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1879

## Reply of Mr. Wm. E. Chandler to the Slanders of Honorable Bainbridge Wadleigh

William E. Chandler

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REPLY

—OF—

MR. WM. E. CHANDLER

TO THE SLANDERS OF

HONORABLE

BAINBRIDGE WADLEIGH,

LATELY U. S. SENATOR;

TOGETHER WITH A REQUEST FOR EXPLANATION OF

SOME ACTS OF MR. WADLEIGH

WHILE SENATOR.

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CONCORD, N. H.,

JUNE 7, 1879.

REPLY OF  
MR. WM. E. CHANDLER  
TO THE SLANDERS OF  
HONORABLE BAINBRIDGE WADLEIGH,

Lately U. S. Senator, together with a request for explanation of some  
acts of Mr. Wadleigh while Senator.

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CONCORD, June 7, 1879.

HON. BAINBRIDGE WADLEIGH:

*Sir:* During the last two years or more, and especially since you decided to support, and I to oppose, the Southern policy of President Hayes, which has proved disastrous and is now distinctly abandoned and condemned by its authors, you have been habitually defaming my character, by assertions concerning my business and professional occupation at Washington; made not openly and boldly, but in secret, and in conversations not intended to come to my knowledge, but to destroy my reputation with the persons you addressed, without any opportunity for me to reply to and refute your slanders.

Whether you have thus taken an unfair advantage of your high position as a United States Senator to commence and continue to defame and injure a mere private citizen who never gave you occasion for your hostility, from jealousy of a possible rival, or from old habits acquired in the early years of your law practice, when you narrowly escaped disbarment on a charge of trickery, it is not material to me; but I am determined no longer to be injured, without public and emphatic protest, by such slanders, made plausible and important only by reason of the official station you have held.

## YOUR REFUSAL TO MAKE YOUR SLANDERS SPECIFIC.

The nearest approach you have made to open defamation was in certain statements in a letter of February 22, 1879, to the *Monitor* and *Statesman*, concerning the Voelter Wood Paper Pulp Patent; and even there you do not mention my name. Having been informed of your oral slanders by my friends, and that they understood the statements in your letter to refer to me, I requested Col. Wm. E. Stevens, the editor who had taken the responsibility of publishing them, to ascertain, if possible, whom you meant. Subsequently he addressed you this letter,—

CONCORD, March 14, 1879.

HON. B. WADLEIGH, Milford, N. H. :

*Dear Sir:* You did not call on me when you were in Concord; if you had done so, I should have made some inquiries of you, which I now present. In your published letter of February 23, you attribute the *Globe* article connecting you with the Voelter Patent, and also the attack upon you in the *Nashua Telegraph*, to Washington lobbyists, and in particular to "a gentleman, whose connection with the Washington lobby is not a matter of conjecture." You also state, that by your unvarying opposition to all the plundering schemes of the Washington rings and lobbyists you have won their bitter hostility; and that you were long ago informed that you could not be re-elected unless you yielded to them; and long ago resolved that you would accept no office on such degrading terms.

If the facts are as you state, I wish to know them more accurately, so that I may not be misled by any such influence in reference to yourself or any other person or subject; and they perhaps ought also to be known to the people of New Hampshire.

Will you therefore inform me what the plundering schemes were, by opposing which you have won the bitter hostility you speak of; who the persons are who compose the rings in question; and in particular who the gentleman is, connected with the lobby, whom you charge as instigating the attack upon you, with liberty to use the information as I may deem proper.

Very respectfully,

WM. E. STEVENS.

To this letter no reply was given by you; and ten days later Col. Stevens again wrote you, requesting a reply; but of neither letter have you ever taken any notice.

This refusal to define what and whom you meant in your published attack, I consider cowardly; and you have placed yourself unmistakably in the attitude of a willingness to publicly claim credit and sympathy for yourself by accusations against others, without daring to name the men whom you accuse, nor to specify the acts which you charge upon them, so as to give them an equal opportunity to defend themselves.

