cormick and Hussey, and yet it is to the relative merits of the reaping machines of these two gentlemen, that we are compelled again to draw the public attention. Probably not less than fifteen thousand dollars has been spent in Virginia this summer for reaping machines, and it becomes a subject of great importance to the wheat growing community at least, to ascertain how such a sum is annually to be dispensed to the greatest advantage. We shall express no *opinion* ourself in the discussion which must necessarily follow the introduction of this subject, and we would greatly prefer that neither of the gentlemen more particularly interested in the subject would appear in our columns. We will publish statements of facts for either, provided they are made over responsible names, and are short and permanent. As one of these facts we feel bound to state, that we acted this year as the agent for M'Cormick's machine, and we have heard great complaint of the manner in which it was gotten up; but it is but fair also to state, that we believe Mr. M'Cormick himself has been superintending the manufacture of his machine in the State of N. York, and that probably his work has not been as well done as it would have been could he have seen to it in person. The following communication is altogether in favor of Hussey's machine:

"I have had in operation on my plantation this year both Hussey's and M'Cormick's reapers.—Now, as you have asked me to furnish the "Planter" with the result of my own experience and opinion as to the comparative merit of the two machines, it is now at your service. I have had them both in operation (as the weather would permit,) for the last fortnight, and have cut with the two rather upwards of two hundred acres of wheat. Both machines have been, I think very fairly tested in all qualities of grain, from wheat five feet and more in height, both standing up, and lodged and tangled, and averaging, as is supposed, from thirty and forty bushels, down to light thin wheat, not averaging more than four bushels, (being some galled hills,) and I am *candidly* and *decidedly* of opinion that Hussey's machine is *vastly superior*. I deem it superior, not only in the execution of its work, but in the durability of the machine. So well pleased am I with its performance, that I have ordered another machine of Hussey's for my next

harvest, and also one, and probably two, for my father's plantation. I consider this machine invaluable to the grower of wheat, and would recommend every farmer who grows even fifty acres of wheat, to purchase one. He may rest assured that he will be pleased with his purchase. I shall probably be in Richmond shortly.

Yours, very respectfully,

T. POLLOCK BURGUYN.

Oconichce Wigwam, near Halifax, N. C. June 20, 1846.

For 1849 and 1850 we will return and see how the Invention progresses on the broad Prairies and fertile lands of the West, where it first operated—in 1833 and 1834;—and where too, although the most luxuriant crops are *grown* with comparatively but little labor, it would in many cases be next to impossible to *save them*, without the aid of this invaluable invention.

These certificates embrace the mowing of large crops of grass as well as grain, and in addition, the cutting of more than three hundred acres of *hemp* in the harvest of 1849 and 1850, by “the same single machine.”

Hussey's complete success in cutting grass and hemp, was no new thing ten years ago; but we suppose, like the grain cutting, in the view of Philip Pusey, Esq., M. P., “Its *perfection* depended on its being *new* only in England,” full eighteen years after it was effected in America.

BLACKBERRY, Kane county, Ill., Aug. 28, '49.

This may certify that I have had one of Mr. Hussey's Mowing and Reaping Machines on my farm this year cutting Wheat, Oats, and Grass for a short time. I think nothing can beat it cutting Timothy Grass, and I intend to purchase one for that purpose. While the machine was cutting Prairie Grass in my field, I cut off a dry poplar stake, one inch in diameter, which had been sticking in the ground after it had been laid off for a ditch. I am of the opinion that it will cut wheat well, where it is so much lodged, or so foul with stiff weeds or corn stalks, that it cannot be cut with any other machine I have seen in this country. Some of my neighbors say that they intend to have Mr. Hussey's Reaper in preference to any other; and from what I can learn, this opinion is pretty general in my neighborhood, amongst those who have seen this machine work, and are acquainted with other machines. My brother farmers have had great trouble with McCormick's machine, by the breaking of sickles, and the great difficulty or rather the impossibility of getting them repaired, or getting new ones made when broken, whereas the blades of Mr. Hussey's machine can be made by any common blacksmith. I have no doubt but Mr. Hussey's machine will come into general use.

D. W. ANNIS.

Franklin Precinct, DeKalb Co., Aug. 13, '49.

This may certify that we have seen Mr. O. Hussey's machine cut about an acre of wheat, so badly lodged that McCormick's Reaper could do nothing with it, nor could it be cradled. Said Hussey's machine cut it handsomely, and laid it in very good bundles for binding.

JOHN SCHOOMAKER,
ALBERT FIELD,
JOHN M. SCHOOMAKER,

DANIEL MILLER,
ALBERT FIELD, JR.,
ISAAC CRILL,

JOHN MILLER.

Berkshire, Kane county, Ill. Aug. 6, 1849.

We, the undersigned, having seen Mr. Hussey's Reaper work at cutting grass and grain, think it preferable to McCormick's or any other machine that we have seen. It cut wheat that could not be cut with McCormick's Reaper or a cradle. We are well acquainted with McCormick's Machine

P. A. HINBY,
JOHN GRIGGS, JR.,
JOHN GRIGGS,
HARRY POTTER,
JOHN SHIRWOOD,
SETH SHIRWOOD,

DAVID SHANKS,
ABRAHAM SHIRWOOD,
JAMES HESS,
ALSON BANKER,
D. C. WRIGHT,
ELISHA WRIGHT.

Oswego, Ill., Aug. 2, 1849.

This may certify that I cut a lot of Black Sea Wheat with Mr. O. Hussey's Reaper; the wheat was so badly lodged that no McCormick Reaper or Cradle could cut it; Mr. Hussey's Reaper cut it clean and laid the bundles out of the track in good order for binding. I have seen the work done by this machine in grass: it was as good work as ever I saw done by a scythe, or better. For my choice I should rather have my grass cut by the Reaper than by the scythe. Every farmer ought to have such a machine, and every farmer I hear talk about it says the same.

PHILIP YOUNG.

Sugar Grove, August 8, 1849.

This may certify that we have seen Mr. O. Hussey's machine operate in clean grain, and where weeds were very tall, large and thick. In the former, it operated as well as any machine we have seen; in the latter, it worked to a charm, even where it was impracticable to cut with one of McCormick's Reapers.

HARRY WHITE,
L. B. SNOW,
CHAUNCY SNOW,
SULLIVAN DORR,

HIRAM TUBS,
DWIGHT SPENCER,
SAMUEL WARD,
A. LOGAN.

SPRINGFIELD, (Ill.) Dec. 25, 1850.

Mr. Obed Hussey, Baltimore, Md.:

Dear Sir—I have used one of your Mowing and Reaping Machines, and consider it the best machine I ever saw, and never intend to do without one, if it is possible to get one, even if I have to go to Baltimore and remain at the shop till one can be made. I do candidly believe if I had had one ten years ago, I would now feel like a much younger man; and cheerfully recommend them to all who have grass or grain to cut, as a machine that will do their work in perfect order, neatness, and with ease to all employed.

JOHN SIMMS,
4 miles west of Springfield, Ill.

UTICA, Lasal Co. Ill. Dec. 14, 1850.

Obed Hussey, Esq—Dear Sir:—I received your Reaping and Mowing Machine in time for harvest, and used it for harvesting and for mowing. I am fully satisfied that your machines are the best yet offered to the farmers of this State. I have mowed about four hundred acres, a great portion of which was wild prairie, very frequently running against stones and ant heaps with sufficient force to throw both driver and raker off the machine, without injury to the machine. Why your machine is preferable to any other, is—after you have cut your different kinds of grain, fully as well as can be done with any other machine, with not over fifteen minutes' work, you can take the same machine into your meadow or on to the prairie, and cut your grass at the rate of ten acres per day, cutting closer and cleaner than can be done with a scythe.—With proper care, your machines will last fifteen or twenty years, with trifling repairs.

Respectfully yours,
JAMES CLARK.

Island Grove, Sangamon Co. Ill. Dec. 25, 1850.

Mr. Obed Hussey, Baltimore, Md.—Dear Sir—Last summer I received two of Hussey's Mowing and Reaping Machines; one from your own shop in Baltimore, and the other manufactured in this State, Unfortunately for me, I retained the one manufactured in this State, and with some difficulty succeeded in cutting about two hundred acres of wheat and grass. The one from your shop I let Mr. John Simms have, who cut his wheat, oats and hay, (about seventy-five acres), with perfect satisfaction and ease, most of it with two horses, and without being obliged to grind the knives. After Mr. Simms finished his harvest he let Mr. James D. Smith, of Island Grove, have it, who cut about three hundred acres of grass with it, the machine giving perfect satisfaction.

Very respectfully yours,
EDWARD J. ENO.

CARROLTON, GREEN CO., ILL., Dec. 27, 1850.

I procured one of Mr. Hussey's Reaping and Mowing Machines from Baltimore last spring; I cut eighty acres of wheat, and ten acres

of oats, and fifty acres of timothy with it, to my entire satisfaction—after which I cut sixty acres of cloverseed with it in less than five days. I could not have saved the cloverseed without the machine, so I consider I saved the whole cost of the machine in the saving of the cloverseed alone.

SAMUEL THOMAS.

—
SPRINGFIELD, ILL., Dec. 25, 1850.

Mr. Obed Hussey, Baltimore, Md.

Dear Sir:—During the harvest of August, 1849, with one of your machines I cut sixty acres of Hemp, using a set of $4\frac{1}{2}$ feet knives and guards, and two teams of four horses each, changing every two rounds, which cut on an average eight acres per day. This last harvest, the same single machine, with 6 foot guides and knives,* operated by the same force, cut successfully 250 acres of hemp, or from 10 to 12 acres per day. From this experience, I take pleasure in recommending your Cutters above the hemp cradle and hook, not only as labor-saving, by the expedition with which they cut, but as hemp saving, from the perfect thoroughness, evenness and nearness to the ground with which they do their work, and the regular and collected form in which they leave the hemp after being cut.

Yours respectfully,

EDWARD S. COX.

—
CARROLTON, LEBANON CO. ILL. Sept. 1850.

Mr. O. Hussey:—The four Reaping and Mowing Machines you sent, arrived safe and in good order. Their performance far exceeded our expectations, the work went on so smoothly that we scarcely knew it was hay time and harvest. * * * If your machine had been as well known as they are now, you could have sold twenty as well as one.

Yours,

JONAS WARD.

—
The few letters which follow, taken from the American Farmer, and referring to a still later period, are selected for their brevity, from many others, and principally from Maryland and Ohio. It is considered unnecessary to extend the list, for the operation and character of the machine is too well and too widely known at this day to render it necessary to the intelligent farmer and general reader, in any grain growing section of the country.†

*The cutters were lengthened by removing a board that previously reduced the cutting space to $4\frac{1}{2}$ feet in length.

†With the view of determining as far as possible, which was the best Reaping and Mowing Machines for the farmer to purchase, the Maryland State Agricultural Society in 1852 offered a prize of one hundred dollars,—the largest yet offered in the country—for the best machine, to be tested by a committee appointed by the Society; a large committee of men of the first standing in the State, and all large wheat growers, was appointed, and extended notice published of the trial to take place at "Wye" the seat of Col. Edward Lloyd, Eastern Shore, Md., in July.

Every effort was made by the Society and Committee to give a fair and satisfac-

HAREWOOD, 12mo, 8, 1852.

Having used one of O. Hussey's reaping and Mowing Machines during the last harvest (1852) I can state that in cutting Wheat, Oats and Cloverseed—also in mowing my crop of grass, it has fully answered my expectations, doing the work better than I ever had it done by the scythe, and at much less expense. The machine has been tested by cutting some fifty to sixty acres of grass—quite sufficient to prove its complete adaptation to mowing as well as reaping.

EDWARD STABLER.

WYE HOUSE, Dec. 20, 1852.

Dear Sir:—Having worked your Reaper for many years, I have fully tested its merits. It has proved itself to be, not only a wheat saving implement, but a labor and time saving one—these are all important to the farmer.

It does its work completely, regardless of the position of the wheat, if in condition to bind.

Those you sent me in the spring worked well through the harvest, and proved their strength.

Yours respectfully,
EDW'D LLOYD.

OXFORD, Md., Dec. 8, 1852.

Mr. Obed Hussey—Sir: I have used your Reaper with such entire satisfaction, that I am but performing a duty to my brother farmers by recommending it in the strongest terms.

For sixteen years I have used a Reaping Machine, and know from experience that the most important qualities are *strength* and *simplicity*. In these respects your machine is superior to any other, and is the only one I have seen which can be safely entrusted to the management of ordinary overseers, with negro laborers.

Yours, &c.,
TENCH TILGHMAN.

HAYES, Montgomery Co., Md., Dec., 7, 1852.

I purchased in the year 1851 one of Mr. Obed Hussey's Reaping Machines—I used it that year and this year in cutting my grain; I was pleased with the machine; I consider it a valuable implement, and hope never to be without one while I continue to be a farmer. My machine was used in cutting wheat and oats—it was not designed for grass; I employed it about half the day, and reaped about ten acres of land in grain—the rest of the day was devoted to the securing of the grain; I used four horses. My machine, I believe, was of the smallest

tory trial; as the extent of crops in that fine wheat growing region, and extensive level face of the country, are unsurpassed anywhere for such an exhibition.

But two machines were entered for competition, McKeever's and Hussey's. The prize was awarded unanimously to Hussey. Why no others could be induced to attend, was a matter of surprise at the time, and so remains with many.

size, and was without front wheels; with wheels it would have been a relief to the horses.

I cannot speak of the relative value of this machine compared with others, having never seen any Reaping Machines but Hussey's at work. I do not think I could be induced to return to the old mode of cutting grain by the scythe and cradle.

Respectfully yours, &c.,
ROBERT P. DUNLOP.

FOREST HILL, King and Queen Co., Va., }
Dec. 24, 1852. }

Mr. O. Hussey—Sir: It gives me pleasure to state that I used your Reaping Machine in my late harvest with great satisfaction. It fully equals my expectation as a labor-saving implement, and does the work better than can be done by the cradle. I would farther state, that the seven which were purchased along with mine for my relations and friends of this county, have given in every instance, entire satisfaction.

Very respectfully,
WM. D. GRESHAM.

To the Editor of the American Farmer—

Dear Sir:—Having had a fair opportunity of observing the performance of Mr. Hussey's celebrated "Reaper" on my farm last season, under circumstances peculiarly calculated to test its efficiency, I think it not inappropriate to bear my testimony in its favor.

I finished cutting my grain more than a week ago. The grain was not only blown as flat as possible, but was tangled and twisted together, and lying in every direction; so much so that it would have been impossible to cut a large portion of it with the cradle. No one who saw the field believed the machine could possibly succeed.

I take great pleasure in stating that its success was perfect and entire. It cut and gathered the grain in the very worst spots almost as well as that which was standing; and I was thus enabled to mow my crop in about one-half the time the *old fashioned* method would have required, thereby effecting a large pecuniary gain. It cuts the grass as evenly and as close as the most expert mower. I need scarcely say that I am perfectly satisfied with it. I subscribe myself yours, &c.

AQUILLA TALBOT.

ALEXANDRIA, Va., 12mo, 11, 1852.

It gives me much pleasure to state that I have had in use on my farm in Montgomery County, Md., for the past two seasons, one of "Hussey's Reapers," and its operation has given me *entire satisfaction in every respect*. It appears to combine the three qualities so important to the farmer, efficiency, durability and economy. I can, with great sincerity, recommend its general adoption.

BENJAMIN HALLOWELL.

To Obed Hussey—Dear Sir:—Having used one of your Reapers upon land, a great deal of which was hilly, stony and rough; I take pleasure in saying that it has given entire satisfaction, and proved to be a very durable, well built, and great labor saving machine.

Respectfully,

A. B. DAVIS.

Greenwood, Mont. Co., Md. Dec. 20, 1852.

PICKAWAY County, O., July 1st, 1851.

I made an experiment this season in my field, of testing the McCormick and Hussey Reapers. I tried each fairly, and under similar circumstances. I am satisfied that Hussey's is decidedly the best Reaper, both as to cutting grain and durability.—The objections made to Hussey's Reaper by agents and manufacturers of other machines, I do not find, upon trial, to *exist in any one particular*.

WM. STAGE.

We, the undersigned present at the trial, concur in Mr. Stage's statement:—Z. Pritchett, John Reber, Philip Stuart, Isaac Stage, John Hogeland, Michael Eyer.

SALEM Tp. Champaign Co. O. July, 1851.

I have worked with McCormick and Hussey's Reapers three seasons, and unqualifiedly pronounce Hussey's the best machine. It cuts cleaner and faster, and leaves the grain in better order on the ground; and this is the opinion of every hand in giving an expression of the comparative merits of the two machines.

THOS. OUTRAM.

UNION TOWNSHIP, Champaign County, O., }
July, 1851. }

I have for the past four seasons worked Hussey's Reaper, and unhesitatingly pronounce it vastly superior to McCormick's or any other Reaper I have seen used.

WILLIAM T. ZOMBRO.

SALEM TOWNSHIP, Champaign County, O., }
July, 1851. }

I have had Hussey's Reaper used on my farm.—It will cut 20 acres of the heaviest wheat per day, with ease. I consider it far superior to the McCormick Reaper.

JOSHUA BUFFINGTON.

ROSS COUNTY, Ohio, July, 1851.

I have used Hussey's Reaper, and consider it an invaluable machine. I have seen McCormick's Reaper operate, and am of opinion that Hussey's is the best machine.

D. M'CONNELL.

UNION TOWNSHIP, Champaign County, O., }
 Aug., 1851. }

I have used Hussey's Reaper for four years. I prefer it to every other machine. I do not have to drive fast, and the raking is the easiest work in the field.

JOHN EARSON.

SALEM TOWNSHIP, Champaign County, O., }
 Aug., 1851. }

I bought a Hussey Reaper this season, and it has given the best satisfaction. I cut wheat that was down as badly as any I ever saw. It operated well by driving in a slow walk. My hands would rather rake than bind.

JOHN LEE.

UNION TOWNSHIP, Champaign County, O., }
 July, 1851. }

I have used for five years Hussey's Reaper. It is a labor and grain saving machine. It is a much better machine than McCormick's, in several particulars; it is more substantial, not so liable to injury, and will cut faster and cleaner. I cut this season, with three horses, *sixteen acres* of heavy wheat, in five hours and thirty minutes.

REZIN C. WILSON.

BERGEN, Sept. 1, 1851.—This is to certify that I have for three seasons used one of Hussey's Reaping Machines, which I purchased at the Genesee Seed Store, and that it gives perfect satisfaction. I have cut my wheat when it was very badly lodged, much faster, better and cheaper than it could have been done in any other way. I had one of McCormick's, but left it in the road, a useless article, as I consider it; having tried for three years to use it without success.

I consider Hussey's machine just the thing for our farmers, and I could not now, after having proved its merits, be induced to be without one.

NOAH WILSON.

With a few general remarks as to the reputation of Reaping Machines in England, and on the authority of the annexed English publications, we take leave of the subject.

