

HILLSBOROUGH RECORDER.

Vol. I.

WEDNESDAY, OCTOBER 25, 1820.

No. 37.

HILLSBOROUGH, N. C.
 PUBLISHED WEEKLY
BY DENNIS HEARTT.
 AT THREE DOLLARS A YEAR, PAYABLE
 HALF YEARLY IN ADVANCE.

Those who do not give notice of their wish to have their paper discontinued at the expiration of their year, will be presumed as desiring its continuance until countermanded. Whoever will guarantee the payment of nine papers, shall receive a tenth gratis. Advertisements not exceeding fourteen lines will be inserted three times for one dollar, and twenty-five cents for each continuance. Subscriptions received by the printer, and most of the post-masters in the state. All letters upon business relative to the paper must be post-paid.

Gentlemen of leisure, who possess a taste for literary pursuits, are invited to favour us with communications.

CASH
 WILL BE GIVEN
For Clean Old BRASS.
R. Huntington.
 October 18. 36—

NOTICE.
 THE firm of D. B. ALSBROOK & Co. having for some time been dissolved, those indebted by note or account, will do well to call and settle as soon as possible, as no longer indulgence can be given.
David B. Alsbrook.
 Hillsborough, October 10 35—

Notice is hereby given,
 THAT an election will be held on Thursday the 9th day of November next, at the court-house in Hillsborough, and the several places for holding elections in Orange county, for the purpose of choosing Electors to vote for President and Vice President of the United States for the four years ensuing the fourth of March next. All those having the right of suffrage are requested to attend.
Thomas Clancy, Sheriff.
 Hillsborough, October 9. 35—

CAVALRY ORDERS.
 THE Troops attached to the Hillsborough and Haw-Fields regiments will appear, equipped agreeably to law, at regimental muster, at ten o'clock on the 27th instant, at the house of John Long, esq.
 By order of the Lieutenant Colonel.
Thomas Bilbo. Captains.
John C. Russell. Captains.
 October 9. 35—

FRANKLIN
HAT MANUFACTORY.
 No. 122½
 Market Street, Philadelphia.

THE subscribers having brought to perfection their newly discovered economical HATS, which they can afford at three dollars and fifty cents, now offer them to the public to test their improvement.
 Being conscious that they have arrived to that degree in the art of Hat-making, which is the true *Franklin Economical style*, are willing to hazard their future prosperity, by the sample now offered to the public.
 One trial of the \$3 50 Hats will doubtless establish the fact in the minds of the citizens of Philadelphia, that they stand unequalled for *economy, durability, and beauty*, and are justly entitled to the favorable appellation of *Franklin*, to whose *genius* and invention we owe so much.
 They also offer to the public, their *Superfine Water Proof Beavers*, of the best quality, and in west fashion and not subject to fade and become toxy, as Water Proofs generally are.
 Also, a general assortment of Drab Beavers, Cascoes, Romas, youths' and children's Hats, children's fancy Hats and jackets, ladies' Beavers, trimmed or untrimmed.
 Hatters supplied with finished or unfinished Hats.
 Bespoke hats made agreeable to directions and at the shortest notice.
 Hats of every description, manufactured and sold, wholesale and retail, on the most reasonable terms.
 All orders thankfully received, and attended to with dispatch.
CAUTION. No hats are the genuine patent *Franklin* hats but those manufactured and sold by us and our agents, and have our stamp in them. Those who wish to purchase, cannot be too particular.

Rankin & Fowle.
 Philadelphia, September, 1820. 35—3m

25 Dollars Reward.
 STOLEN out of the subscriber's stable, on the night of the 24th instant, living in Guilford county, N. C. a black horse, about fifteen and a half hands high, rising seven years old, marked with a small star on his forehead, large mane on both sides of his neck; one hind foot white, not recollected which; trots and paces. I have every reason to believe the horse was stolen, and will give the above reward for the apprehension of the thief, or a generous reward will be given for any information of the horse so that I get him.
John Smith.
 Guilford, N. C. Sept. 28. 34—3wt

NOTICE.
 THE copartnership of JOHN R. CUMMING & Co. having been dissolved, all persons are hereby notified to call and settle their accounts with George W. Brace, who is hereby fully authorized to settle the same and grant discharge accordingly.
John R. Cumming & Co.
 Hillsborough, Sept. 18. 33—3wt

NOTICE.
 AT August term of Orange County Court of Pleas and Quarter Sessions, administration of the goods and chattels, rights and credits, which were of THEOPHILUS THOMPSON, deceased, was granted to the subscriber, who then qualified according to law: All persons indebted to said estate are requested to come forward immediately and settle their accounts; and those having claims against said estate are requested to present them for settlement within the time prescribed by law, otherwise this advertisement will be pleaded in bar of a recovery.
Thos. N. S. Hargis, Admr.
 Sept. 27. 34—

NOTICE.
 ALL persons indebted to the estate of Captain John T. Ray, deceased, are requested to make payment without delay, and those having claims against the same to present them well authenticated for settlement, within the time prescribed by law, otherwise this notice will be pleaded in bar of recovery.
JOHN M'CAULY, Admr.
 Sept. 16. 1820. 33—3t

Hillsborough Academy.
 THE exercises in this institution will be resumed on the first Monday in July.
J. Witherspoon, Principal.
 June 7. 18—1f

THE subscribers have for sale at their shop in Hillsborough,
A number of Waggon's, both large and small,
 which they will dispose of cheap for cash, or on a short credit.
Young & Turner.

The editors of the Raleigh Minerva, Star and Register, and the Milton-Intelligencer, will be pleased to insert the above for three weeks, and forward their accounts to this office for settlement.
Y. & T.
 Sept. 20. 33—

Valuable Land FOR SALE.
 I AM desirous of removing to the western country, and wish to sell the land whereon I now live, viz.
Two Hundred Acres.

The soil equal to any in this section of the country, adapted to the culture of all kinds of grain; on which is a comfortable dwelling house, with useful out houses. I will sell at a fair price, and make the payments as accommodations as possible to the purchaser. Those who wish to purchase a good bargain would do well to come and view the premises, ten miles north-east of Hillsborough.

James Robinson.
 Sept. 13. 33—3wt

FOR SALE,
A handsome mahogany Secretary,
 Apply at this Office.
Hillsborough, Sept. 6. 31—

FOR SALE
A handsome situation adjoining the town of Hillsborough,
 ON which is a good two story dwelling house; also a good kitchen, smoke-house, dairy, and stable. The buildings are all new. For terms inquire of
The Printer.

A first-rate work Horse may
 be had on good terms.
 Inquire as above.
 Sept. 11. 32—1f

BLANKS
of various kinds,
 for sale at this office.
 Among which are,

- | | |
|------------------------------------|---|
| Justices' Warrants, | Bail Bonds, |
| Executions, Ca. Sa. | Appeal bonds, |
| Bail Warrants, | Recognizance, |
| Attachments, | Guardian's bonds, |
| Writs, superior and county courts, | Constable's bonds, |
| Executions, do. | Witnesses' tickets, superior and county courts, |
| Subpoenas, do. | Jury's tickets, do. |
| Notarial Deeds, | Indictments, |
| Prosecution Bonds, | Commissions, |
| Marriage bonds and licenses, | Executions for militia fines, &c. &c. |

Valuable Land FOR SALE.

THE subscriber offers for sale a tract of Land, lying immediately on Tar river, adjoining the town lots of Louisville (Franklin court house), containing
One Hundred and Eighty Acres;
 which land is of a superior quality, independent of its connection with said town, and may be seen by applying to Mr. Daniel Shines, who resides on it. The payment would be made easy to the purchaser, and terms known, by addressing a letter to the subscriber, directed to Cochran's Store post office, Person county, which will be attended to.
Nathaniel Norfleet.
 Person County, Aug. 24. 30—4vt

[PUBLISHED BY REQUEST.]