At the trial for which the "Great Council Medal" was awarded, but which no practical farmer in this country would consider as any trial at all, being merely the attempt to cut a small space in green and wet grain, and during the temporary absence of Hussey, his machine was operated by ignorant laborers of the "Chrystal Palace," and who had never before seen a reaping machine.

This did not satisfy the English farmers; complaints were soon heard of injustice, partiality, and unfairness. It compelled C. H. McCormick or his agents to offer a challenge, which was promptly accepted by Hussey; and before the Cleveland Agricultural Society a tolerably fair trial was had of the rival machines, though neither the grain or ground was then in a suitable state. For the decision of

twelve prominent men and practical farmers, we refer to the annexed English account for the complete triumph of the unmedalled machine.

In an interview with an extensive agricultural implement maker of Yorkshire—himself an inventor of many valuable implements, and to no small extent a rival—he spoke of Obed Hussey as a man who conferred honor on his own country; as well by his genius and talents, as by his integrity of character. This feeling was alike honorable to the gentleman who gave it expression, and just to an American citizen.

Obed Hussey is perhaps the only American who ever waved the "Stars and Stripes" on the soil of England, [placed there too, at different times, on his machine, by *Englishmen*] or who could do it without a strong feeling of envy and jealousy being engendered. Even Englishmen, jealous as they are known to be, viewed Hussey as a public benefactor, and his mission as one calculated either directly or indirectly to benefit all classes. Yet in his own country, which he has so signally benefitted, he is compelled to supplicate for years, and as yet in vain, for rights, that others, with not a tithe of his claim and merit, but with more ample means perhaps, or more influential friends, succeed in obtaining. It is a reproach to the age and to the Halls of Legislation. When it was supposed this great invention was perfected in England, many years ago—though *not* successful, as was subsequently proved—the NATION took the matter in hand, and Parliament voted a reward to its author.

At the great Agricultural Exhibition for "Bath and the West of England," held at Plymouth in 1853, the Plymouth Mail states: ["the interest and excitement created by the trial of Reaping Machines was very great, and the crowd of persons assembled to witness their performance was immense"]—that Hussey won the prize for Reaping, by acclamation, over all competitors—the only other American machine present, McCormick's included; and an eye witness states that three cheers were proposed for Mr. Hussey by Sir Thomas Ackland, the President, and member of Parliament, which was responded to by thousands, and without a dissenting voice; that his reaper was crowned with laurel by the Judges, and the "stars and stripes" waved in triumph twenty-five feet high over American ingenuity and enterprise on English soil.

At this trial it was again demonstrated to the agriculturists of Great Britain by Obed Hussey, [and not for the first time, though *he* was the *first* to do it], that his machine would cut their grass quite as perfectly as their "corn." The *Mail* goes on to say: "A mowing machine was so remote from the expectations and hopes of the Society, that no prize was offered for one; yet Mr. Hussey was prepared with a mowing machine, which was taken to an adjoining field of meadow grass and clover mixed. The people followed, but evidently with no expectation of being gratified. The machine mower was put in action, and to the admiration of every one, it cut the grass with an evenness and precision which is truly surprising, being more close and even than a scythe. The grass left behind the machine was quite evenly spread, and where it was not so, it lay so light and open that the use

of the tending machine was scarcely necessary. The admiration of the truly astonishing performance was universal.

The cutting the rye was looked for, but mowing the grass took every one by surprise. Thus, a great desideratum has been achieved; the farmer has now only to gear up his horses and take a ride through his meadow, and his grass is cut."

Again, at the Royal Agricultural Society's Exhibition, held at Lincoln, the present season, the Mark Lane Express states that Hussey's machine won the prize over all competitors; and admits that Bell's machine was "at last fairly beaten."

Is there an *American* who can read these accounts who does not feel indebted to the man who, solely by his own perseverance and skill, has added lustre to his country's renown in the peaceful walks of life? If the same man, as a "warrior in hostile array," had raised the same flag in triumph on the same soil, how would his countrymen have rewarded him? Doubtless by a "vote of thanks by both Houses of Congress," together with a sword and gold medal, if not a monument in addition!

Should not those be equally honored and rewarded by the Country, who are engaged in the arts and in agriculture; who devote their energies to add to the comfort and happiness of their fellow man, as those engaged in shedding blood, making widows and orphans to mourn for their untimely bereavement, and who literally for hire, not patriotism, and with the spirit demons, seek to slay and destroy?

We fully believe so; for fame and renown in arms are rarely or never acquired, except by entailing misery and distress on our fellow beings, and engendering the worst feelings and passions of our nature.

But we hope for the advent of better days; when, if the political sword is not literally beaten into a plough-share, and the partizan spear turned into a pruning hook, the inventive genius and talent of our countrymen shall be more aided and better rewarded by Government, in its praiseworthy efforts "for the diffusion of knowledge among men," in all that really ennobles the mind, and benefits the whole human family. Such, at least, is the earnest wish and desire of

A FARMER AND MECHANIC.

HUSSEY'S REAPING AND MOWING MACHINE IN ENGLAND.

In presenting the following pages for consideration of the farmers of the country, the subscriber has confined himself strictly to matters selected from English papers, which will speak for itself. As a short explanation from me will be looked for, I will merely state, that at the trial in presence of the Exhibition Jury, Mr. McCormick's machine was operated by an experienced hand sent from the United States, while mine was managed by English laborers of the lower class, who were total strangers to it, and had never seen it in operation. The trial was made in unripe wheat on a rainy day. My machine was very improperly adjusted for the work and wrongly put together, in consequence of which the ignorant raker failed to deliver the sheaves, and it stopped as a matter of course, and was immediately laid aside, after cutting but a few feet. My machine was never tried in presence of that Jury by any other hands, or in any other condition, myself not being in England.

It was on such a trial that the Exhibition medal was disposed of, and with what justice the reader can judge by reading the following pages. On my arrival in England I took my machine into the field that it might work its way into public favor, as it best could. After being exhibited in several places, its rising fame appeared to produce some effect, as it will appear by the following in the Windsor and Eaton Express, of Nov. 8, 1851:

Alluding to the astonishing and unexpected performance of my Reaper, it says:—*By this unlooked for turn of events, the proprietors of M' Cormick's machine found that their supremacy was no longer undisputed, and that the necessity was laid upon them to look to their laurels; they therefore came boldly forward, and threw down the gauntlet!!*"

That farmers who are acquainted with my reaper may understand why it failed to perform well in the hands of strangers at the Exhibition trial where McCormick got the medal, It will be necessary for me to say, that when the machine was sent from Baltimore it was set to cut high. That when the inexperienced hands undertook to make it cut low, they pitched down the cutters by putting on the tongue, not knowing any other way to lower it. In doing so the hind part of the platform was of course raised high. In this condition the unpracticed raker failed to push the heavy wet wheat off up an inclined plane; and as a matter of course the machine choaked, and for the same

reason that a mill will choak when the corn goes in faster than the meal comes out. A skillful hand would have lowered the cut at the axle of the machine, and brought the platform horizontal or lowest at the rear, as it should be in cutting wet grain.

The following pages will show the result, the authenticity of which, if doubted, will be proved by the production of the originals in my possession.

OBED HUSSEY.

Baltimore, Md., Jan. 1, 1852.

From the Hull [England] Advertiser, Sept. 5, 1851.

At the annual meeting on Mr. Mechi's Farm at Tiptree Heath, a few weeks ago, a brief report of which appeared in the Hull Advertiser at the time, several reaping machines were tested, the result then being that one manufactured and invented by Mr McCormick, of America, was the only one which was considered to have done its work properly. Amongst those tried, was one invented and manufactured by Mr. O. Hussey, Baltimore, Md. (U. S.) which in the opinion of gentlemen then present, did not fully accomplish the object in view. It should, however be mentioned, that while Mr. McCormick's machine had on that trial the advantage of the superintendence of persons intimately acquainted with its mechanism, and who had been accustomed to the working of the machine for some years, Mr. Hussey's invention was (in the absence of the inventor) in the hands of persons entirely unacquainted with the proper mode of working it. Since then Mr. Hussey himself has come over to England, in order to superintend his machine, and the result has been that it is now brought out to receive a thorough trial of its merits,

The trial of Wednesday, however, was the best. It took place in a field belonging to Mr. Coskill, Grovehill Lane, Beverly. There was assembled during the day a great number of farmers and gentlemen interested in agriculture, who witnessed the trial with great interest.

The wheat in this case was very much "laid;" indeed in many places it was almost flat on the ground. It therefore afforded one of the best opportunities for judging of the capabilities of the machine under disadvantageous circumstances that could possibly occur.

On the whole, the conclusion come to was, that the reaping was done as well by machine as by hand. No one doubted for a moment that it would cut corn well where it was standing; but some farmers thought it would not equal the scythe where the corn was laid. The result, however, showed the contrary, and every person acknowledged that it had succeeded admirably. After cutting a large quantity of wheat, the machine was taken into another field, and after a slight alteration, set to work to cut clover. We understand that on the day before previous to coming to Hull, it had been tried on clover and cut it extremely well.

As the machine cut along it was followed closely by groups of farmers striving hard to find flaws in its performance. But they could not. On the contrary, in those places where the corn was most "laid,"

and where, consequently, the greatest difficulty must occur in the cutting, the manner in which the reaper did its work elicited their loudest approbation;—"Why," said one burly old gentleman by our side, "a man with a scythe could never cut it like that." "It is wonderful," said another.

From the Morning Advertiser, Sept. 12, 1851.

On Monday last, the public trial of Hussey's patent Reaping Machine took place with the permission of his Grace, the Duke of Marlborough, on his Grace's estate of Blenheim, near Woodstock, Oxfordshire, and also, on the adjoining one of Mr. Southern, one of the most considerable landed proprietors of the country. A large assemblage of the Agriculturists of the highest class attracted by the celebrity which this ingenious and efficient contrivance has acquired for itself in a course of successful experiments performed last week in Yorkshire, were present to witness the trial, mostly from Oxfordshire and the adjoining counties, but many from a considerable distance, and all of them concurred in the most ready acknowledgments of its advantages.

The reaping commenced at eleven o'clock in the barley field, the machine being drawn by two fine chestnut horses, lent by his Grace for the purpose of the experiment, in which he took the deepest interest, following the reaper in a car, and watching with evident satisfaction, the ease and rapidity with which the blades cut down the golden producé of the field. The crop was by no means one calculated to favor the experiment. On the contrary, some of it was down and much laid. It was cut down, however, with great regularity and speed, and the general evenness of the stubble was the subject of general remark. As the machine passed on, hewing its way at a smart pace through the dense mass of stalks, the crowd of eager observers rushed after it, and many were the cheers with which it was welcomed. Occasionally, to satisfy the ideas of the more fastidious, the level of the cutters was changed, so as to leave a greater or less length of stubble, and it was evident to all that in this respect the machine was susceptible of the nicest adjustment. Sometimes at the end of a turn it was rested to give the farmers an opportunity of inspecting it, which they seemed nevertired of doing, and then it was turned round at right angles to cut in the cross direction. In the experiments upon barley, it showed itself capable of reaping the enormous space of 15 acres, which we believe is from eight to nine times the power of the most vigorous and skillful reaper. Afterwards the machine was taken into a large field of clover, which it cut to within two inches of the ground, and with still greater rapidity.

His Grace repeatedly expressed his admiration of the powers of the apparatus, and congratulated some of the agricultural gentlemen present with him on the prospects of greater economy and security in harvesting which it afforded them.—These opinions were generally entertained upon the ground, and yesterday at Bishop's Startford, in

Hartfordshire, the farmers of that part of the country witnessed a similar experiment, attended with results precisely similar, and which gave them the same satisfaction.

The following Testimonial was given by the Duke of Marlborough:
TUESDAY, September 9th, 1851.

Having yesterday, witnessed the working of the American Reaping Machine, patented by Mr. Hussey, and being requested to give my opinion upon its execution, I state that it performed its work admirably, laying the corn when cut very neatly for tying up, and leaving the stubble very regular.

MARLBOROUGH.

Following upon these various successes, an advertisement from the proprietors of McCormick's Machine, appeared in the public papers, as follows:

MR. M'CORMICK'S AMERICAN REAPER

Public Challenge to Makers and Venders of Reaping Machines.—We, the undersigned, agents for Mr. McCormick, having observed sundry advertisements and circulars complaining of the decision of the Jurors of the Great Exhibition of 1851 in favor of Mr. McCormick's Reaper, and of the reports given in the public journals of the trials which led to such decision, do hereby give notice to Messrs. Wm. Dray & Co., Messrs. Garrett & Son, Mr. O. Hussey, and all other makers and venders of Reaping Machines whatsoever, that M'CORMICK'S REAPER will be tried at the Cleveland Society's Show at Marton, Middlesboro, near Stockton-on-Tees, on the 25th inst., and publicly CHALLENGE them or any of them, to meet us there, with their machines, for the purpose of a comparative trial of the respective merits of each, to be determined by the Chairman and Council of the Cleveland Society, or by such Judge or Judges as the said Society may appoint. BURGESS & KEY, 103, Newgate-street, London.

The Challenge was immediately accepted.

MR. HUSSEY'S AMERICAN REAPER.

"In answer to an advertisement which appeared in the Times of the 18th, from Messrs. Burgess & Key, giving us a PUBLIC CHALLENGE, to a TRIAL of the AMERICAN REAPING MACHINES, we hereby announce that we shall willingly ACCEPT the SAME, and on the 25th inst., we shall be prepared at the Cleveland Society's Show, Marton, Middlesborough, near Stockton-on-Tees, to prove to the Agricultural World, the superiority of HUSSEY'S REAPER, for general farming purposes. We stipulate, however, that the Machines shall be tested, not only on a particular patch of good upstanding grain, where they might, perhaps, prove equal, but on an average variety of condition, as to short and laid corn, &c., such as the farmer will usually meet with. Its capabilities for cutting green crops, such as clover, &c., shall also be proved. It must be evident to the Farming Public, that the Reaping Machine which will cut a crop of the greatest variety and

difference of condition must possess the greatest merit. WM. DRAY & CO., Agricultural Warehouse, Swan-Lane, London Bridge.

Accordingly the matter was arranged, and the following gentlemen were called upon to act as jurors:

Henry Stephen Thompson, Esq., of Moat Hall, *Foreman*; Mr. Wm. Lister of Dunsa Bank; Mr. Jno. Booth of Killerby; Mr. John Parrington, of Brancepeth; Mr. Wm. Wetherell, of Kirkbridge, Darlington; Mr. Rob't Hymers, of Marton; Mr. Christopher Cobson, Linthorpe; Mr Rob't Fawcitt, of Ormsby; Mr. Joseph Parrington, of Cross Beck; Mr. John Outhwaite, of Bainesse; Mr. Geo. Reed, Hutton Lowercross; Mr. Thomas Phillips, of Helmsley, and Mr. Thomas Outhwaite, of Bainesse.

The following were the conditions to be submitted by the representatives of the respective machines:

"The machines to be tried on wheat and barley in such order, and for such lengths of time, as the jurymen may direct. The jury to have full power to use any means they deem advisable, in order to put the machines to the severest trial. The jury in deciding on the merits of the two machines; to take into their consideration:

- 1st. Which of the two cuts corn in the best manner.
- 2d. " " causes the least waste
- 3d. " " does the most work in a given time.
- 4th. " " leaves the corn in the best order for gathering and binding.
- 5th. " " is the best adapted for the ridge and furrow.
- 6th. " " is the least liable to get out of order.
- 7th. " " at first cost is least price.
- 8th. " " requires the least amount of horse labor.
- 9th. " " which requires the least amount of manual labor.

As no report was made of the trial on the first day, the following may be relied upon:

From the Gateshead Observer—September 27th, 1851.

It was curious to see on the soil of a Cleveland Farm, two implements of agriculture lying side by side in rivalry, respectively marked—"M'Cormick, inventor, Chicago, Illinois,"—"Hussey, inventor, Baltimore, Maryland"—America competing with America, on English soil.

Mr. Hussey led off. An attempt was made to keep back the eager crowd; but their curiosity was irrepressible—they flocked in upon the machine so that the experiment could not be properly performed, nor could the jury duly discharge their duties.—P. C. Thompson did his very best—he was all but everywhere at once; but what avails a police-force, *one* strong, against a concourse of Yorkshire yeomanry and clowns? It was requisite that he should have recruits; and a body of self-elected "specials" came to his aid, who succeeded in procuring approach to a clear course. Mr. Hussey then took his seat anew, and his machine cut down a breadth of wheat from end to end of the field. It seemed to us to do its work neatly and well. The wheat was

cleverly delivered from the teeth of the reaper, and handed over to the binders by the rake.

[*To William Dray and Company.*]

STOCKTON-ON-TEES, September 27th, 1851.

SIR,—Having been in communication with you relative to the trial of your Reaper against M'Cormick's, and feeling deeply interested in the introduction of the new Implement into this district, particularly one of so much importance as a Reaping Machine, I think it is not probably out of place in me if I give you the result of my observations during the two trials which have taken place. From the fact that M'Cormick's Machine obtained the prize at the Great Exhibition (though I do not *pin my faith* upon awards made by Agricultural and other societies,) the letter of Mr. Pusey's, in the *Royal Agricultural Society's Journal*, the various newspaper reports, &c. &c.; it was natural for me to be predisposed in favor of M'Cormick's Machine; indeed Mr. M. had a prestige in his favor, which of course operated against the "Little Hussey." Previous to starting, at Marton, on Thursday, the gentlemen representing M'Cormick's machine expressed themselves desirous of testing the machines early in the morning when the dew was on, believing that their machine would cut the grain under such circumstances, and that yours would not. Well, on Thursday we had a deluge rain, the surface of the land was very soft, and the corn very wet. Everybody there was astonished to see your machine brought up the field at a trot, cutting its way to the admiration of all present; it not only cut *to* the leaning corn, but it cut cross over the corn leaning to the left of the postillion, (I presume I must call him.) McCormick's machine then *attempted* to start (he made two or three attempts) but the attendant confessed it was impossible to do so. That there might be no mistake about it, your representatives proposed that their machines should go up again; the jury said "No! we are satisfied that your machine can cut it under the present circumstances," and so ended Thursday's trial.

From the Gateshead Observer, October 4.

We left the members and friends of this society, on Friday, the 26th ult., on the Show-ground at Middlesbrough, immersed in rain. The scene now shifts to the Townhall—where, in a handsome and spacious apartment, we find them assembled in the evening, to dinner, to the number of 150, with the Earl of Zetland in the Chair, and in the vice-chair Mr. John Vaughan, of the firm of Bolckow & Vaughan, iron-masters and manufacturers. His lordship was supported by the Rev. W. F. Wharton, of Birimngham, and Messrs. J. T. Wharton, Henry Pease, G. D. Trotter, Isaac Wilson, George Coates, J. W. Pease, George Reade, John Pierson, &c.; and the vice-chair by Messrs. C. Dryden, W. Fallows, R. Chilton, &c. In the body of the hall were the leading inhabitants of the town and neighborhood; also, Mr. Burgess and Mr. Samuelson (who had come to the meeting with Mr.