Monticello, August 13th, 1813.

SIR,
 YOUR letter of August 3d, asking information on the subject of Mr. Oliver Evans's exclusive right to the use of what he calls his Elevators, Conveyers and Hopperboys, has been duly received. My wish to see new inventions encouraged, and old ones brought again into useful notice, has made me regret the circumstances which have followed the expiration of his first patent. I did not expect the retrospection which has been given to the driving law; for although the second proviso seemed not so clear as it ought to have been, yet it appeared susceptible of a just construction; and the retrospective one being contrary to natural right, it was understood to be a rule of law, that where the words of a statute admit of two constructions, the one just and the other unjust, the former is to be given them. The first proviso takes care of those who had lawfully used Evans' improvements under the first patent; the second was meant for those who had lawfully erected and used them after that patent expired, declaring they "should not be liable to damages therefor." These words may indeed be restrained to uses already past; but as there is parity of reason for those to come, there should be parity of law. Every man should be protected in his lawful acts, and be certain that no ex post facto law shall punish or enslave him for them. But he is endangered if forbidden to use a machine lawfully erected at considerable expense, unless he will pay a new and unexpected price for it. The proviso says, that he who erected and used lawfully shall not be liable to pay damages; but if the proviso had been omitted, would not the law, construed by natural equity, have said the same thing? In truth, both provisos are useless. And shall useless provisos, inserted pro majori cautela, only authorize inferences against justice? The sentiment that ex post facto laws are against natural right is so strong in the United States, that few, if any, of the state constitutions have failed to prescribe them. The federal constitution indeed interdicts them in criminal cases; and the omission of a caution which would have been right does not justify the doing what is wrong; nor ought it to be presumed, that the legislature meant to use a phrase in an unjustifiable sense, if by any rules of construction it can be even strained to what is just. The law books abound with similar instances of the public integrity. Laws moreover abridging the natural rights of the citizen should be restrained by rigorous constructions within their narrowest limits.

Your letter, however, points to a much broader question, whether what have received from Mr. Evans the new and the proper name of Elevators are of his invention: because, if they are not, his patent gives him no right to obstruct others in the use of what they possessed before. I assume it as a lemma, that it is the invention of the machine itself which is to give a patent right, and not the application of it to any particular purpose of which it is susceptible. If one person invents a knife convenient for pointing our pens, another cannot have a patent right for the same knife to point our pencils. A compass was invented for navigating the sea; another could not have a patent right for using it to survey land. A machine for threshing wheat has been invented in Scotland; a second person cannot get a patent right for the same machine to thresh oats; a third rye; a fourth peas; a fifth clover, &c. A string of buckets is invented and used for raising water, ore, &c. can a second have a patent right to the same machine for raising water, a third oats, a fourth rye, a fifth peas, &c.? The question then whether such a string of buckets was first invented by Oliver Evans, is a mere question of fact in mathematical history. Now turning to such books only as I happen to possess, I find abundant proof that this simple machinery has been in use from time immemorial. Doctor Shaw, who visited Egypt and the Barbary coast, in the years 1727-8, 9, in the margin of his map of Egypt, gives us the figure of what he calls a Persian wheel, which is a string of round cups, or buckets, hanging on a pulley, over which they revolve, bringing up water from a well, and delivering it into a trough above. He found this used at Cairo, in a well 264 feet deep, which the inhabitants believe to have been a work of the patriarch Joseph. Shaw's travels, 341 Oxford edition of 1738, in folio, and the Universal History, l. 416 speaking of the manner of watering the high lands in Egypt, says—"Formerly they made use of Archimedes' Screw, thence named the Egyptian Pump; but they now generally use Wheels (Wallowers) which carry a rope or chain of earthen pots, hiding about 7 or 8 quarts a piece, and draw the water from the canals. There are besides, a vast