McCormick's reaping machine), Mr. Hussey, the inventor of the reaper which bears his name, and Mr. Pierce and Mr. Stevens (on the part of Messrs. Dray & Co., Agents for Mr. Hussey.)

On the removal of the cloth, the noble Chairman—(behind whose seat was inscribed on the wall in conspicuous characters, "Success to the Cleveland Agricultural Society—Eighteenth Anniversary"—gave the customary loyal toasts, and took occasion to observe, that had it not been for the Exhibition of Industry, projected by Prince Albert, the "Reaping Machine," from which he anticipated great benefits to agriculture, would not have been introduced into this country. (Applause.)

The Earl of Zetland again referred to the reaping machine. Such an aid to agriculture, his lordship observed, was needed in Cleveland and elsewhere.

Mr. J. T. Wharton, of Skelton Castle, said he had never witnessed so much enthusiasm in an agricultural district as was displayed in connection with the reaping machine. Had the day been fine the number of spectators present yesterday (Thursday) would have been at least fourfold what it was. Bad as the weather was, not only was there a large muster of members of the society, but 803 persons, many of them from a considerable distance paid sixpence each for admission to the ground.—The trial of the rival machines was, unfortunately, so short, and conducted under such adverse circumstances, that it was impossible to pronounce any opinion as to their relative merits; but what he saw of Hussey's was as satisfactory as he could expect. (Applause.)

Mr. George Reade, of Hutton Lowcross, said, had it not been for the boisterous weather, the receipts of the society at Ormesby and Middlesbrough would have been marvellous. As it was, there was a large assemblage to witness the trial of the American reaping machines, and they were regarded with an anxious desire that they might succeed. Indeed, let any ingenious mechanic—he cared not whether he was English, Scotch, Irish, American, or German—come before a jury of the farmers of Cleveland with an implement or machine for the improvement of Agriculture, and it would be judged with candor, impartiality and uprightness, and the inventor should go home satisfied that he had experienced fair play. (Applause.)

Mr. Isaac Wilson proposed the health of "The Strangers." To those gentlemen the members were greatly indebted for their attendance. Had the weather permitted, they would all have experienced much pleasure from an inspection of the celebrated reaping machines in action, and the ingenious draining plough of Mr. Fowler, which did him very much credit. (The toast was drank with musical honors.)

Mr. Pierce, the representative of Dray & Co., being called upon to respond, rose and said, bad as the weather had been, he had been delighted with his visit to Middlesbrough. The kindness of the inhabitants soon made him no stranger. He was not four and twenty hours in the place before he fraternized with the whole parish. (Laughter.) He rejoiced that Mr. Hussey's reaping machine was now in the hands

of a jury of Cleveland farmers. It would have a fair, honest, impartial trial; and what more could an Englishman desire. (Applause.) He thanked the company for the honor which they had conferred upon their visitors from a distance, and wished continued success to their flourishing society. (Applause.)

Mr. Hussey was next called upon, and said that he had for many years been building machines in America. If he had had the least idea of the interest which England would take in the reaping of crops by machinery, it would have been a difficult thing to keep him on the other side of the Atlantic; and he knew not, now, after the reception which he had met with, how he should ever get home again. (Applause and laughter.)

Mr. Stevens, Dray & Co.'s engineer, was also called upon to rise, and stated that his employers had purchased Mr. Hussey's machine because they saw it to be the best, and they would meet every competitor in the three kingdoms, fearless of the result. (Cheers.)

[It should be stated that Messrs. Fowler, Burgess, Samuelson,* &c., had by this time left the hall, and therefore could not be called upon.]

Mr. Parrington, having read the award, announced that a second trial of McCormick's and Hussey's reaping machines would be made, if the weather were favorable, on the following morning (Saturday), at 9 o'clock, at Mr. Fawcitt's farm. The jury, appointed by the committee, would give no opinion on the trial of the previous day (Thursday.) That would go for nothing. They would devote the whole of next day, if necessary, to a full, fair, and satisfactory trial of the two machines. (Applause.)

On Saturday morning, the weather was so far favorable that there was no rain. The trial, therefore, took place. There was a numerous gathering of land-owners, farmers, laborers, &c., but not so crowded a muster as to obstruct the experiment.

The foreman of the jury, Mr. Thompson, being unavoidably absent, his place was supplied by the Rev. W. F. Wharton, of Birmingham. Messrs. Lister, Outhwaite, (J. and T. P.) Booth, Wetherell, Phillips, and Dobson, were also absent. Their places were filled by Mr. William Morley, Dishforth; Mr. Thomas Parrington, Marton; Mr. J. T. Wharton, Shelton Castle; Mr. Wm. Hill, Staunton; Mr. Joseph Coulson, Sexhow; Mr. Joseph Harrison, White House; Mr. John Mason Hopper, Marton.

The trial commenced in a level enclosure, adjoining the road from Stockton and Middlesbrough to Ormesby Hall, (the residence of Sir Wm. Pennyman, Bart.) The wheat was laid. We have seen a crop in worse condition, but not often. The straw was damp and soft. The soil was loamy and light, and the field free from wet; it was to Mr. Fawcitt's credit that he was able to place such a field at the service of the society under the circumstances; still, the earth was in a state to clog the wheels of the reapers. Altogether, the test was a severe one for the competitors. Mr. Samuelson, Mr. Burgess, and Mr. D. C.

*McCormick's agents.

Mackenzie, (the son of an emigrant from Ivernesse) were in charge of Mr. McCormick's Machine. The other was in the hands of the inventor himself, Mr. Hussey, and of Mr. Pierce and Mr. Steevens (who represented the agents, Messrs. Dray & Co.)

The Rev. Mr. Wharton, (the jury, competitors, &c. having gathered round him on the field, on Saturday morning,) announced that, after the lapse of an hour, when the corn would be in such a condition that Mr. Fawcitt, as he had just said, would, under ordinary circumstances, reap it himself, the trial would commence.

The question was, now, which of the two machines should begin. A "toss" gave the chance to Mr. Pierce, and he requested Mr. Burgess to lead off.

M'Cormick's machine then got into action, taking the crop in the most favorable manner—that is, leaning toward the knife. Passing along the field, (which was from two to three hundred yards in length,) it cut down a breadth of little more than four feet. The corn being laid, the flier, of course did not come into practical operation; nor was it necessary that it should do so—the elements having already done its work. The corn was well cut—the stubble a little too high.

Another breadth or two having been cut, Hussey's machine followed, and cut some breadths—somewhat wider than M'Cormick's, and closer to the ground.

Mackenzie, when we pointed out the shorter stubble of his rival, admitted the fact, but said there would be no difficulty—not the slightest—in bringing Mr. M'Cormick's knife nearer to the ground. In America, however, where the straw is comparatively of little or no value, the stubble is no object, and there are some advantages in cutting high.

A backer of M'Cormick's machine (and many bets have been laid on the two machines) urged that Hussey's would spoil clover when going among wheat. The reply was, that Hussey's knife could be raised or depressed at pleasure.

The next test was cutting the crop across ridge and furrow, so that the corn was lying neither to nor from the knife, but sidewise. Both the machines cut the corn under these circumstances—Hussey's the cleaner of the two.

The jury then required the experiment to be made along the field, with the corn lying from the knife.

Mr. Hussey consented, and the machine succeeded in cutting the corn—leaving a tolerable stubble, but not so short and regular as before.

M'Cormick's machine was then tried, and failed. As it scoured over the corn, making sad havock, there were loud cries of "Stop! stop! you're wasting it!"

Barley was next cut, with much the same result. In this case, Mr. Hussey adjusted his platform for discharging the corn at the side.

The binders being summoned before the jury, and asked which of the two machines they preferred, so far as their particular department was concerned—decided, 4 for M'Cormick's, 6 for Hussey's.

Clover was now to be tried, but at this stage of the proceedings we left the field. Clover-cutting, we should state, formed no part of the competition. The agreement merely refers to wheat and barley. M'Cormick's machine is not intended for clover-cutting; but some of the land owners and farmers were anxious to see clover cut by Hussey's machine. Mr. Thompson, we understand, had requested his proxy to have the experiment made. We were told on the ground that the machine had already been tried on clover at Newport, near Middlesbrough, and "cut it well:—If the weather had been dry, it would have cut it beautifully."

It was pleasant to mark the anxiety and watchfulness of the gentlemen in charge of the two machines. Mr. M'Cormick suffered no loss from his absence, he was so admirably represented; and in Messrs. Pierce and Steevens, Dray & Co. had invaluable agents—on the Thursday in particular, when a storm, which ravaged land and sea, could not deter them or Mr. Hussey, from practically attesting the reaper's prowess in the field. The trial, throughout, was conducted with a fidelity to self which would not throw a point away, and a courtesy to rivals which should ever mark honorable competition.

[*From a Correspondent.*]

STOCKTON, MONDAY, SEPTEMBER 29.—A report reached me, after I left the farm, that Hussey's machine cut the barley very much better than M'Cormick's. It came to me however, through parties who might fairly be suspected of a bias, and therefore I kept my judgment in suspense until I could obtain information on which I could more implicitly rely. This I have now got. I have been to the farm again to-day, and made inquiries of persons who saw the completion of the trial. M'Cormick's machine did not cut the barley so well as Hussey's. It cut it much too high; and as the crop was very much laid, the heads only, in many cases were cut off. We had Hussey's machine in operation to-day, both on barley and wheat, and made better work than on Saturday. Mr. Fawcitt worked it with the greatest ease. I think he would soon beat the inventor himself. Even I, townsman as I am, made fair work; and in an hour or two's practice, I would engage to cut a crop in a manner not to be found fault with. You may safely say that any ordinary workman about a farm would be able to manage the machine; and when I say this of Hussey's, it is also true of M'Cormick's. The one may be a better machine than the other, but the merits of either of them may be brought into practical action by a laborer of average intelligence and skill. It is the opinion of farmers and others with whom I have conversed, that the saving per acre, by the use of Hussey's machine, would be about 5s.

At the close of the contest on Saturday, the knives of the two machines were placed in the hands of Mr. Robinson, engineer to Mr. Bellerby, of York, that he might report thereon, and on the machinery generally, to the Jury.

WEDNESDAY, October 1.—The Marquis of Londonderry, and several

other gentlemen, have visited Mr. Fawcitt's farm, to see the machine at work.

The laurels so recently placed upon the brow of Mr. M'Cormick, have been plucked off—not wholly, but in great part—by his fellow countryman, Mr. Hussey.

We would enlarge upon this theme, but our report has left us little room. We would only say, that while the farmers of Cleveland, and of the Island generally, are turning their attention to agricultural improvement—by reaping machines, draining ploughs, and steam ploughs—we would say to them, in the words of Mr. Hussey to the Cleveland horse-jockey, when his machine was ready for its work—"Now, THEN, GO AHEAD!"

REPORT OF THE JURY.

"The Jury regret exceedingly the most unfavorable state of the weather on the days of trial, (a perfect hurricane raging during the whole of the first day,) and their consequent inability to make so full and satisfactory a trial as they could have wished.

"The Machines were tested on a crop of Wheat, computed at 25 bushels per acre, very short in the Straw, and if possible, more laid than the Wheat.

"The Jury, taking the different points submitted to their consideration, in the order as mentioned:—

"1.—Their unanimous opinion, that Mr. Hussey's Machine, as exhibited by Messrs. Wm. Dray & Co., cut the corn in the best manner, especially across ridge and furrow, and when the machine was working in the direction of the corn laid.

"2.—By a majority of eleven to one, that Mr. Hussey's Machine caused the least waste.

"3.—Taking the breadth of the two machines into consideration, that of Mr. Hussey did most work.

"4.—That Mr. Hussey's Machine leaves the cut corn in the best order for gathering and binding. This question was submitted to the laborers employed on the occasion, and decided by them, as above, by a majority of 6 to 4.

"5.—Their unanimous opinion that Mr. Hussey's Machine is best adapted for ridge and furrow.

"6.—This question was referred by the Jury to Mr. Robinson, foreman to Messrs. Bellerby, of York, a practical Mechanic of acknowledged ability, whose report is appended below.

"7.—That Mr. Hussey's Machine at first cost is less price.

"8, 9.—The Jury decline to express a decided opinion on these points in consequence of the state of the weather.

"The trials took place on the farm of Robert Fawcitt, of Ormsby, near Marlbro'-on-Tees, who in the most liberal and disinterested spirit allowed his crops to be trodden down and damaged to a very great extent, especially on the 25th, when in spite of the storm an immense crowd assembled to witness the trials.

“The Jury cannot conclude their Report, without expressing the great pleasure they have derived from seeing two Machines brought into competition, that were able to do such very good work, and also at witnessing the friendly, straightforward, and honorable way in which the Exhibitors of the respective Machines met on this occasion.

Signed on behalf of the Jury,

W. F. WHARTON, Foreman.

Mr. Robinson's Report on Question 6.

Having carefully examined both machines, and given the subject due consideration, I am of opinion that M'Cormick's Reaping Machine, as at present made, is most liable to get out of order.

(Signed,) THOMAS ROBINSON.

York, 30th September, 1851.

[From the London Mercantile Journal.]

THE GREAT EXHIBITION AND TRANSATLANTIC SUPERIORITY OVER EUROPEAN INGENUITY--AMERICAN REAPING MACHINES.—The close of the Crystal Palace has given rise to many panegyrics, and we would not for one moment detract from its merits; it has been deservedly the admiration of the world, and visited by thousands of its inhabitants. Brought into life by the most eminent men, and supported by royalty; the means taken were such as no private individual could have accomplished; every exertion was used to obtain the choicest relics that the earth could produce; almost every country vied in exhibiting the arts and treasures of its products and manufactures, and were with one exception, considered eminently successful. The United States of America, however, was thought to be deficient, and in one or two cases some rather strong and even coarse remarks were indulged in. But what are the results? France can boast of the richness of its silks and artificial manufactures, and England of its machinery; but we find that our own newspapers are filled with admiration at the inventions of Brother Jonathan. We shall only slightly touch upon the sensation produced by the splendid performance of the American yacht, and the dexterity displayed in the lock-picking, which was previously deemed impracticable. But it may be said that these are trifling matters in a national point of view; still, facts have been elicited by these apparent trifling incidents, for we find that the superior build of the little American yacht involves a principle—it being now admitted that in nautical matters the Americans are equal, if not superior, to other nations in their construction of their merchant vessels, and also in the equipment of their ships of war. On the land they are equally successful; their reaping machines have astonished our agriculturists. We extract from the Gateshead Observer, and other local papers, the surprising performances of Hussey's and M'Cormick's machines. Our readers are aware that there are two rival parties competing their powers on British ground, and without entering into the question as to which of the two performed their work in the best manner, we copy

the result of the trial. The Durham Advertiser states that the performance took place at Middlesbro, and says:

" Few subjects have created a greater sensation in the agricultural world than the recent introduction into the country of the reaping machines of Mr. M'Cormick, and the subsequent appearance of a rival, of no inferior description, in a similar implement from Mr. Hussey. The interesting trial of the two in competition, intended to have taken place on Thursday last, was postponed, in consequence of the torrents of rain, until Saturday, when, under the superintendence of a very efficient jury empanelled to decide the respective merits of the two implements, the contest came off. The compact form of Hussey's implement was in its favor, though from the notoriety of M'Cormick's at Mr. Mechi's farm, the general preference was at first on his side. M'Cormick's machine was first tried against the inclination of the corn, and completed its portion in very good style, leaving the sheaves in a handy manner at the side of the furrow. Hussey's completed a similar breadth, but deposited the sheaves behind, and consequently several binders were required to follow the machine to clear the course for cutting the next breadth, an imperfection, which, however, it was understood could be easily remedied, and the back deliver replaced by a side one. This breadth was closer cut than the one executed by M'Cormick's reaper. The two were then tried across the ridge, where Hussey's implement carried the palm, M'Cormick's leaving a very considerable portion of the straw standing behind it; and the last trial upon the wheat, in the direction of the lean of the wheat, Hussey's machine did its work very fairly, while M'Cormick's was obliged to be stopped in its course, after having taken the heads of the wheat, but left the whole of the straw standing. At this time two opinions did not exist among the company present—Hussey's being the favorite. The trial was then carried to some barley, where Hussey's again succeeded in obtaining public favor. The more compact form of Hussey's implement, as well as the superiority of the clipping action over the cutting action of M'Cormick's, entitle it to a greater share of public favor, and as the advantages of a side delivery can be easily applied to it, it will doubtless, become the more general in use amongst the farmers. We cannot, however, but think that some mechanical process might be substituted for raking the sheaf from the receiving board, and this with a few other mechanical improvements, would, we think, make Hussey's reaping machine a perfect, useful, and economical agricultural implement. The latter may be also advantageously applied to the cutting of clover crops, which is quite out of the question with the farmer. Another Correspondent on this subject says:—" The jury did not on Saturday announce their decision, nor have they yet made a report. Nineteen farmers out of twenty who witnessed the trial were in favor of Hussey's machine."

The Gateshead Observer, remarks:—" The great Cleveland contest between the two American reaping machines, respectively invented by Mr. M'Cormick, of Chicago, and Mr. Hussey, of Baltimore, originally appointed for Thursday, the 25th ult., frustrated, for a time by

the deluge and hurricane of that disastrous day, came off on Saturday, the 27th. The trial was one of great severity, the crops of Wheat and Barley were laid, and the straw damp and soft. The laurels so recently placed upon the brow of Mr. M'Cormick have been plucked off—not wholly, but in great part—by his fellow countryman, Mr. Hussey. Both the machines proved their ability to do good work, but Mr. Hussey's attested its superiority; and the English farmer has now seen, thanks to Prince Albert and the Exhibition of Works of Industry, that his corn and grasses, hitherto slowly and laboriously reaped with the sickle and the scythe, may now be plained off the land, in five feet breadth, as rapidly as a horse can trot."

"A trial has taken place before the Cleveland Agricultural Society of the respective merits of M'Cormick's and Hussey's American Reaping Machines, and the report of the jury of practical men, appointed by the consent of both parties to decide the question of merit is favorable to the latter Implement. This DECISION THROWS CONSIDERABLE DOUBT UPON THE JUSTICE OF THE AWARD OF A GREAT MEDAL AT THE EXHIBITION TO M'CORMICK'S."—*London Times*, Oct. 7.

Following upon its success at Cleveland, the proprietors were invited to exhibit the Machine at the Barnard Castle Agricultural Society, Lord Harry Vane, *president*.

Barnard Castle, Oct. 8, 1851.

The undersigned President, Vice Presidents, and members of the Barnard Castle Agricultural Society and others who have witnessed the working of the American Reaping Machine, invented by Mr. Hussey, do CERTIFY THEIR UNQUALIFIED APPROVAL OF ITS OPERATIONS AND ENTIRE SUCCESS.

LORD HARRY VANE, President.

W. F. WHARTON, Vice President.

John Mitchell, V. P., Forcett Hall, Yorkshire, Esq.

J. S. Edgar, M. D., Barnard Castle, Esq.

John Dickonson Holmes, Barnard Castle, Solicitor.

George P. Harrison, Forcett, Yorkshire, Esq., Farmer.

Edward Scath, Keeverston, near Darlington, Esq., Farmer, and Assistant Draining Commissioner.

Thomas Robinson, Hutton Hall, near Richmond, Yorkshire, Esq., Farmer.

Richard Kay, Forcett Valley, near Darlington, Esq., Farmer.

William Harrison, Greta Bridge, Yorkshire, Esq., Farmer.

Thomas Carter, Scales, near Richmond, Esq., Farmer.

Jno. Whitfield, London, Esq.

Rev. Thomas Boys Croome, Scotland.

William Watson, Junr., Barnard Castle, Solicitor.

J. R. Monkhouse, Barnard Castle, Manufacturer.

Samuel Nelson, of Scaife House, near Staindrop, Durham, Esq., Farmer.

William Thompson, Lanehead, near Ovington, Yorkshire, Esq., Farmer.

John Ethwaite, Bainesse, near Catterick, Yorkshire, Farmer.
 Rev. George Dugard, Barnard Castle, Incumbent of Yorkshire,
 Farmer.

WILLIAM WATSON, Secretary of the Barnard Agricultural
 Association.

From the Darlington and Stockton, England, Times, Oct. 11.

BARNARD CASTLE AGRICULTURAL SOCIETY.

Mr. Hussey's Reaping Machine.

Great interest was excited in Barnardcastle and its neighborhood on Tuesday last, by the announcement that Mr. Hussey's reaping machine would be exhibited at the forthcoming meeting of the Barnardcastle Agricultural Society; and that a trial of its powers would be made previous to the meeting. Accordingly, on Tuesday last, the machine was brought into operation in a field of barley, belonging to Mr. George White, of Stainton, near Barnardcastle, which it cut admirably well. The Rev. W. F. Wharton, and other gentlemen in the vicinity, besides a vast number of farmers, were present. The Judges on the occasion were H. S. Thompson, Esq. of Moat Hall, (one of the Agricultural Jury of the Great Exhibition), W. Lister, Esq., of Duns Bank; and T. Robinson, Esq., of Hutton. Luncheon was provided for a large party in an out-building near the scene of the experiments, and it is a fact worthy of notice, that after dinner, Mr. Thompson proposed the health of Mr. Hussey (who was present) with great fervour, and spoke of the disadvantages under which Mr. Hussey's Machine had labored when tried against M'Cormick's for the Great Exhibition Medal; Mr. Hussey not being in the country at that time, and no one being present who understood the adjusting or working of the implement. Mr. Thompson said he was now so thoroughly satisfied of its great merits, that he would do his best to get a medal awarded to it. After luncheon, the machine was taken to the grounds of Mr. Adamson, and tried upon a field of oats, which were so laid as to form a very severe test to the machine, but it nevertheless was successful there also. The party retired greatly pleased with it, and some of the most wary agriculturists ordered machines upon the ground.—On Wednesday morning, a large assemblage of agriculturists met on the farm of Mr. F. Atkinson, Westwood, Startforth, to see the machine cut a field of wheat, and there again the experiment yielded all that even its inventor could desire. We understand that a large number of orders were given for machines by the farmers present, which is perhaps the very best test of their views in the matter. The general impression seemed to be that it would prove of incalculable value to the agricultural interest.

At about 3 o'clock in the afternoon, a large party sat down to a sumptuous dinner at the King's Head Inn. Lord Harry Vane, presided, and the Rev. W. F. Wharton occupied the vice-chair. After dinner the usual loyal toasts having been proposed, the vice chair proposed the health of Mr. Hussey; that gentleman, he said, had con-

tributed to their gratification and interest in bringing his invention there for trial; the result of that trial had exceeded everything they could have previously imagined or hoped; and therefore he begged they would excuse him for proposing this health so early, as Mr. Hussey and his agent's representative Mr. Pierce, had to leave by the first train from Darlington, which they had then but sufficient time to reach. He proposed the healths of Mr. Hussey and of the enterprising firm, Messrs. Dray & Co., who had undertaken to bring that machine into the British market. The toast was drank with honors. Mr. Hussey briefly returned thanks.

After some further proceedings, the Vice-Chairman proposed the health of the President. Lord Harry Vane responded.

The healths of the Vice-Presidents were proposed. Mr. Mitchell briefly responded. Mr. Wharton in acknowledging the toast, took the opportunity of again bringing before the meeting the merits of the invention which had been the object of that day's attraction. It had been most unfortunate that when the trial took place for the prize of the great exhibition, Mr. Hussey had not arrived in this country—nobody knew how it was managed, whilst M'Cormick's was properly attended to. Mr. Hussey's machine did no work, and Mr. M'Cormick took the medal. No sooner did Mr. Hussey arrive than he prayed for a further trial, but the Jury could not grant it. All difficulty was removed by Mr. M'Cormick throwing down the gauntlet. The trial came off in Cleveland—the result was clear and satisfactory in favor of Mr. Hussey's machine as decidedly superior. Mr. Thompson, of Moat Hall, one of the Great Exhibition Jury, was also one of the Judges in Cleveland, and was so satisfied on the subject that he left, determined to urge for a medal for Mr. Hussey. It must be a source of pleasure to all, to find that justice was thus about to be done to a worthy, modest and unassuming man.

From the Darlington and Stockton Times, October 11th, 1851.

THE REAPING MACHINES AT BARNARDCASTLE.

To the Editor of the Darlington and Stockton Times.

Sir:—I beg to trouble you with a few particulars of Mr. Hussey's American Reaping Machine, which I yesterday saw working in a field near Barnardcastle. I am not a farmer, and of course cannot be thoroughly *au fait* at describing an agricultural implement, nor am I sufficiently versed in mechanics to explain to you the construction of the machine in all its details, but of the result I can speak, and that with confidence.

Drawn by two horses, a man seated on the near side horse as driver, this wonderful implement was drawn with perfect ease, at more than the rate of three miles an hour, round and round a field, partly in wheat and partly in barley, cutting a breadth of corn in its progress with a regularity and evenness that was surprising. No straggling stalks of corn were left—none of the slovenly irregular work too often seen where manual labor is employed, was to be discovered; on the

contrary, the field after shearing, looked nearly as smooth and even as a kitchen floor or turnpike road. The farmer has now no longer occasion to be behind the reapers, dinning in their years, "shear low;"—"now do shear low;" for this machine, with a very simple adjustment, will cut the corn as low as he can possibly require. A seat on the machine is provided for a man, who with a large rake, and with motion resembling the pushing of a punt, removes the corn from the machine as it is cut, and leaves it for the binders to put together in sheafs.

The assistance of two men and two horses are thus all that is required to draw and to guide this wonderful sickle—and so manned, it will cut with the ease and regularity I have described, from perhaps 10 to 12 acres in the working day. Nor as far as I could see, or learn from the observation of others, does there appear to be any drawback against its general adoption. Its price (£21) is not exorbitant—its construction is not so complex as to cause a fear of frequent repairs being required; men of the common run of agricultural laborers are quite competent to go with it, and the work of drawing it is not distressing to the horses. Neither does the nature of the ground appear to be much an object, for it travelled as well over ridge and furrow as it did upon a level.

Nothing could be more unanimous, than the approval of which the machine met with from all who saw its work, and I was informed that nine machines were ordered on the ground. Among the purchasers was the Duke of Cleveland, who with Lord Harry Vane, was present, and examined its working and construction minutely. The curiosity excited by the machine was great, and an immense number of people visited the ground during the two days.—Noblemen and gentlemen, farmers and farm laborers, tradesmen and mechanics, men and women, flocked to see the implement, which from the other side of the Atlantic has come to effect so important a revolution in the labor of the harvest field, and all were agreed that Brother Jonathan, though still a young man, had some clever notions in his head, and that John Bull, in the case of the reaping machine, would not be above taking advantage of his intelligence. I am, &c.

A. B.

[*From the London Daily News.*]

HUSSEY'S REAPING MACHINE—TRIAL BEFORE PRINCE ALBERT.

The celebrated battle of the Ganges hardly excited more interest in the railway world than the battle of the Reaping machines has lately created in the agricultural world. nor is the result perhaps very much less important in the latter case than in the former.

Of the recent inventions for diminishing the cost of production, the most remarkable are undoubtedly the Reaping machines of Messrs. Hussey and M'Cormick. Perhaps it would be more accurate to call them importations than inventions, since both have been in use for a considerable time in America; and amongst the benefits arising

from the Exhibition, it is certainly not the least that it has introduced to the agriculturist of Great Britain implements of the highest practical utility, which might otherwise have remained forever exclusively in the hands of their brethren across the Atlantic. It will be remembered that a trial of the two rival machines took place last summer, at Mr. Mechi's model farm in Essex, having been directed by the royal commissioners, with the view of determining the comparative merits of the two instruments, whose patentees were competitors for the forthcoming medal prizes. At that time Mr. Hussey, the American inventor of the machine called after his name, had not arrived in the country. The weather too, was very unpropitious for the trial, notwithstanding which a very large number of gentlemen were present. The machines were tried upon a field of wheat, and the result was such as to convince all present, of the superiority, in every point of view, of M'Cormick's machine—a conviction which was subsequently confirmed, by the fact of the Exhibition medal being awarded exclusively to the patentee of that machine. The tables however were soon to be turned. Mr. Hussey arrived in England; a challenge having been given by the agents of Mr. M'Cormick, it was accepted by Mr. Hussey, and his English agent, Mr. Dray; and, after a fair contest before the Cleveland Society, at Middelsbro', near Stockton-on-Tees, on the 25th and 27th of Sept., a jury of twelve agriculturists pronounced a verdict in favor of the unmedalled machine. They decided that of the two machines, Hussey's had the preponderance of advantages—that it cut corn in the best manner, caused the least waste, did the most work in a given time, left the cut corn in the best order for gathering and binding, was the best adapted for ridge and furrow, was the least liable to get out of repair, and was the least price at first cost. On the two other points submitted to them, namely, which machine required the least amount of horse labor, and which the least amount of manual labor, the jury declined to express a decided opinion, in consequence of the state of the weather."

There have been many other trials of Hussey's machine in different parts of the country, and the result has been so far uniformly satisfactory.—Amongst these we have now to mention a very interesting one which took place by appointment last Saturday, at Windsor, in the presence of his Royal Highness, Prince Albert, originating in a correspondence between General Wemyss, on behalf of the Prince, and Messrs. Dray & Co. of Swan-lane, the agents for Mr. Hussey. The spot selected for the trial was behind the statue of George III., at the end of the Long Walk, fern—of which there is an abundance in that locality—being the article on which the machine had to operate. The Prince having from an early hour in the morning been engaged in shooting in the vicinity of the statue, at half-past twelve resigned his gun, and proceeded on horseback, in company with General Wemyss and Col. Seymour, to the spot appointed for the trial of the machine. Dismounting from his horse, his royal highness saluted briefly and gracefully the assembled company, and especially Mr. Hussey and Mr. Dray. He then asked a few general questions respecting the

history of the machine, and observed, that as the ground selected was very uneven (it was in fact remarkably so), the trial would be a good one. After a brief delay, the gear being declared in order, on went the machine, drawn by two strong horses, and heedless of ruts and hillocks in its course, which was very rapid, bringing down every thing it encountered cleanly and completely, including two or three slices of turf at least a foot long, and more than an inch thick.

The performances of the machine were not confined to one single course. A considerable amount of work was performed in the most satisfactory manner, Mr. Hussey himself sitting on the box at the side, and throwing aside what was cut down in the manner best adapted for gathering and binding. Indeed the work was not confined to the fern; a rabbit who was not accustomed to this species of interference was started and cruelly lacerated before he had time to escape.

At the close of the trial, his royal highness gave a practical proof of his favorable opinion by ordering two of the machines for himself, one for Windsor and the other for Osborne. He then, after expressing his gratification, rode back to the game-keepers and resumed his gun. After he had left, the machine operated well upon some rushes.

It may not be out of place to state here that Mr. Dray's explanation of the failure of the Hussey machine at Tiptree Hall (Mr. Mechi's farm), is that it was entirely owing to its not being properly managed. On that occasion, he says, the person in charge of it was simply a porter at the Exhibition, who, not understanding the matter, neglected to clear away the wheat as it was cut down, in consequence of which the action of the machine was unavoidably and fatally impeded. We witnessed the result at Mr. Mechi's, and certainly there was no such fault on Saturday. The progress of the machine was notwithstanding the unevenness of the ground, rapid and satisfactory; and it was stated as a fact that on a level ground the horses used in drawing may trot, not only without weakening or impeding the action of the knives, but even with advantages, as by that means the cutting requires increased precision and force.

The following is Prince Albert's certificate:

WINDSOR CASTLE, NOV. 13, 1851.

Sir:—In answer to your letter addressed to Gen. Wemyss, I have received the commands of his Royal Highness Prince Albert, to say, that so far as he could judge of Mr. Hussey's Reaping Machine, from its performance in the high fern at Windsor Park, his Royal Highness is disposed to form a very favorable opinion of it, and has ordered one * in consequence for the use of his own farm. His Royal Highness can however give no opinion as to the relative merits of this machine in comparison with those of others which he has not seen at work.

I have the honor to be sir, your ob't serv't,

GREY.

* The Prince ordered two Machines, one for Windsor and one for Isle of Wight.

From Maidstone & South Eastern Gazette, Oct. 21, '51.

WEST KENT AGRICULTURAL SOCIETY'S PLOUGHING MATCH.

HUSSEY'S AMERICAN REAPER.

A distinguishing feature at this society's meeting on Thursday, the 16th inst., was an exhibition of the capabilities of the above machine. The season of the year of course prevented a display of its powers on anything in the shape of grain, indeed great difficulty was found in procuring even a green crop on which to operate. Undaunted by this fact, the inventor was determined to show to the anxious hundreds assembled the extent of the advantages to be derived from the use of his reaper. At two o'clock the machine was set to work upon a field of clover, short and light (as may be supposed), where its performance was effectual as it possibly could be, exciting a considerable amount of surprise as well as gratification. It was then taken to a piece of marsh land, where clumps of stout rushes in many places were growing in thick masses, presenting the appearance of stunted grain. The machine passed over this marsh, cutting the rushes with the same facility as if it had been corn, leaving the stubble about 4 inches long and very regular, giving also a good representation of the manner in which the sheaves of wheat, &c. are usually delivered. Both these operations, but especially the latter, were considered severe contests of the capabilities of the machine. Taking all the circumstances into consideration, the performance was far beyond all reasonable expectations. It was a question whether the excellent work of the 58 competing ploughs, or the extraordinary novelty of Hussey's machine in operation, added most to the gratification of the large assemblage of the leading agriculturists of Kent.

From the Kentish Gazette, Nov. 11, 1851.

In addition to the interest naturally felt by all who live on and by the soil in its proper cultivation, there was an unusual degree of attraction in the fact that a reaping machine by Mr. Hussey, (the celebrated American Machinist) would be tested upon 7 acres of mustard adjoining the ploughing field. The reaping was commenced about twelve o'clock, and continued for a considerable period. The crop of mustard was wet, and by no means calculated to favor the experiment. It was however, after the machine was properly arranged, cut down with great regularity; and at a speed equal to four miles an hour it traversed the circuit of the field, hewing its way through the mustard, quickly followed by a crowd of eager observers, whose wondering gaze exhibited at once their astonishment and admiration of its working. Occasionally the level of the cutters were altered, so as to leave a greater or less length of stubble, which evinced the accurate adjustment to which the machine could be

brought. Some portion of it was taken to pieces, and the whole of the arrangements shown, which the farmers present displayed an eager anxiety to investigate, and many were the questions proposed, and satisfactory answered by the talented inventor.

We should mention that the undulation of the land does not impede its operations in the least—as it was well observed by a gentleman present, that where a cart could travel there this machine could also go, and complete its design. No previous acquaintance with its principle is necessary to be able to guide its operation, as was shown by Mr. Neame, Jr. who mounted the platform and discharged the functions appertaining to the party who removes the corn from the machine after it is cut, with the greatest ease and precision. Indeed the most unqualified approval was given by the gentlemen present, to the applicability of the reaping machine to the purposes for which it is designed. We have thus entered into minute particulars, because this is the first opportunity we have had of witnessing the results of such an experiment, attended as it was with every degree of satisfaction. Lord Sondes gave an order for one of the machines, and we understand that three or four orders were given in the course of the day.

At the dinner which followed, the chairman gave “Sir John Tylden and the visitors.”

Sir John Tylden, as a member as well as a visitor, replied to the toast, and in a jocular strain animadverted on the suffering of the farmers of Faversham, who were determined, like a celebrated regiment in the service, to “die hard.” He alluded to the reaping machine of Mr. Hussey, which he characterized in contradistinction to that of Mr. M’Cormick’s and all others, as the universal reaping machine, of which he spoke in highly approving terms, and passed a warm eulogium on its talented inventor, and the country he represented, which in the space of 80 years had risen from a wilderness to her now exalted position, and proud of her Anglo-Saxon blood.

A REVIEW

OF THE

PAMPHLET OF W. N. P. FITZGERALD,

‘ Counsel for Parties in the State of New York,’

IN OPPOSITION TO THE EXTENSION OF THE PATENT

OF

OBED HUSSEY:

AND ALSO OF THE DEFENCE, OR EVIDENCE IN FAVOUR OF
SAID EXTENSION.

WITH A

NARRATIVE OR BRIEF HISTORY

OF

REAPING MACHINES,

AND AN EXAMINATION OF THE CLAIMS FOR PRIORITY OF
INVENTION:

AND AN APPENDIX.



BALTIMORE:
FROM THE PRESS OF MILLS & COX,
122 BALTIMORE STREET,

1855.

Reprinted by the W. B. CONKEY COMPANY
1897.

REVIEW.

In reviewing these pamphlets—the one intended to defeat, and the other in vindication of the rights of Obed Hussey—and which are in fact the rights of every honest inventor in the country,—as well from the aspersions cast on his private character, and abounding in this paper, as from the labored efforts by interested parties to deprive an honest and hard working man of the just reward due to his genius and talents, it is proper to say that we have no private or pecuniary interest in any patent claim. Nor are we fee'd "counsel" or hired agents—literally *Lobby Lawyers*, to get claims through Congress, right or wrong. But we are farmers, who can appreciate, and know practically the great value of this invention to the Agricultural interests of the country; and who desire to see the inventive talent of our countrymen fostered and encouraged by the General Government, and adequately rewarded for its toil and privations.