number of wells in Egypt, from which the water is drawn in the same manner to water the gardens and fruit trees; so that it is no exaggeration to say, that there are in Egypt above 200,000 oxen daily employed in this labour." Shaw's name of Persian wheel has since been given more particularly to a wheel with buckets, either fixed or suspended on pins at its periphery.—Mortimer's Husbandry, l. 18, Duhamel, V. Ferguson's Mechanics, plate 13. But his figure, and the verbal description of the Universal History, prove that the string of buckets is meant under that name. His figure differs from Evans' construction in the circumstances of the buckets being round, and strung through their bottom on a chain; but it is the principle; to wit, a string of buckets, which constitutes the invention, not the form of the buckets, round, square or hexagonal; nor the manner of attaching them, nor the material of the connecting band, whether chain, rope or leather. Vitruvius, l. X. c. 9. describes this machinery as a windlass, on which is a chain descending to the water, with vessels of copper attached to it; the windlass being turned, the chain moving on it will raise the vessels, which in passing over the windlass, will empty the water they have brought up into a reservoir; and Peraut, in his edition of Vitruvius, Paris, 1684, folio, plates, 61, 62, gives us three forms of these water elevators, in one of which the buckets are square, as Mr. Evans' are. Bossut, Histoire des Mathematiques, l. 86, says, "The drum wheel, the wheel with buckets, and the *chapelets*, are hydraulic machines, which come to us from the ancients; but we are ignorant of the time when they began to be put into use." The *chapelets* are the revolving band of buckets, which Shaw calls the Persian wheel, the moderns a chain pump, and Mr. Evans elevators. The next of my books, in which I find these elevators, is Wolf's Cours de Mathematiques, l. 370, and plate I, Paris, 1747—8vo. Here are two forms; in one of them the buckets are square, attached to two chains, passing over a cylinder or wallower at top, and under another at bottom, by which they are made to revolve. It is a nearly exact representation of Evans' elevators. But a more exact one is to be seen in Desaugier's Experimental Philosophy, II. plate 34. In the Encyclopedie de Diderot et D'Alembert 8vo. edition de Lausanne, 1st. vol. of plates, in the four subscribed Hydraulic, noria, is one, where round earthen pots are tied by their collars, between two endless ropes, suspended on a revolving lantern or wallower; this is said to have been used for raising ore out of a mine. In a book which I do not possess, "L'Architecture Hydraulique de Belidor, the II. vol. of which is said [De La Lande's continuation of Montucla's Histoire des Mathematiques, III. 711] to contain a detail of all the pumps, ancient and modern, hydraulic machines, fountains, wells, &c. I have no doubt this Persian wheel, chain pump, chapelets, elevators, by whichever name you choose to call it, will be found in various forms. The last book I have to quote for it is Poncey's Architecture Hydraulique, l. advertisement VII. and § 648, 649, 650, in the latter of which passages he observes, that the first idea which occurs for raising water is to lift it in a bucket by hand; when the water lies too deep to be reached by hand, the bucket is suspended by a chain and let down over a pully or windlass: if it be desired to raise a continued stream of water, the simplest means which offers itself to the mind is to attach to an endless chain or cord a number of pots or buckets, so disposed that the chain being suspended on a lantern or wallower above, and plunged in water below, the buckets may descend and ascend alternately, filling themselves at bottom, and emptying at a certain height above, so as to give a constant stream. Some years before the date of Mr. Evans' patent, a Mr. Martin of Caroline county, in this state, constructed a drill plough, in which he used the band of buckets for elevating the grain from the box into the furrows: he had bands with different sets of buckets, adapted to the size of peas, or turnip seed, &c. I have used this machine for sowing benne seed also, and propose to have a band of buckets for drilling Indian corn, and another for wheat. Is it possible that in doing this I shall infringe Mr. Evans' patent? That I can be debarred of any use to which I might have applied my drill when I bought it by a patent issued after I bought it.