As Farmers, we advocate the extension of this patent, and as Farmers we have a right to be heard, being the class most directly interested, next to the inventor himself; and fully believing that the country—nay, the whole Agricultural world—is more indebted to Obed Hussey than to any or all other inventors, in being the first to render this implement of real practical value to the Farmer, and that the evidence fully sustains this belief—that his invention has conferred the most signal and lasting benefits on others, with a reward in no degree adequate, to himself; that it is justly due to one who has proved himself a public benefactor both at home and abroad; and that in granting the extension, it is strictly in accordance with an enlightened policy of the Government, and will not injure the interests of the farmer, or others, who have the slightest right to object or complain.

It is brought as a grave accusation against Obed Hussey, that he was "ignorant," not "learned in the law," and as "familiar with the rules and regulations of the Patent Office," as this "counsel" professes to be.

Is it to be supposed that he could be? The man whose whole life has been one of toil and hardship; though seeking to be useful to others, and to make an honest living by industry and perseverance; as well—and for years—on the pathless Ocean, in pursuit of the great "Leviathan of the deep," to furnish the oil for the lawyers' midnight lamp—"passing nine consecutive months of the year on the southern ocean, and under the shadow of the main topsail, without even a sight of *terra firma*"—as on the land, to aid in lightening the labors of his fellow man, who provides the staff of life.

The fore-castle, not the Forum—the work-shop, and not the University, have been, we presume, the schools in which he was taught; and doubtless his hands are more familiar with the *harpoon*, the hammer and the chisel, than with the pen. For more than twenty years—indeed the prime of his life—he has devoted all the energies of his mind to perfect and bring into use, this great labor-saving implement, the Reaping and Mowing Machine. And if he has by so doing benefitted others, it is certainly no more than right and fair that he should receive a reward in return;—such as the laws of the land recognize as “adequate reward.”

We honestly believe that he is justly entitled to what he asks for; and are willing “without money and without price,” to aid the deserving as far as our efforts and influence can avail in so laudable a cause.

In asking Congress for an extension of his Patent it is no more than hundreds have asked before him; and have had granted to them, for inventions of small comparative value in many cases, to the public. If his is of great value to the *public*, it certainly ought to be considered of corresponding value to the *inventor*.

We will endeavor to show that his invention has proved itself of *very great value* to the Agricultural interests of the country.

As to the benefit of Reaping Machines to the farmer, and the just or *adequate reward* to the inventor, we will give the opinion of one who was not only disinterested, but fully understood both branches of the subject;* he says: “In Agriculture, it is in my view, as important, as a labor-saving device, as the spinning jenny and power loom in manufactures. It is one of those great and valuable inventions which commence a new era in the progress of improvement, and whose beneficial influence is felt in all coming time; and I do not hesitate to say that the man whose genius produces a machine of so much value, should make a large fortune out of it. It is not possible for him to obtain during the whole existence of the term of his patent, a tenth part of the value of the labor saved to the community by it in a single year.”

There are doubtless applications for extensions, and perhaps granted too, in which the applicant has been amply rewarded; others again, and it is believed by far the greater number, have been made poorer instead of richer, by devoting their time and energies to introduce useful implements and machinery.

The shrewd and designing, not the poor inventor, usually reap the reward due to genius. Such are ever ready for the sake of gain, and with a reasonable prospect of impunity, to invest their capital; often realizing *cent. per cent.* profits out of the public—taking the bread out of the mouth of the poor, but honest inventor, and frequently with means too limited to protect his known and admitted rights; or if these rights are acknowledged, the Capitalist usually retains the “lion’s share,” and the poor inventor must be content with a mere pittance, or get nothing.

We do not propose to follow the example of this “counsel” by ar-

*Hon. Edward Burke.

guments on abstract principles and supposed cases, that have no sort of analogy or bearing whatever on the subject; for he bases his arguments on false premises—assuming as facts what never existed, except in his own imagination. Nor is it necessary to review in detail the *law arguments* of the learned “counsel”; though we expect to prove *by the law* that he either does not himself understand it, or intentionally misinterprets its plain and obvious meaning. It is believed there are yet some good lawyers on the floor of Congress, who are quite as likely to interpret them aright as this gentleman; and who, when they desire *Law*, know where to find it, and how properly to expound its provisions.

Congress may require *facts* to enable it to act understandingly; these have already been furnished, and are now on file in this case, fully sufficient to convince and satisfy two able Committees of the Senate—with a fair proportion of very talented Jurists on each—to induce *unanimous* reports in favor of the extension; and this too after a careful and critical investigation of the facts and merits of the claim. On the passage of the Bill through the Senate, it was stated by a member of the Committee, who is also a very talented lawyer, and had carefully investigated the case, that “the report of the Committee on Patents and the Patent Office is unanimously in favor of the bill. It is a very strong case, and one about which the Committee has no doubt at all.”

There is such a thing as retributive justice, where the attempt to injure another in character or interests, recoils on its authors; and this is believed to be one strictly of that character; for it enables us to expose the object of a combination, just as selfish and unjust, as it is unwarranted by the facts. In seeking to maintain his own just rights, Hussey has not assailed the character of any one; nor has he, in the slightest degree, so far as we can perceive, attempted to invade the rights of others. He has long resided, and is well known in the city of Baltimore; and not altogether unknown in some other sections of this State; possibly this “counsel” and “parties in the State of New York” may have heard of him in other portions of the Union, if not in foreign countries. However this may be, we leave it for others, *disinterested parties*, to say, whether they have ever known him engaged, either by chicanery or open assault, to traduce private character, or intentionally or knowingly, interfere with the rights and property of others.

With these general remarks, we will examine the pamphlet in question—refute its misstatements and perversions of facts, by documentary evidence; and clearly show, as we think, that its sole motive and object is to deprive Obed Hussey of laurels fairly won—to rob him of the reward justly earned, by more than twenty years of toil and perseverance, to perfect this great and valuable labor-saving machine, and transfer the profits to the pockets of a few designing and interested “parties in the State of New York.” Who they are, or how many, their “counsel” carefully conceals; nor are we surprised that in such a cause, they desire concealment, and should prefer hiring one

who appears quite ready and willing to invade the rights of others, and to assail private character, without cause and without provocation, by which to gain a fee. We only notice this attack on private character at all, on the general principle that the oft repeated slander may assume the garb of truth with some, if unnoticed and unexpunged.

In quoting from the pamphlet, it is done, italics and all, just as printed. On page 1st it is stated:

"If the patent in question had not expired, and were before the Commissioner of Patents on application for extension, the questions would be simply whether Mr. Hussey had made a valuable invention, and whether he had failed from causes beyond his control to obtain a reasonable remuneration therefor. If so, he would, *prima facie*, be entitled to an extension, and it would be granted to him if consistent with the public interests. [See 18 Sec. Stat. of 1836, and 1 Sec. Stat. of 1848.]—But the patent having expired, and the public having thereby acquired the absolute right to the invention, and having entered upon and extensively exercised that right throughout the country for nearly seven years, and numerous individuals having in good faith invested millions of dollars in the manufacture of improved machines embodying some of the general features covered by this patent—other questions of vast import to the public arise, and should be carefully considered."

Now the merits of the whole question of extension elaborately argued in some 12 pages, might be comprised within the compass of a nutshell; the authority and grounds for granting it are found in the Act of July 4th, 1836, viz: has the applicant a valid claim as inventor,—is the invention of value to the community,—and has he been adequately rewarded thereby. But in order to avoid all cause for a charge of unfairness, and at the risk of too much extending our review, we will quote at greater length than is deemed necessary. It will also show more clearly the *spirit* and *motives* of these "parties in the State of New York" and their "counsel."

In page 3 it is stated, that "he had allowed his patent to expire,—had given no public notice of an intention to extend it, and who has left the public in the possession and ownership of the invention, without suggesting or hinting that he intended to make such an attempt for nearly six years! and until millions of dollars are invested in the manufacture and sale of machines, improved by the valuable inventions of others, but which embrace some of the elements covered by the patent sought to be extended; [!] the whole manufacture and sale of which would be made subject to such tariff as the patentee under the extension might choose to impose, or be arrested entirely by an injunction, or subjected to ruinous suits and damages at Law. And he it remembered, these vast establishments sprang up, and these vast sums of money were invested, when the invention of Hussey had long been fully and completely vested in the public, and all was done in *good faith*, without the slightest hint or suspicion that *even an attempt* to renew was contemplated, or a belief in the possibility of a renewal, or any reason to believe it any more than all steam navigation should be laid under contribution, at the will of the heirs, by the renewal of the patent of Robert Fulton!"

The learned "counsel" may well make a note of exclamation here; a dozen would not be misplaced. We would like to ask him a single question,—does he expect the public to believe all this? and does he believe it himself? But hear him further, page four.

"It should be constantly borne in mind, that in 1847, prior to the expiration of Hussey's patent, he might have applied under the then existing law, to the Board of Extensions, and obtained an extension, if he had chosen to do so, and could have shown himself to be entitled thereto. But he made no such application, as the records of the Patent Office show."

Again, same page:

"Now Mr. Hussey could not have been ignorant of this, [i. e. the "sixty days rule," or notice] and he does not pretend to be ignorant that notice to adverse parties was required by statute, to give them opportunity to oppose, &c. These things I say Hussey knew, and does *not dare* to pretend ignorance of.

"Under this state of the law how does Hussey proceed? Why, he makes no application at the proper time and place, but *calls* on the *commissioner personally* for the first time, TEN DAYS before the expiration of his patent, and *talks* with him about an extension, and is of course told that he has by his own delay rendered it impossible to give reasonable notice to adverse parties, and that his application will be rejected if made, and that he had better save the fee. He is also informed that the *shortest time* for notice which the Board of Extensions consider *reasonable, is sixty days*, and that they have long since adopted a rule to that effect. This rule, let it be recollected, had been previously for years, and still was, circulated freely in the same pamphlet with the instructions to those who have business with the Patent Office, among all who desired the pamphlet, and sent to almost every patentee in the country, and none having occasion to know could be ignorant without the grossest negligence of the rule adopted by the board. A note to the Commissioner would have brought him, *without a penny of expense, and within twenty-four hours from mailing his note a perfect printed copy of all the rules on the subject*. A plea of ignorance is always suspicious, and under such circumstances becomes peculiarly so. Was it *real ignorance*, or a *ruse* to escape thorough investigation without subjecting himself to the presumptions which always arise from *dodging* investigation? Ignorance is sometimes *very convenient*, so convenient that the *law* never allows a party to avail himself of its benefits, when he *might* have known. By this *ignorance* or *trick* he has effectually escaped investigation. Shall he also escape adverse presumptions, and thus derive a double benefit from his inexcusable ignorance, whether real or feigned? Shall an *innocent public* suffer the *consequences* of Hussey's inexcusable neglect, while he reaps only its advantages?"

Now we would ask the intelligent reader, what could have been the inducement for these "clients"—"the principal of them who did not enter upon the business until years after the expiration of Hussey's patent," [of course meaning HOWARD & Co., the assignees of Ketchum's patent] to "invest millions of dollars" in the manufacture of machines, that they knew perfectly well were "embodying some of the general features covered by this patent,"—in another place—"which embrace some of the elements covered by the patent sought to be extended"—and in a third place, "embrace a *single feature* of his patent?"

How were these "millions of dollars" acquired, that were not invested until "the inventions of Hussey had long been fully and completely vested in the public."—"not until they left the fullest opportunity to apply to the Patent Office *before* the expiration of the patent, or to Congress *after*,"—nor "until years after the expiration of Hussey's patent?" &c., &c. They either made these "millions" at other kinds of business,—if indeed they were ever made—whilst Hussey was struggling in poverty and adversity, and straining every nerve to perfect and introduce the machine into use; and as it would appear, *just in time for these CAPITALISTS to realize other "millions" from his labors!* or, if made since, by the sale of machines, they are rich enough already, *manufactured out of the brains of other men*, and have no right whatever to interfere. And *you* to talk about Hussey having "become the cat's-paw of a more designing and grasping man!!"

It is perfectly well known to every machinist in the country who

has ever seen a Reaper, that no great outlay in machinery is required to build them on a moderate scale, and that the same machinery is equally adapted to the construction of threshing machines, and a hundred other kinds of work. It is only in such shops—"these vast establishments," as these parties in the State of New York have, who boast of selling their thousands upon thousands of Reapers annually, that "millions" can be used; and with these, the main expense is for materials and workmanship, not dead capital invested in machinery. It is however just as easy to *write millions*, as thousands. We have known good and efficient reapers built—after the right was honestly obtained, to build the *right* kind,—by persons who were not mechanics by profession. A good country blacksmith, aided by a worker in wood, and a suitable lathe to turn the journals, are altogether competent with a little experience to do the work; and such has been the start, of almost every *original inventor*. True, the Capitalist by a division of labor, and more extensive machinery can do a larger business, *and make more money*.

Much parade is made, and much stress laid, on doing injustice to the "public"—"the innocent public," in granting this particular extension. Do the farmers, who alone use these machines, constitute the "innocent public" which so claims their sympathy? By no means; but it consists of—and by their own showing, a few millionaires, the assignees of a poor patentee, who seek to deprive others of their just rights, in order to increase still more, their own sordid gains. The FARMER is *not* the party sought to be benefitted in this crusade against a "sailor's right:" *their* interest, and the "public good," are but as the paw of poor puss to get at the *roasted chestnuts*. Do these very disinterested and public spirited parties who are so alive to the "public good," reduce the price of their machines to the farmer? Do they not charge just as high for them now, when they boast of selling thousands annually, as when the sales did not reach hundreds? We know they do, for we have now before us their hand bills for several years past.

We do not believe there is a disinterested and liberal minded farmer or mechanic in the Union, who knowing the facts or true merits of the case, would oppose or object to the extension. All such with whom we have conferred, both as Societies and individually, are in favor of it, as a reward fairly and fully earned by years of toil, in the effort to benefit the agricultural interests of the country. This is not the place to enter into details of profits, &c.; but as we sometimes arrive at correct results by comparisons, it may be stated, that owing to his very limited means in part, but more to the great difficulty in inducing the farmers to adopt improvements,—proverbial as they generally are for caution, and adhering to old and long established usages—Hussey sold *less than three hundred machines*, all told, [but not paid for to this day,] during the whole term of the Patent, of fourteen years! It required *eleven years* to sell less than half of them:—not an average of the *one hundredth part* of what these capitalists, or "the principal of them" boast of having sold in a *single year*; nor the *four*

hundredth part of what one of their agents stated they would make and sell the current year!!! We would say to these "parties," as did the Speaker of the Virginia House of Burgesses to a very modest man, though he afterward attained to *some* celebrity, by always acting on the principle, that "honesty is the best policy;" "sit down Mr. Washington; your great deeds are only equalled by your modesty."

It is comparatively an east thing, after the forest is levelled, the track opened and cleared out, bridges erected, and the rails laid down, for the *Locomotive* to fly as on "the wings of the wind," and almost annihilating time and space.

And just so with these capitalists; after long years of privation and perseverance in inventing and perfecting this invaluable machine, and the still greater difficulties and delays are overcome, in getting it introduced into use by the inventor, *they*, with a large money capital, have no difficulty in erecting "vast establishments," and selling machines by thousands. Like the merciless Kite, they watch their chance, and pounce down upon the innocent prey in the farm yard. But "ware the farmer boy" with his rusty old fire-lock; for before soaring away with his prize, the *depredator* may perchance find his wings clipped, and his *talons* rendered powerless, by an unexpected but well aimed shot.

It is asserted over and over again by this "Counsel," not less than three or four times, that *sixty days' notice* was necessary by the "rule" of the board of extensions; that Hussey *calls* on the *Commissioner personally* for the *first time* TEN DAYS before the expiration of his patent, and *talks* with him about an extension; is informed that the "*shortest time*" for the notice is *sixty days*;—long since adopted, and that it had been previously and for years printed and circulated freely by the Patent Office, &c. &c. But before returning this *broadside*, we will get into *close quarters*, and receive another from pages 5 and 6—

"But even if he had been ignorant of the *sixty days' rule*, adopted by the board, he could not have been ignorant that in a country so wide spread as this, a *shorter term of notice*, to allow those interested adversely to hear of the application, and prepare their testimony for the hearing, *would not be sufficient, or reasonable, or just* to the public, but would be mocking the public and individuals by the *forms* of law *without its substance*, and trampling upon their *rights* while they were insulted by a *sham notice*. It would be recalling the days of that tyrant who published his edicts by writing them in small letters, and placing them so high in the air that people could not read them, and still requiring compliance, or the consequences. Hussey could not have *intended* the public to have notice, and could have delayed the call on the Commissioner till withing *ten days* of the expiration of his patent, for *no other purpose*, than to *deprive* the public of the means of notice, and obtain his extension *covertly* on *ex-parte* affidavits, while the public and those interested, were *mocked and insulted, by legal forms*. I say he could not have *intended* to act in good faith. And why—but that his pretensions would not bear the light. If he had applied *fifty days* before the expiration, there might have been an *appearance of sincerity*; but how *miserable* is the plea that he did not know the precise number of days limited by the board, when he did not apply at all, and called on the commissioner for the first time on the subject, but *ten days* before the expiration of the patent! *The facts destroy every presumption of good faith*. He did not *intend* to allow a fair investigation but to stifle it, and get an extension on an *ex-parte hearing*, where he could prove what he pleased, without danger of contradiction.

"But again: The course pursued left *no traces*. Nothing appears on the record

of the proper office, to show that the subject was ever *broached* there, or to give notice of his intentions. Those, therefore, who sought information at the proper point, could learn only that no attempt had ever been made to obtain an extension, which put them off the track.—The conversation between Hussey and the Commissioner appears to have been entirely secret, and is shown to have taken place only by a private letter of Edmund Burke to the chairman of the Senate Committee, some four months after the alleged interview. There was nothing to give those who were interested adversely the slightest hint that an extension was contemplated, however diligently it might be sought.—His track being entirely covered, he proceeds with equal secrecy to Congress with his petition, and his wretched excuse about ignorance of the *sixty days'* rule—but without any excuse for his delay till *ten days* before the expiration of his patent—it admitted of none—and prayed an extension by their extraordinary interposition!"

Now one *fact* at least, appears to be conclusively established, and that is, this astute "counsel" considers himself perfectly *au fait* in "law," and the "rules and regulations of the Patent Office." If he had understood them only half as well as he appears to do the bandying of reproachful epithets, it would be better for *him*, though not for his cause. As this "*sixty days'* rule" appears to be the strong hold of the counsel—his "Rock of Gibraltar," we will examine it with a little more attention.

Knowing, we presume, but little about law, and still less about "the rules and regulations of the Patent Office"—for all his time, and constant labor with his own hands, were required in the workshop to earn a bare support,—but being very desirous to obtain an extension of his Patent before it should expire, and also having some personal acquaintance with Commissioner Ellsworth, Hussey's FIRST application was made to him in 1845, a short time previous to his going out of office; certainly not less than *twelve months* before the expiration. This is proved by the annexed letter:

LA FAYETTE, IA., July 3, 1854.

DEAR SIR:—Your letter of some weeks since, referring to a conversation I had with you while I was Commissioner of Patents, relative to the extension of your patent for a Reaper, would have been answered earlier, but for absence and extreme pressure of business.

If my recollection will aid you, I most cheerfully state, that before your patent expired, you consulted me as to the extension of the same. I replied that it was better to postpone an application until near the time the patent would run out, for the Office must estimate the profits of the invention during the whole term; and you accordingly postponed it. I regret you postponed it too long. The publication of thirty days before the patent expired, was a rule as published by myself. If you have lost your opportunity for relief through (the) Patent Office, you must of course go to Congress.—I have always regarded your improvement as valuable, and that the country is greatly indebted to your persevering efforts, notwithstanding the obstacles presented.

Yours respectfully,

HENRY L. ELLSWORTH.

Mr. Obed Hussey, Balto. Md.

This at least presents "an *appearance of sincerity*;" and at once cuts down the "*sixty days' rule*" to a "*thirty days' rule*." But the *Reaper* can cut better than to leave *half* the grain standing. It usually cuts every head! Hussey acted on this official advice; and did "postpone an application until near the time the patent would run out"—literally so, for he was not advised of even the "*thirty days' rule*."

When he again applied, and not "until near the time the patent would run out," Edmund Burke was Commissioner of Patents. He states in a letter to Senators Douglas and Shields, under date March 4th, 1850, as follows:

"In relation to the patent of Hussey, if my memory serves me, his patent expired some time within the latter part of December, 1847. During that month, and within some ten or twelve days before the expiration of his patent, he applied to me as Commissioner of Patents, for an extension. I informed him, that inasmuch as the act of Congress prescribed the mode in which patents should be extended; required a reasonable notice to be given to the public in sundry newspapers, published in those parts of the country most interested against such extension; and as the board had decided that 'reasonable' notice should be a publication of the application for extension three weeks prior to the day appointed for the hearing, there was not time to give the required notice in his case; and I advised Mr. Hussey not to make his application, and thus lose the fee of \$40 required in such cases, as he inevitably would, without the least prospect of succeeding in his application—but to petition Congress for an extension, which body had the power to grant it."

Well, the "*sixty days' rule*," so relied on and harped upon, is here clearly shorn of *two thirds* of its fair proportions.

It is shown by the foregoing letters, that one commissioner advised a delay in the application,—and for apparently very sound reasons. On the second application to Edmund Burke, on the twentieth day of December, 1847, *eleven* days before the expiration, and when the patent *had* nearly run out, he was informed that the "rule" or notice required, is "three weeks prior to the day appointed for the hearing."

He was again officially advised *not* to make the application to the Patent office, and lose the fee of forty dollars, but to "make the application to Congress, which body had the power to grant it." It thus appears that one Commissioner had established a "rule" of "thirty days," and the other a "rule" of "21 days."

The counsel asserts positively, that Hussey did not actually *apply* at all: only *called* on the Commissioner and *talks* with him ten days before the expiration, and was told of the "*sixty days' rule*." Now the Commissioner asserts just as positively that Hussey *did apply for an extension*, and was informed of the *three weeks notice* being requisite. Is it probable that Commissioner Burke was also so "ignorant" as not to know when an application *was* made to him, and of the notice required by *his own* rule?—The thing is too absurd for comment; and we leave the counsel seated on *both horns* of his dilemma.

It further appears, that both commissioners viewed the claim as a

most meritorious one, and fully entitled to an extension, Commissioner Burke so expressed himself in another part of the letter referred to—advising Congress to grant it. We presume the sole and only reason why he did not grant it, was the lack of time to give “three weeks notice,” according to his rule; the time was too *short*. Commissioner Ellsworth did not grant the extension because the notice would be too *long*; and thus “between the *short* and the *long* of it,” and by the new code of *moral law* established by this “counsel and parties in the State of New York,” the poor patentee is to be deprived and defrauded of his just rights! We say deprived of his *just rights*;—for both by the law of 1836, and the usage of the Patent Office, inventors as a matter of course, had extensions granted for *seven* years, if the claim was meritorious, and the reward inadequate, during the *fourteen* years, in the judgment of the Board of Extensions. As before remarked, these facts were established to the full and entire satisfaction of two committees of the Senate; and acting on these reports, the Senate passed a bill for his relief.

Now we would ask any and all right minded men, both in and out of Congress, who are willing “to do unto others as they would wish to be done by,” if it would be right or just—would it be in accordance with the true spirit and intentions of the law—to deny an extension on these grounds?

How was the uninitiated and unskilled patentee to act under such circumstances, when even this “counsel *learned* in the law,” and “familiar with the rules and regulations of the Patent Office,” as he professes to be, is so completely at fault? He it appears only knew of the “*sixty days*’ rule;” which even Congress and the Commissioners were ignorant of. Perhaps there will have to be a “wretched excuse about ignorance,” in another quarter, before the “*sixty days*” are over and gone.

We pass by the insinuations and gross charges of “pretended ignorance,”—“*sham notice*”—“never intended to act in good faith,”—“wretched excuse about ignorance of the *sixty days*’ rule”—“skulked the tribunal provided by law”—“creeps quietly and unobserved into the committee room,” &c, &c, with the single remark, that they are just as undeserved as they are unbecoming and uncalled for.—No *good* cause needs such epithets to sustain it; and it is perhaps the very best evidence of a *bad* cause, thus needlessly and wantonly to assail the reputation of another, for lack of manly argument and sound reasons, to support it. Surely this “counsel” could not expect us to believe that there was no one in the Congress of the United States so well qualified as himself, to judge of morals and propriety;—to say nothing about *law*, and “the rules and regulations of the Patent Office?” Has he not common sense enough to perceive, that these denunciations reflect in no measured terms on the *Intelligence* and *Honor* of Senators, who thoroughly investigated the claim and passed the Bill?

We have shown by the testimony of both Commissioners, that they at least had no such “*sixty days*’ rule.” The Act of July 4, 1836, does not contain it, in section, clause or line; but the “rules” that did exist,

originated in the Board of Extensions;—were subject to change—were changed. A pamphlet of "Information" published November, 1842, and forwarded by Commissioner Ellsworth, "and without a penny of expense" to an applicant but a short time before he went out of office, does not contain any notice of even his "30 days' rule;" so that this so oft repeated "*sixty days' rule*," had not *then* an existence, even in the fertile brain of this "counsel." To meet the *present* views and wishes of these *very disinterested* "parties," there *ought to have been* a "*sixty days' rule*;" and it *should* have been like the laws of the Medes and Persians, "which alter not, neither do they change;"—and also like the "*higher law*" of this modern "tyrant who published his edicts by writing them in small letters, and placing them so *high in the air* that people could not read them, and still requiring compliance, or the consequences."

We have it from very high authority—both sacred and profane, that "where no law is, there is no transgression." Now how is the "law and the testimony?" It was not until late in *May*, 1848, that applicants were required by "law," or by "rule," to give 60 days' notice; and *months after* the petition,—by the advice of Hon. Edmund Burke,—was presented to Congress;—and even *after* the Report was made in its favor by the Committee on Patents and the Patent Office, of the Senate!

The patent expired December 31, 1847. The petition was presented to the Senate February 7, 1848. The bill for his relief was reported May 15, 1848 and was both printed and "published;" noticed as a part of the proceedings of Congress, by the press throughout the United States, and every body thus notified of the application.

The *law* requiring the 60 days' notice, was not approved and operative, until May 27, 1848. And not to "leave a single head standing," in former phrase, the pamphlets of the Patent Office previous to this date, published *no* such notice, if two honorable and able Commissioners are worthy of credence.

We hope the learned "*Counsel*" who was so "familiar with the rules and regulations of the Patent Office," will pardon us for showing *him* by the annexed notice of the Commissioner of Patents that so late as 12 o'clock Meridian on the Third Monday in February, 1848, there *never had been* a "*Sixty days' rule*;" and he "may know by making the proper enquiries at the proper places," where the original may be found, of which the following is a copy; and he may perchance also find on the files of the Patent Office pretty decided "*traces*," and in writing too, not "*talks*" only—for they are certainly there—of the reasons and arguments in favor of Hussey's right of extension.

PATENT OFFICE, Jan'y. 21, 1848.

On the petition of C. H. M'Cormick of Steel's Tavern, Virginia, praying for the extension of a patent, granted to C. H. M'Cormick for an improvement in Reaping Machines, for seven years from the expiration of said patent, which takes place on 21st day of June, 1848.

It is ordered that the said petition be heard at the Patent Office, on the Third Monday in February at 12 o'clock M., and all persons are

notified to appear, and show cause if any they have, why said petition ought not to be granted.

Ordered also that this notice be published in the Union and National Intelligencer, Washington, (and several other papers) *once a week for three successive weeks previous to the Third Monday in February next.*

EDMUND BURKE,
Commissioner of Patents.

P. S.—Editors of the above papers will please copy and send their bills to the Patent Office with a paper containing this notice.

To insinuate that all these proceedings were "secret" or "covertly" done, either designedly, or in fact, is a perversion of the truth, and an insult to Congress.

From the foregoing evidence, the candid reader will judge what degree of reliance can be placed on any of the broad charges and sweeping denunciations of such a "counsel" as this. He appears to *practice* on the principle that the "end justifies the means," regardless alike of facts and figures; or, he manifests a degree of "ignorance," wholly inexcusable in one who undertakes to enlighten even the mechanic, much less the Congress of the United States. We are aware that advice unsolicited, is rarely appreciated; but will venture to suggest to this gentleman, that if his *failing* proceeds from *real* "ignorance," it might be found profitable to resume his studies before again attempting to practice. If he would *designedly* impose his incorrect statements on Members of Congress and others, we would say to him—and from a longer experience with the world than he has had,—“Honesty is *always* the best policy,”—whether in getting claims through Congress, or in his intercourse with “the rest of mankind.”

As before remarked, it is brought as a grave charge against Hussey that he was ignorant of the “*sixty days’ rule*,”—the man confined to his workshop, and compelled to labor with his own hands for his daily bread—while this same “counsel,” a resident of the City of Washington, and whose occupation is to prosecute or defeat claims, *for a consideration*, and *as the case may be*, is still more ignorant.

We opine that “Othello’s occupation’s gone,” unless he finds out a way to manage “a case” better than this.

He tells us that the business was all done in the “most secret quiet manner:” *they* did not “know that the petition to extend the patent was before the Committee,”—did “not know that it was published, until divulged by accident;”—that, “the Committee, of course, when relieved from their labors, desire to sink the shop and obtain recreation—and would not speak of the business,” &c., &c.

Now we would ask, *whose* business was it to know before invading the rights of others, and “investing millions of dollars” in what they *did* know was never invented by them? What would it avail the PIRATE *on the high seas*, before a court and jury when indicted for feloniously taking the property of others, to enter the “wretched excuse about ignorance” of the law, and allege the plea that he “was artfully

drawn into the business," and had "invested vast sums of money" in his ship? And what think you, would a righteous judge probably answer to such pleading as this? Your plea cannot, and ought not to avail you. You at least *know* that the property was *not yours*. You were not "decoyed," or "artfully drawn into" this piratical business. BUT YOU VOLUNTARILY MADE YOUR OWN ELECTION TO RUN THE HAZARD, FOR THE SAKE OF GAIN. You not only plunder the poor sailor of ship and cargo, but you would turn him adrift on the wide ocean, without chart or compass, and with only a single and frail plank, to die a lingering death. You have not a shadow of claim on the justice or mercy of the court!

He thinks however, "If Hussey had *cautioned* them—so that they would have been prepared to resist the extension or avoid falling into the snare—the case would have been different; but his course has been such as to *draw them into the business* [!!] and it remains to be seen, whether, having thus drawn them in, he shall have the aid of Congress to fleece them."

It certainly comes with a very bad grace from these parties to talk about *fleeing*. They would "fleece" the very man—the true and original inventor by their own showing—by whose efforts and long devotion to the cause, they are now realizing "millions of dollars." We trust Congress can perceive the full force of such reasoning as this, and the true source of the fleeing.

We like the *Teacher* whether in *Law* or *Gospel*, whose *practice* corresponds with his *precepts*. Hussey aimed at no concealment; none was practiced, either in, or out of Congress; the evidence conclusively proves it; and to make such pretense, can only proceed from design. But how was it with this "counsel and parties in the State of New York?" Was Hussey "warned" or "cautioned" by you, or a pamphlet placed in his hands, so that he "would have been prepared" to refute these false allegations and assumptions? Were not these pamphlets "secretly" distributed to some Members just as it was supposed the bill would claim the action of the House, and carefully "concealed" and kept out of the way of *other* Members believed to be favorable to the petitioner, and thus forestall all opportunity to reply? And when advised that the Committee on Patents of the House, could not report at this Session, were not the pamphlets again "concealed" as much as possible, or sent to members during the recess, to be ready for the onslaught at the next session of Congress? But thanks to an honorable high minded Western Member, who witnessed the game, a copy soon found its way into other hands than it was *intended* for.

It is believed such was the fact. This however is certainly known; that one or more of the agents employed to distribute the pamphlets, *desired their own names might be "concealed."* "Why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?"

Having shown clearly, and proved, by the most reliable testimony, that all the charges of "trick,"—"secrecy"—"wretched excuse about ignorance," "skulking," &c. trumped up to defeat the extension were

entirely groundless,—not to say malicious, we will show, and prove also, that instead of being a “delinquent and snare-setting patentee”—“setting a trap for manufacturers”—or “that he had so long concealed his intention—to obtain an extension,” &c., that Hussey was using every honorable effort within his means and knowledge, to get the Patent extended by Congress.

Those who have ever made the trial, need not to be told of the difficulties, expenses and delays—often for a dozen years—attending the prosecution of private claims. No matter how meritorious they may be, there is nearly always delay; and often too, justice is so long postponed, that the poor applicant after spending his last dollar in the fruitless effort for expenses, or for fees to a set of Shylock’s, is forced to abandon his claim in despair, or death closes the scene of all his earthly labors and trials. If our memory serves us, there was once a case of a private claim, that occupied the attention of Congress for *some twenty-five to thirty years*; and that claimant a widow lady too! It is believed she also died before the claim was adjusted. Is it indeed so very strange that private bills were delayed in Congress from 1848 to 1852-3, the most exciting period in the political annals of the country for 40 years?—and following upon the sectional strife resulting from the Mexican War—the admission of California into the Union, and the consequent agitation of that all-absorbing subject SLAVERY, which appeared for a time likely to rend asunder even the Union itself? But “there are none so blind, as those that *won’t* see.”

The annexed letters are deemed quite sufficient to establish this point, though more evidence, if necessary, is at hand.

WASHINGTON, 5th Sept., 1854.

Obed Hussey, Esq., Baltimore—

My Dear Sir: I have recently learned, with surprise and indignation, that certain *speculating harpies* who fill their coffers with the products of other men’s brains, and who, in your case, seek to “reap where they sow not,” are basely and unjustly endeavoring to prevent a renewal of your patent for your “Reaping and Mowing Machine,” upon the ground, [among others], that you and your agents have neglected to press your Claim properly before Congress.

I have been your Agent from the time the claim was first presented to Congress, and *know* that the *Charge is entirely unfounded*.

The facts according to the best of my recollection and belief, are as follows: Your Claim for a renewal was presented to Congress *at the very first Session*, after you ascertained that your application to the Commissioner could not be acted upon under the rules of the Patent Office. Every paper and proof necessary to establish your right to a renewal of your patent, *under the existing laws*, was procured, and promptly placed with your memorial, before Congress. No further proof was required by the Committee on Patents, in the Senate, and your right to a renewal was fully established by an able and unanswerable report of that Committee, accompanied by a bill for a renewal.—This report and bill were printed by order of the Senate, and were

noticed as a part of the proceedings of Congress, by the press throughout the United States, *and every body thus notified of your application.*

From that period to the present time, I do not think there has been a single Congress at which all proper efforts were not made to obtain the action of that Body. Members were not annoyed with indecent importunity; nor were any powerful combinations of interested individuals resorted to, to *force* your Claim upon the consideration of Congress. This was not in accordance with your taste, or your means. I well remember, however, that you frequently visited this City on that business; and that at almost every session, you either brought or sent to me, to be laid before Congress, some new evidence of the triumph of your great invention.—These documents were faithfully laid before that body, or sent to the senators from Maryland for that purpose. On one occasion, as your agent, I addressed a somewhat extended communication to the Senators from Maryland, attempting to show the vast importance of your invention to the Agricultural interests of the United States, and the strong claims you had to a renewal of your patent, and requested them as the Representatives of your State in the Senate, to give their attention and influence to accomplish that end.

At a subsequent Session, this request was repeated, to one or both of the Senators from that State.

I can also state with certainty that hardly a Session of Congress has passed since your memorial was first presented, at which prominent and Scientific Agriculturists, in different parts of the Country, who were acquainted with the merits of your invention, have not used their influence with Members of Congress to obtain a renewal of your patent. Any pretense therefore, that your Claim has not been duly presented, notified to the public, and urged with all proper care and diligence upon the attention of Congress, I repeat *is totally unfounded.*

It will be a stain upon the justice of the Country, if one whom truth and time must rank among its greatest Benefactors, shall be stricken down and permitted to die in indigence by the interested and unworthy efforts thus made to defeat you.

You are at liberty to use this statement in any manner you may desire.

Very truly and respectfully,

Your Ob't Ser'vt,
CHA'S E. SHERMAN.

HAREWOOD, 9th Mo. 7, '54.

Esteemed Friend, O. Hussey:

I duly received, and have carefully read the Pamphlet by W. N. P. Fitzgerald, [the attorney for a few interested parties at the North,] in opposition to the extension of the Patent of 1833. And in answer to the queries, whether the charges are true that no efforts have been made to procure the passage of the bill by Congress, or that they have been "secretly" or "covertly" made, I can state from my personal knowledge, that they are not only untrue in fact, but entirely groundless. I was not previously aware, that claims *could* be "secretly"

presented or prosecuted, and "secretly" acted on by the two Houses of Congress!

Some years since,—even before purchasing a machine for my own use, I received numerous letters from individuals not only in this, but adjoining States, [and some of them entire strangers even by name,] desiring my opinion both as a farmer and machinist, in regard to their purchases of Reaping Machines. With this view and also for my own benefit, I carefully examined every machine within my reach; and the result was, a decided conviction that "Hussey's Reaper" was the most efficient, strong, and durable; and that the peculiar construction of the cutting apparatus, particularly of the guards, was the only true and efficient principle that ever had been invented for the purpose.

Many machines were thus purchased on my recommendation; and all, without exception have worked well, when properly managed. My own machine has much more than realized my expectations; for several years past, doing the work of ten or a dozen scythes in the grass fields, doing it better, and at less than one fourth of the expense.