These verbal descriptions applying so exactly to Mr. Evans' Elevators, and the drawings exhibited to the eye, flash conviction both on reason and the senses that there is nothing new in these elevators but their being strung together by a strap of leather. If this strap of leather be an invention entitling the inventor to a patent right, it can only extend to the strap, and the use of the string of buckets must remain free to be

connected by chains, ropes, a strap of hempen girthing, or any other substance except leather; but indeed Mr. Martin has before used the strap of leather. The screw of Archimedes is as ancient at least as the age of that mathematician, who died more than 2000 years ago. Diodorus Siculus speaks of it, lib. 1, page 21, and lib. 5, page 217, of Stevens' edition of 1559, folio, and Vitruvius, X. 11. The cutting of its spiral worm into sections, for conveying flour or grain, seems to have been an invention of Mr. Evans', and to be a fair subject of a patent right, but it cannot take away from others the use of Archimedes' screw, with its perpetual spiral, for any purposes of which it is susceptible.

The Hopperboy is an useful machine and as far as I know original. It has been pretended by some (and in England especially) that inventors have a natural and exclusive right to their inventions; and not merely for their own lives, but inheritable to their heirs; but while it is a moot question, whether the origin of any kind of property is derived from nature at all, it would be singular to admit a natural, and even a hereditary right to inventions. It is agreed by those who have seriously considered the subject, that no individual has, of natural right, a separate property in an acre of land; for instance, by an universal law, indeed, whatever, whether fixed or moveable, belongs to all men equally and in common, is the property for the moment of him who occupies it; but when he relinquishes the occupation the property goes with it. Stable ownership is the gift of social law, and is given late in the progress of society: it would be curious then if an idea the fugitive fermentation of an individual brain, could of natural right be claimed in exclusive and stable property. If nature has made any one thing less susceptible than all others of exclusive property, it is the action of the thinking power called an idea; which an individual may exclusively possess as long as he keeps it to himself, but the moment it is divulged it forces itself into the possession of every one, and the receiver cannot dispossess himself of it. Its peculiar character too is that no one possesses the less because every other possesses the whole of it. He who receives an idea from me receives instruction himself without lessening mine; as he who lights his taper at mine receives light without darkening me. That ideas should freely spread from one to another over the globe for the moral and mutual instruction of man, and improvement of his condition seems to have been peculiarly and benevolently designed by nature when she made them, like fire, expandible over all space, without lessening their density in any point; and like the air in which we breathe, move, and have our physical being, incapable of confinement or exclusive appropriation. Inventions then cannot in nature be a subject of property. Society may give an exclusive right to the profits arising from them as an encouragement to men to pursue ideas which may produce utility. But this may or may not be done according to the will and convenience of the society, without claim or complaint from any body. Accordingly it is a fact, as far as I am informed, that England was, until we copied her, the only country on earth which ever by a general law gave a legal right to the exclusive use of an idea. In some other countries it is sometimes done in a great case and by a special personal act; but generally speaking other nations have thought that these monopolies produce more embarrassment than advantage to society; and it may be observed that the nations which refuse monopolies of inventions are as fruitful as England in new and useful devices.

Considering the exclusive right to invention as given, not of natural right, but for the benefit of society, I know well the difficulty of drawing a line between the things which are worth to the public the embarrassment of an exclusive patent and those which are not. As a member of the patent board for several years, while the law authorised a board to grant or refuse patents, I saw with what slow progress a system of general rules could be matured. Some however were established by that board.—One of these was that a machine of which we were possessed, might be applied by every man to any use of which it is susceptible, and that this right ought not to be taken from him and given to a monopolist, because he first perhaps had occasion to apply it. Thus a screw for crushing plaster might be employed for crushing corn cobs, and a chain pump for raising water might be used for raising wheat—this being merely a change of application. Another rule was that a change of material should not give title to a patent, as the making a plough share of cast rather than of wrought iron; a comb of iron instead of horn or