Knowing that an application was pending for an extension of the Patent, and greatly desiring to see the inventive talent and genius of our countrymen properly rewarded, as well as from a feeling of gratitude to one who has conferred so signal a benefit on the Agriculturists of the country at large, some three or four years since I wrote to influential characters at Washington, urging the extension as due to the Inventor, and in strict accordance with both the letter and spirit of the Patent Laws. From that day to the present, I have not failed at all proper times and places, with Members of Congress and others, to advocate the cause, both verbally, and with my pen. So far from desiring "secrecy" or "concealment," my letters were written with the object, and full permission given, to print and publish them.

Acting from a conscious feeling of rectitude, and from disinterested motives, it is difficult to read this pamphlet without some feeling of indignation; and I am at a loss to say which is the most censurable,—the selfish motives that appear to prompt this opposition, and to take from another what is known, and admitted to be his right; or, the unscrupulous disregard of those amenities of social life—a due regard for the private character of others,—that *should* characterize the advocate and gentleman, everywhere; and which are not often seen even in the pettyfogging county court lawyer, who desires to pass himself off with his light, "brief," and before an ignorant jury, as something extra. If these parties cannot effect their object without thus traducing private character, they will not succeed in that way. It was remarked by a wise man, "that there was no danger from error, if truth was left free to combat it." I have no doubt whatever that in this case, truth and merit, will triumph over error and sordid motives. I shall certainly aid them all in my power, humble and feeble as may be their advocate.

Very respectfully,

EDWARD STABLER.

Several pages of this scurrilous pamphlet are devoted to convey the *idea*, that there is now "a secret alliance"—a collusion between Cyrus

H. McCormick and Obed Hussey, to obtain this extension of patent, in order that they may "share the spoils!" It is a strange compound of insinuation, declamation, inconsistency and absurdity; and it is about as difficult to compete with the "counsel" on this, his favored field, with sound argument or logical reasoning, as to attempt to "bottle moonshine" for future use. The charge is not sustained by a particle of evidence—nay, he even endeavours to vilify, if not discredit his own witness, C. H. McCormick, whom he drags on the witness stand. McCormick by his showing, is an *Algerine* any how;—but if he will help him to capture *this prize*, he "shall be entitled to his gratitude;" if not, he too is to be immolated on the shrine of modern Moloch. The learned "counsel" is very like an errant farmer boy, who was sent into the field to catch a cunning and incorrigible old nag; he took a *nubbin* of corn in one hand, and a *cudgel* in the other: if the nubbin cheated him, to be bridled, well and good; but if too cunning to be thus caught, then came down the cudgel. The very learned "counsel" certainly deserves a *patent* himself for his ingenious device in getting a witness to testify in his favor.

This however is like all the other charges brought against Hussey;—not even "*founded on fact*," as the writers of fiction are wont to say. It is not proposed to enter into any defence of C. H. McCormick, or his claim; he is doubtless quite competent to take care of himself against this assault; and if no better testimony can be brought to invalidate it, the task will be an easy one. But it is due to him and to all others to state distinctly and positively that the charge is wholly gratuitous and unfounded.

But there was no occasion for this "delinquent and snare setting patentee" to "set a trap" at all; nor need "Congress *spring* the trap that has been set for them, i. e., the 'parties in the State of New York,' and so artfully concealed." Their "counsel" has effectually sprung it on the *real* trappers by his own bungling and "ignorance," and not on the innocent and unoffending *game*. We would copy entire, pages 9, 10, 11 and 12, as an admirable specimen of special pleading,—the best we ever saw, considering, there was neither fact, testimony, or even tolerable circumstantial evidence to base it on,—only that it would too much extend our review: we will however give a very fair and full *sample*, with an *analysis*, and the unprejudiced reader can judge for himself; and also whether it is not somewhat like the *patent* double-edged razor, made to cut both ways. It was not however a very useful invention—not like "Hussey's reaper," which cuts *best* both ways—for while the operator was shaving the *upper lip* with one edge, the other was cutting his *nose*. The counsel says:

"Until the present Congress, Cyrus H. McCormick, the inventor, or rather *compiler* of "McCormick's reaping machine," was opposed to the extension of this patent, and has been constantly before the committee seeking the extension of his own patent; and, as he was perfectly conversant with the history of the Hussey machine and with the profits derived from it, as a *rival machine*, could have furnished testimony to defeat the extension.

“ Now, however, McCormick having become satisfied, after several years’ labor before Congress, that he cannot obtain an extension of his own patent, and finding Hussey’s machine one of the principal obstacles in his way, and that Hussey’s patent will be more available for the purposes of “ black mail ” than his own, has made a secret alliance with Hussey to share the spoils, and has prompted, in the most quiet manner, an extension of this patent. I say in the most quiet manner, because I am not aware that any person outside of the committee room, except McCormick, Hussey, and his counsel, knew that a petition to extend the patent was before the committee, until the bill to extend it was reported—and even then it was not published, so far as I have been able to ascertain, and those most interested were not aware of it until it was divulged by accident. The committee, of course, when relieved from their labors, desire to “ sink the shop ” and obtain recreation—and would not speak of the business with which they have been burdened in their hours of labor, except by the merest chance. Not a word of testimony, on the part of the public or of individuals, was before the committee to the best of my knowledge, but very distinguished counsel from the House of Representatives appeared before the committee in Hussey’s favor. Under such circumstances it was *of course* clearly shown that Hussey had not been remunerated. But it might have been very difficult to establish that fact before the Patent Office, where opposing parties have a right not only to call witnesses, but to cross-examine. It may have been made to appear also that the rights of other parties would not be injuriously affected by the extension. It is difficult to guess what may be clearly proved where *one* party has everything his own way. No one but McCormick had the slightest opportunity to oppose before the committee. The case has been very carefully hidden from public view—and although I have not the means at this moment of rebutting any thing in reference to compensation, &c., I presume the *meritorious* points of the case did not cause the concealment. I do not *know* but that a proper case for extension might have been made out in 1847—but the fact that it was not *attempted* in any proper way makes me disbelieve it. And now other rights, in good faith, have attached; and even if the extension would have been proper in 1847, it is not so in 1854. But the circumstances indicate that it was never a proper case for extension. No opportunity is afforded for taking or presenting testimony, and I am therefore obliged to rely upon what is clearly within the reach of members of Congress.

“ I have stated that this extension is favored by Mr. McCormick, and that if granted it will really be for his benefit—to give him the control of the market, and enable him to crush all others as he has been for years striving to do, with a quarter of a million of dollars which he has made out of his *compilation* of other men’s inventions. His own application for extension smells so rankly, that his name or interest would do any thing rather than help the case; and, therefore, if he is really opposed to the extension, I shall be entitled to his gratitude for bringing his name into the case to defeat it.

If not, he is among the opponents of my clients, and therefore the proper subject of remark in this connection.

"I was not a *witness* to any secret arrangement between Hussey and McCormick, and I will state the facts which I know in reference to it, and which every member of Congress may know by making the proper inquiries at the proper places.

"And first. The Hussey and McCormick machines have been rivals ever since McCormick borrowed and compiled enough from his neighbors to make his machine of any value. The comparative trials of the two in Europe and America, and their concurrent use, prove this fact; and prove that McCormick would be, on this ground, the first to oppose this extension if he had not a secret interest in it. The two parties have always had adverse interests.

"Secondly. If Hussey's patent be renewed, without an understanding with McCormick, McCormick's machine could not be built, sold, or used, without infringing Hussey's patent; and Hussey would have the right to enjoin him, and prevent his operations entirely—and recover damages, if McCormick made, sold or used them, or if any person claiming under him did so. So that McCormick's present lucrative trade at his numerous factories would be entirely cut off.

"Thirdly. McCormick was the only one of those interested in harvesting machines that knew of Hussey's petition—*he did know it*, as almost any member of the Senate committee can testify. And although this extension, if not for his benefit, would shut up his factories or lay him under contributions at the pleasure of Hussey, *he does not oppose it*, or if there be a *show* of opposition, it is of that kind which helps on the extension—the opposite of "*damning with faint praise*"—glorifying by faint opposition, which is much more effective than any *direct* support he could give it. He is at this time (after his own extension is finally thrown under the table) here pulling the wires to procure this.

"Fourthly. It will be found by careful observation that all the *strong friends of McCormick's extension* have transferred their zeal to the *extension of Hussey*.

"If these circumstances are not sufficient to establish my position, more would be equally ineffectual—but I think they will convince others, as they have convinced me. The conduct of McCormick is to my mind inexplicable on any other hypothesis. The extension is intended for his benefit, and if granted would enable him to trample on all subsequent inventors and manufacturers, as he has for years been striving to do by an extension of his old patent of 1834—which is good for nothing else. With this extension it would be perfectly easy, without the investment of a dollar of capital, except the pittance which is to be paid to Hussey, to extort from subsequent inventors and manufacturers *fifty thousand dollars* annually. Not that the invention is worth any such sum, but it would be better for manufacturers to pay it, than to entirely remodel their machines. The cutters used at the present day are improvements upon Hussey's, not what Hussey invented and patented, but they embrace a *single feature* of *his*, and would therefore be controlled by his patent.

"I think I may safely say that the extension of this patent would be without a parallel in the annals of extensions. I am familiar with the subject of patents, but have no recollection of a single case of extension, where the thing patented was in extensive use, and had been public property for *six years* before the extension. The law presumes that, in fourteen years of exclusive possession, any inventor is properly rewarded, and an extension can never be granted under the spirit of our patent laws, in *equal* justice to other inventors, except in *extraordinary* cases. The presumptions are all against the patentee, who has enjoyed fourteen years of monopoly, and cannot properly be set aside by ex-parte affidavits and statements, where the party has skulked the tribunal provided by law, and refused to subject his case to the scrutiny which it prescribes, but creeps quietly and unobserved to the committee room, with no notice to those whose rights he is attempting stealthily to invade.

"Mr. Hussey is now a man advanced in years.—His character was long since formed, and we may easily judge from his past what he would be likely to do, left to the promptings of his own mind, at the present time. The fact that he has so long concealed his intention to obtain an extension, proves conclusively that he would not now ask it, unless he has been setting a trap for manufacturers, or has become the cat's paw of a more designing and grasping man; and in either case, I respectfully submit, that his petition should be promptly rejected and dismissed.—If the case had possessed commanding merit, it would at the proper time, have been laid before the tribunal which Congress in its justice, liberality, and providence, has long since established for the extension of patents, where the inventor has, without fault or neglect, failed to obtain the remuneration to which he is reasonably entitled. This Hussey has omitted to do, and the presumptions from this omission and delay are irresistible."

The learned "counsel" very gravely states, "I was not a *witness* to any secret arrangement between Hussey and McCormick;" yet he charges, and attempts to prove, without producing a single witness what is in itself an absolute absurdity, and by his own showing; that because McCormick "after years of labor before Congress, finding that *he* cannot get an extension for his worthless patent, is now at Washington pulling the wires, and working for Hussey;" and "has prompted in the most quiet manner the extension of his patent; the opposite of *damning with faint praise*, glorifying by faint opposition," in order that he, the veritable Cyrus H. McCormick, the "*compiler* of McCormick's Reaping Machine, with a quarter of a million of dollars, which he has made out of his compilation of other men's inventions," the man "to trample on all subsequent inventors and manufacturers, as he has been for years striving to do, by an extension of his old patent of 1834, which is good for nothing else," may "*levy black mail*" on these parties in the State of New York, out of Hussey's patent! His great rival too, at the "World's Fair in London," and "the two parties who have always had adverse interests."

So it would seem, the *Lion* does actually lie down with the *Lamb*,

and all is at Peace! If this idea of a "secret alliance" is not really and truly a "sublime conception," it is simply ridiculous.

It may be that they *have been* in some sort rivals in Reaping the golden harvest fields of the South, the East, and the fertile prairies of the great West; and we believe they have even crossed the broad Atlantic to exhibit their prowess and skill, and "astonish the natives" on English soil. But we never before heard of any "secret alliance," any conspiracy to rob others, and then "to share the spoils."

Nor have we yet heard that any one of these "parties in the State of New York" represented their country at the "World's Fair in London;" or have added a particle to the wide spread fame and renown acquired there for American ingenuity and inventive talent, that swept over this continent with lightning speed, and was hailed with delight, and with feelings of national pride, from one end of the Union to the other.

Where *were* these "parties in the State of New York" all this time, with their "valuable improvements on Hussey's patent," when the London Times and other kindred prints were jeering and taunting us with sending "tread mills" and "flying machines" to the "Exhibition of the Industry of all Nations?"

Were they engaged in concocting this scheme to deprive an honest inventor of his honestly acquired and legal rights? Or were they not employed in adding to the aforesaid "millions" by "springing the trap" in the shape of "*black mail*" on a poor brother inventor and manufacturer, who was compelled to earn his daily bread by the sweat of his brow?

If the learned "counsel" has had much practice in Courts of Law, he must be aware, that a "*witness*" may sometimes prove too much; or in attempting to prove one thing *a little too strong*, he may prove quite the opposite. As he appears to have quite a fancy to "cross-examine witnesses," we will bring *him* on the stand: this is certainly fair, for he has given in his "testimony in open court;" and as this witness has completely failed to *prove any thing* for "parties in the State of New York," perhaps he may prove something for a poor patentee—"who is now a man advanced in years," and who "has become the cat's-paw of a more designing and grasping man." The *generous* delight in succouring the *aged* and *oppressed*.

"Teach me to feel another's woe,
And *hide* the fault I see;
That *mercy* I to others show,
That *mercy* show to me."

Does a Plaintiff—a poor man for instance, in an action at common law against a *millionaire*, lose his "inchoate right," if the case is in litigation for "six years?" or for six times six years, and subject to all the glorious uncertainties of the law, by the management of cunning, or the neglect of lazy "counsel?" Is not the entry on the *Docket* or "*Journal*" prima-facie evidence that the case was neither "carefully concealed," nor "abandoned?" Would the learned gentleman consider it even handed justice to lose his just debt, because the *clerk* of

the court, by his arbitrary and changeable "rules" refused to docket the case, not having had either "*sixty days*," "thirty days," or "twenty-one days notice" before court, and of which notice the plaintiff was entirely ignorant? We all *know* a *rich* man does not thus lose his "inchoate right;" but with a *poor* man, the case may possibly be different.

If the Patent, and claim for extension have no merit, no originality, as you plainly intimate, and indeed assert, why oppose it, and make such strenuous efforts to defeat it? As counsel well versed in the law, and "familiar with the subject of patents" as you allege, you *ought* to know that the *parchment* even with the signature of the Commissioner of Patents, and the "broad seal" attached, does not make it valid. Would not "the courts" promptly set aside all such *spurious* claims?

You say, "It is found by careful observation, that all the *strong friends of McCormick's extension* [meaning of course in both Houses of Congress] have transferred their zeal to the extension of Hussey." Now admitting this to be true, a single isolated fact surrounded by a mass of fiction, what is the *most obvious* inference. Is it not strong *presumptive evidence*, that there *is merit* in the claim, and that all who *will*, can see it? unless we admit, but which the court cannot, that the members of Congress are all a set of turn-coats, and devoid of principle.

Again, you say, "with this extension it would be perfectly easy, without the investment of a dollar of capital, except the pittance to be paid to Hussey, for McCormick to extort from subsequent inventors and manufacturers *fifty thousand dollars* annually." Do not the words *subsequent* inventors, twice repeated in the same paragraph, imply an antecedent, and that even *you* consider "Hussey" a previous inventor, and having a prior claim? True, you also state, "not that the invention is worth any such sum, but it would be better for the manufacturers to pay it, than to entirely remodel their machines." Now will you please explain to the court why, and how it is, when you say "no man's rights are infringed," that it is *better* to pay "*fifty thousand dollars*" annually, than to make a *slight* alteration—to change a "single feature" in their machines, and use *their own* inventions only? Why, if "the truth, the whole truth, and nothing but the truth," *must* be told, "The cutters used at the present day, are improvements upon Hussey's, not what Hussey invented and patented, but they 'embody some of the general features'—'embrace some of the elements'—embrace a *single feature* of *his*, and would therefore be controlled by his patent."!!

Ah! this looks like coming to the point—no evasion, no subterfuge here; "one more question, and you may come down Sir." As you appear to be quite "familiar" with such subjects, will you have the goodness to explain to the Court, of how many "elements," "general features," or "single features," these said "cutters," "*original* and *improved*," consist of? No answer!—Well sir, as a witness is not bound by law to criminate himself, we will waive this question; you

no doubt, like other counsel, find it much more convenient to *ask*, than to *answer* some questions.

You have repeatedly spoken of "BLACK MAIL;" do you understand it to mean, paying money as an equivalent to another man, for the use of his invention or patent? Have your "clients,"—the "principle of them," who are the assignees of a poor patentee, ever "sued," "enjoined," or "levied *black mail*" on others,—those who attempted, or made use of *their* "improvements upon Hussey's patent? Is not the true and only cause of all your opposition to Hussey's extension, the desire on your part to "skulk the *proper* tribunal," and thus avoid paying even the most reasonable and just compensation to him, whom you know, and admit, to be the true and original inventor of the most valuable "feature" in the machine, while at the same time you unhesitatingly and unscrupulously "sue," "enjoin," and "levy *black mail*" on others, and without a blush, coolly pocket the proceeds?

We think we have heard of this "counsel" before; and would respectfully ask him if he is not now employed by Howard & Company, these "parties in the State of New York," in suing, enjoining, and levying "*black mail*" at this present time on a manufacturer in New Jersey, for an alleged infringement of their "*bent arm*?"—and to which they probably have about as much legitimate claim of inventive principle," as has Santa Anna, "by the grace of God," to the throne of the Montezumas'.

Can the intelligent reader fail to see, and most clearly, that so far as the reasons,—for *arguments* they cannot be justly termed—which are here assigned, and designed by these parties to defeat this extension, go to establish the fact, that Hussey is the original inventor of this most important "element," this "feature" in the guard and cutting apparatus, and so much coveted, that renders *their* machine a practical and available implement? Such is certainly the fact. And do they not show, impotent and lame as they are for their intended object, that the whole drift and intent of the nefarious scheme is to fill their own pockets at his, and the farmer's expense, regardless alike of law, and every principle of justice and fair dealing? It must be regarded by every disinterested and unprejudiced tribunal, as a lawless, rapacious, and most unfeeling attempt to consummate an act of the grossest injustice.

How does all that we have quoted, accord with what we find on page 7 of this singular production? That, "Inventors should be treated justly and even kindly, and a degree of indulgence should be extended to them where their rights are concerned!"—which simply means we suppose, if it means anything, "we want your property, wright or wrong, and are determined to *execute* you; but will provide a soft *silken* cord, that will *appear* a little more decent and merciful." But the texture of the cloak thrown over to hide its nakedness is so flimsy and thin, and withal so poorly woven together, that it falls to pieces almost by its own specific gravity,—it only the more clearly shows its deformity:—is but "a cloak of covetousness."

To show the just appreciation of this great invention, we have pre-

viously quoted from high and official authority, the Hon. Edmund Burke: and it is sustained by the concurrent testimony and opinion of the civilized world. From the same high authority we will quote, to show a *proper appreciation of the rights of inventors*, and of the lawless and unprincipled depredators on those rights.

Patent Office Rep. 1846, page 9.

"In connexion with the revision and amendment, of the present patent laws, I would remark that, in my judgment, some additions to the present enactments are necessary for the more effectual encouragement and protection of inventors and patentees.

"The existing laws, while professing to give to the inventor the exclusive enjoyment of his invention for the term of fourteen years, do, in fact, afford to him but very little protection. The fruits of his genius and his toils are constantly liable to be wrested from him by the unscrupulous and dishonest, who, too often countenanced by public opinion, are apt to regard the rights of the inventor as the fruits of a monopoly which it is a merit instead of a wrong to break down and destroy; and the more valuable the invention, the more liable is the patentee to this species of invasion and injury, as there is more inducement held out to its perpetration. The stealthy thief and the midnight burglar are justly regarded as the pests and enemies of society, and are therefore seized and punished by penalties severe in proportions to the turpitude of their crimes; yet their depredations are committed on things which are made by law the subjects of property, and which may be acquired by industry or by purchase. The right of the inventor to his invention, in the judgment of all enlightened minds, cannot but be viewed as far more sacred than mere things of property. It is a mental creation, or rather the discovery of a principle or thing never before known to the world, and may be, and very many inventions have been, often productive of countless blessings to the human family, affecting their destinies as individuals and as communities through all time. When the wonderful discoveries of a Watt, a Fulton, a Whitney, and an Arkwright, and the great results to individuals and to nations which have followed from them, are contemplated, it is not difficult to realize the value of the splendid gifts which science, through their instrumentality, has bestowed upon man, nor to estimate the claims which the true inventor has upon society. He may truly be called the pioneer of civilization, the explorer of the unknown world of science and art. And yet how many of those truly great benefactors to their race have fallen victims to ingratitude and wrong, and gone down to their graves in penury and sorrow. The case of Ely Whitney, our countryman, the inventor of the cotton gin, is but one among innumerable instances in which the fruits of splendid genius have been wrested from its possessor by the unprincipled depredator upon patent rights. It is familiar to all that that great inventor, whose name stands out like a bright and lustrous star in the constellation of genius, was compelled to expend all the profits of his invention in fruitless efforts to protect it from infringement, and finally died a victim to debt and disappointment.

" Many valuable inventions are now used in secret and kept from the world, on account of the impunity with which patent rights can be infringed; secrecy being a better protection to the inventor than the law.

" These reflections are indulged in with a view to awaken in the public mind a proper estimate of the value of the toils and labor of the inventor, and of his claims to full and effectual protection in the enjoyment of the fruits of his genius and skill, and to enforce with more emphasis the suggestions which I deem it my duty to submit in relation to such amendments of the law as may be necessary for the security of the rights of inventors. The principal difficulties which the patentee has to encounter, under the present laws, in enforcing his rights, arise from two circumstances: first, from the fact that the question of originality may be raised on every trial for infringement; and, secondly, the almost total inefficacy of the existing law to prevent infringement.

" In every application, the question of the originality of the invention is thoroughly investigated by the Patent Office; and as it is decided affirmatively or negatively, the patent is issued or denied. If the patent is granted, it is very properly (as the office cannot claim infallibility) deemed by the law only *prima facie* evidence of the originality of the invention, and of the right of the patentee to recover damages for infringement of his claim. Yet there should be some point at which this question should be deemed as conclusively settled, and the right of the patentee to recover made absolute, or the patent declared to be a nullity. Yet, under the existing laws, such is not the fact; and although the question of originality may have been decided by twenty juries, in as many different trials, it is just as much open to dispute in all subsequent trials.

" This difficulty in the way of the patentee to recover for infringements, in cases in which the invention is a very valuable one, and the infringer a wealthy corporation, amounts almost to an insuperable one, as he is kept in the law, and harassed by litigation, until the term for which his patent runs, expires; and he is left without adequate remuneration for his invention, and sometimes made poorer than when he commenced the fruitless attempt to vindicate his rights by an appeal to the law for redress."

Pat. Off. R. 1847, pages 7 and 9.

" In my former reports I have recommended a change in some of the features of the patent law as it now exists. For the nature of those recommendations, and the reasons on which they are founded, I would respectfully refer to the annual reports of this office, for 1845 and 1846. In my judgment the changes proposed are necessary to give adequate security to that valuable and meritorious class of our citizens engaged in inventive pursuits. As the law now is, the remedies which it affords to patentees are, in most cases, inadequate to the protection of their rights and the prevention of infringement upon them by that unscrupulous and unprincipled class of persons, who make it a practice willfully to depredate upon patent rights, and who, from the basely criminal character of the offence which they commit,

are stigmatized by the application to them of the infamous epithet of *pirate*. Certainly, adequate protection should be given to the honest inventor who devotes his substance and his incessant toil for the benefit of society, against the freebooters who invade without scruple his property, which, to him, is more sacred and invaluable, because it is the cherished creation of his own genius.

"But while his exclusive property in his invention exists, it must be considered that the inventor has a right to demand of the Government, the most ample security and protection in its enjoyment. This security and protection he does not, under our present imperfect system, enjoy. On the contrary, the difficulty and expense, and the absolute impossibility, in some cases, of vindicating his rights, have rendered the present laws enacted for his protection, almost absolute nullities. To remedy this imperfection in the existing system, is the object of the amendments of the patent laws, proposed in the two former reports of the undersigned.

"While the steam engine, most potent of all the creations of genius, is daily coursing before our eyes, wafting us upon the wings of the wind its precious freight of human life, and its countless treasures of industry and commerce; while the mysterious telegraph speeds our thoughts with the swiftness of lightning which is its obedient and trusty messenger; while magnificent manufactories stud our land, stunning but delighting us with the never-ceasing movement of their wonder-working machinery, it seems unnecessary to remark upon the incalculable value of the labors of the inventor and his claims upon society for protection in the enjoyment of his just rights. And, sooner or later, the undersigned is confident they will be fully recognized and protected by the enlightened legislators of a great republic, whose progress has been so much accelerated by their genius and enterprise."

Patent office Rep. 1849-'50, Comm. Ewbank.

"With respect to the modification of the patent laws, I beg leave to refer to the able reports of my immediate predecessor; whose views as to the necessity of giving further security to inventors, accorded with my own, and to whose forcible language on the subject I can add nothing. It is admitted that all legislation which has in view the security of an exclusive right, is intended to guard the public good against a violation of the faith reposed in its bestowal. That, on the other hand, it is equally the duty of the legislature, if it deems proper to extend to individuals or corporations such right on certain conditions, to protect them in its enjoyment. That such in a greater or less degree is not the case in regard to inventors must be obvious to those who have been conversant with the operation of the patent laws now in force. It is not expected, in view of their modification, that a perfection can be attained which will meet every emergency; but the least which should be done is to apply a remedy whenever an object designed by enactment, is defeated in its operation.

"Some years of experience seem to have illustrated the inoperative effect of the law intended to secure the inventor in the enjoyment of

his privilege. Were all men equally capable of producing, fewer would be found engaged in plundering inventions which belong to his neighbor. Such, however, not being the case, unfortunately the lack of inventive talent is in many instances supplied only by the desire for gain, and ingenuity in attaining it, at the sacrifice of the real machinist.

"The public mind, interested in the progress of the arts, as fostered by the establishment of this office, is now turned towards a remedy of the evil; and to the undersigned it seems but justice that the remedy should be applied.

"Inadequacy of protection, is what is chiefly complained of—the violation of a right as sacred as any personal possession, without the remedy guaranteed against a petty larceny. It is manifestly unjust that the time and means of the inventor should be expended in defending that which Government accords as peculiarly his own, in every instance where a willful trespasser is called upon to respond in damages for infringement. He is thus subjected to all the horrors of interminable and ruinous litigation; and, if his assailants are more fortunate in having the means of attack than he of defence, his case is hopeless, and he may be likened, as once were chancery clients, to sheep that, having taken shelter in the hedge, come forth "piteously complaining," leaving their fleece upon the bush.

"It may be contended that all other titles to property are justly subject to investigation without limitation;—and that an exception in this instance would be a departure from the well settled principles of practice and law. The argument might be good, were all property equally the result of mental creation and equally susceptible of public invasion. Unlike a chattel, it can be stolen by one, or a thousand, and by all at the same time. Its appropriation by one interposes no obstacle to its larceny by another, and thus the inventor is subject to be plundered by every person who chooses to violate his right. He appeals to the law for redress, and the remedy he adopts proves to be one of self-immolation."

The foregoing views, alike just as they are to inventors, and honorable to the intelligent and independent minds so conversant with the subject, must strike the reader as peculiarly applicable to this case:—where an inventor after unremitting toil and privation for a long course of years,—now near a quarter of a century—has completely succeeded in perfecting, and introducing into general use one of the most useful and valuable improvements of this, or indeed of any age, and when he might now derive some advantage therefrom in his declining years, his motives and private character are ruthlessly assailed, his rights infringed on, and a barefaced attempt made by special pleading, insinuations, and perversion of facts, to deprive him of his rights altogether; and we leave it to the judgment of the reader to decide, whether in the language of the Hon. Edmund Burke, it is done "by that unscrupulous and unprincipled class of persons, who make it a practice wilfully to depredate upon patent rights, and who from the basely criminal character of the offence

which they commit, are stigmatized by the application to them of the infamous epithet of *pirate*."

There are, however, some honest manufacturers—and we make the statement with both pride and pleasure—who do acknowledge Hussey's rights, without being "sued and enjoined" by paying him a very moderate fee for the use of his patent; not averaging one third, if one-fourth, of the charge usually made by others.

As to shutting up other manufactories, or even these "vast establishments," as alleged by this "counsel," the idea is just as chimerical and absurd as the attempt would be futile. No man of sane mind would for a single moment think of such a thing. Such a course would be diametrically opposed to an inventor's best interest. Nor can any one desire to interfere with *their* "improvements upon Hussey's patent," or to prevent their realizing a "million of dollars" out of it; but is there even a show of reason, right, or justice, that they should take *his patent also*, without some equivalent—some return for the advantages it confers? We know of no Law "*Higher*," or Common, Moral, or Statute, which recognizes such a principle, or confers any such right.

This learned "counsel" has clearly failed to establish his position by *four of his laws*. There is yet another Law—the Christian or Divine Law, which is the best law of all. He "may know by making the proper enquiries at the proper places" what are *its* provisions. *No special pleading* can mystify it—no sophistry can change its meaning, or escape from its penalties; its enactments are of universal application, and as unalterable as the "everlasting Hills." As he appears far from being "familiar" with laws of *modern* date, he is perhaps much less conversant with those of *ancient* origin. We commend these "parties in the State of New York"—their "counsel" of course included, to two *sections* particularly, of "Acts" passed about *two thousand years ago*; nor have they yet been repealed to our knowledge. Indeed, we may find some good "*rules*" established more than *three thousand years ago*;—such as, "Thou shalt not bear false witness against thy neighbor"—"Thou shalt not covet thy neighbor's house—thou shalt not covet thy neighbor's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his ass, *nor anything that is* thy neighbor's. But to the two sections of the "Acts" passed ANNO DOMINI 31 and 33.

Sec. 12. "Therefore, all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets."

Sec. 20. "And he saith unto them, *Whose is* this image and superscription? They say unto him, *Cesars*. Then saith he unto them, *Render therefore unto Cesar the things which are Cesars*."

As this "counsel" has very considerably and kindly prepared a petition for the patentee, thinking no doubt he was too "ignorant" for that, as well as of the "*sixty days' rule*," we will return the compliment. He states:

"His track thus being entirely covered, he proceeds with equal secrecy to Congress with his petition, and his wretched excuse about ignorance of the *sixty days' rule*—but without any excuse for his delay till *ten days* before the expiration of his patent—it admitted of none—and prayed an extension by their extraordinary interposition. His petition *read by the light shed upon it by the facts*, is as follows:"

"To the Honorable the United States Senate and House of Representatives.

"The petition of Obed Hussey respectfully represents:

"That your petitioner has, within the last six weeks, attempted secretly to obtain an extension of his patent, in violation of law, by eluding all means of that examination into the facts which the law requires—but has been unsuccessful. He, therefore, prays that your honorable body will exercise its extraordinary legislative power, to aid him in this laudable undertaking.

"Your petitioner would have applied in reasonable time to the proper tribunal, and submitted to the proper investigations, but feared his case would not bear the light. Your honorable body, however, can proceed *without notice to the public*, and your petitioner will thus be screened from impertinent investigations."

"Hussey's first petition to Congress was presented about 6 weeks after his conversation with the Commissioner above mentioned. I am not aware that it was known outside of the walls of the Capitol by any one but C. H. McCormick.—The committee of the Senate reported favorably to the applicant, but the committee of the House did not—and no extension was granted."

Note—In this paragraph there is clearly an intended deception. The counsel knew perfectly well, that the Petition was not acted on by the Senate in 1848, although favorably reported on; and of course the "Committee of the House" *could not act upon it*, until the bill was passed by the Senate at the first session of the present Congress. If the subsequent paragraph does not prove this designed to deceive, it certainly *does* prove that "if ignorance is bliss, 'tis folly to be wise."

Their petition "read by the light shed upon it by the facts, is as follows:"

To the Honorable the United States Senate and House of Representatives.

The petition of W. N. P. Fitzgerald, counsel for parties in the State of New York, &c., &c.

That your petitioners profess to have "invested millions of dollars" in the manufacture of machines, and are now making "vast sums of money" by the sale of them.

We know very well, and indeed have always known that Mr. Obed Hussey's invention *does* "embody some of the general features," "embrace some of the elements of the patent sought to be extended"—to be more explicit, it certainly does "embrace a *single feature*" in the "cutters" used in our machines, that we cannot do without; for we never could invent anything ourselves.

We are also well advised that Mr. Hussey has devoted many years to perfect and introduce his machines into use;—just in time for us to make money by his invention—and although he has made but little by it himself, he "is now a man advanced in years," and you know that such a

"Man wants but little here below,

Nor wants that little long;"

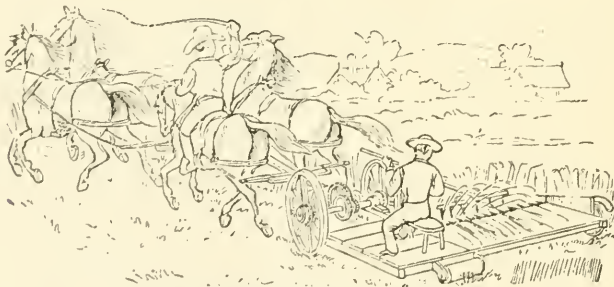
and as your petitioner are young in years, and in this business, and greatly desire to "become speedily rich," they therefore pray "your honorable body will exercise its extraordinary legislative power to aid them in their laudable undertaking." Your petitioners would hold out the idea to Congress, and to the "innocent public," that it is *solely* and *exclusively* for the benefit of the Farmer and for the "public good" that they have erected these "vast establishments," and "have [*perhaps*] invested their entire means."

Again, "be it remembered," that said Hussey "has become the cats-paw of a more designing and grasping man," who is very adroit "in pulling the wires;" and also that some others have made large fortunes by infringing on Hussey's patent—and which *we* are striving to do, without paying him a single dollar as "*black mail*;" and it would be gross injustice to your petitioners not to allow them the same, and an equal privilege. We do not like to pay any ourselves, but consider it perfectly right and fair to levy "*black mail*" on others, who infringe on *our* "improvement on Hussey's patent." Our motto, as you cannot fail to perceive, is not *more just than patriæ*: "millions for defence, not a cent for tribute."

In the identical language of this counsel, we now add, "If these circumstances,"—i. e., plain honest statement of facts, and proof, with the simple questions and unavoidable answers that must be given—"are not sufficient to establish my [our] position, more would be equally ineffectual!"

We think enough has been shown to convince every Member of Congress—nay, every honest hearted and right minded Farmer and Mechanic in the country who may chance to see these pages, that Obed Hussey's claim is an honest and a just one. Nor do we think any disinterested person can read these most unprovoked and unwarrantable charges against the character and claims of a worthy and unassuming citizen without some feeling of indignation. Have we really arrived at this state of "progress?"—that an honest mechanic of the country—one who has conferred more solid advantages on his fellow man at home, more fame and renown upon his country abroad, than all the Lobby-Lawyers that ever did, or ever will exist to beset the Halls of Legislation, backed too, by the assignees of another poor man's Patent—cannot apply to Congress for sheer justice, but his private character is aspersed, his motives impugned, and his rights sought to be trampled under foot? and by a few capitalists who owe their prosperity solely to the inventive genius and talents of this very man. It is an outrage on justice, and every principle of honorable and fair dealing.

But to the sense of justice of Congress, and to public opinion, which rarely fails to arrive at right and just conclusions, we fearlessly and confidently leave the decision of the whole question. That it will be rightly decided, we cannot entertain a doubt.



First American Reaper—Hussey. ~~1838~~

1838

NOTARY PUBLIC'S CERTIFICATE.

State of Illinois, }
COUNTY OF DU PAGE. } ss.

I, JAY P. SMITH, a NOTARY PUBLIC in and for the County and State aforesaid, DO HEREBY CERTIFY that the foregoing, carefully read by me, is a true and complete and correct copy of the pamphlets entitled "A Brief Narrative of the Invention of Reaping Machines;" "Hussey's Reaping and Mowing Machines in England," and a "Review of the Pamphlet of W. N. P. Fitzgerald. In opposition to the Extension of The Patent of Obed Hussey," bearing the dates 1854 and 1855 respectively, on the title pages.

IN WITNESS WHEREOF, I hereunto set my hand and NOTARIAL SEAL, this 19th day of March, A. D. 1897.

JAY P. SMITH. .



MISHAWAKA, INDIANA, March 28, 1897

JOHN F. STEWARD, ESQ.,
Chicago, Ill.

Dear Sir: Yours of 25th inst. has been received. Edward Stabler was for many years a friend to whom I was indebted for many friendly acts. I was for 25 years attorney for Whitely, Fassler & Kelley, and was therefore intimately acquainted with Reaping and Mowing Machines. On that account I assisted Edward Stabler in some patent matters in which the estate of Obed Hussey was interested. Our conversations about Harvesting Machines were frequent and I know from himself, not only the deep friendship he had for Obed Hussey, but also that he was the author of the pamphlets and that he had assisted Mr. Hussey in many other ways. He gave me the pamphlets when they were already long out of print and rare. For that reason I would rather not part with them. If they shall ever be required for proof, they will be forthcoming, and you will know where to find them.

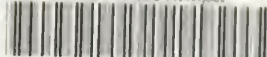
Respectfully,

R. D. O. SMITH,

W. A. D.



University of California, Los Angeles



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