I am further justified in saying, that you then desired and now desire to have the people of New Hampshire believe that you specially meant to incriminate and make odious a particular person, and yet had not the courage, in the face of the people, to call him by name and stand by your accusations. Such evasion and dodging is in keeping with other acts of your Senatorial career, and is utterly unmanly and discreditable.

#### CHALLENGE TO MAKE YOUR SLANDERS PUBLICLY.

It is now my privilege publicly to request of you openly to proclaim the various statements you have so constantly made concerning me during the past two years. If you meant me in your letter of February 22d, I desire you to charge it publicly, as an open assailant, instead of whispering it slyly as a secret slanderer; and to make good, if you can, your statements, charges, and insinuations, by specification, description, and proof. If you do not, I shall stigmatize you as a wilful libeller, unworthy of the least credit among honorable men.

#### COMPREHENSIVE DENIAL AND DEFIANCE.

In advance of what you may say, I challenge investigation and exposure of all my actions, public and private, during my whole life. What they have been in New Hampshire is well known to her people, and especially to the citizens of Concord. In Washington I have been in official position, in business enterprises, in arduous political service, and in legitimate and honorable law practice. During the last three years, however, I have been obliged to give up the greater portion of my law business, except limited service for one client, who has employed and trusted me for over ten years, and for the protection against unjust encroachment, of a business investment of



my own and other New England men, in which I have ventured about all I am worth. The rest and largest part of my time has been freely and gratuitously devoted to electing President Hayes, securing for him a fair count, and defending his title while opposing his fatal Southern policy.

From my admission to the bar in 1865 to this hour, I have endeavored to do no dishonorable act, either in my law business at home or in Washington; in office in the Navy or Treasury Departments; or in my connection with politics; I have battled, whenever the occasion seemed to demand, openly and boldly, for all my convictions, without caring for personal consequences; and I defy you and all my other defamers, personal or political, all Potter Committees, and pulp and patent corruptionists, to leave contemptible insinuations and cowardly secret suggestions, and come out into the open daylight and charge and sustain anything against me.

You and your agents have freely stated that I desire only Congressmen from New Hampshire whom I can control and improperly use; and that I would have had no objection to you if I could have controlled you. This is a slander upon Senators Cragin, Patterson, and Rollins, and Representatives Stevens, Pike, Briggs, Ela, and Blair, no one of whom have I ever attempted to use or control; nor have I ever interfered with or taken any part in any New Hampshire matter at Washington except in coöperation with and at the request of some or all of our Congressmen; while as to yourself, although we were in familiar, and, so far as I knew, friendly intercourse, with occasional correspondence, during the first four years of your senatorship and as late as April, 1877, I never undertook to control or influence you, nor directly or indirectly desired or asked anything of you, at any time, anywhere, to any extent, or under any circumstances; and I challenge you to assert the contrary, and specify the instance.

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#### EXPLAIN YOUR OWN SURRENDER TO CORRUPT INFLUENCES.

There are other questions to which I wish to call your attention, and ask of you explanations. For three or four years after your accidental election as senator, you often, although

insincerely, declared that you did not like the office, and that you were inclined to resign it and resume more congenial law practice. You now present yourself for reelection solely on the ground that you have resisted the corrupt influences of Washington lobbyists; and while so doing you make charges of corruption against persons who you say are your enemies, but venture not to name them. An examination, however, of some acts of yours while senator, discloses facts which, without denial and disproof in detail, will convince every one that, instead of being abstemiously honest among corrupt influences, you have surrendered to a corrupt ring at Washington, and are, like many a prototype, in fact guilty of all you wrongly charge against others.

#### PATENT CORRUPTIONS THE CAUSE OF YOUR FALL.

Of all causes of dishonesty and corruption at Washington, those arising from patents take the lead. With the patent lobby, you, as chairman of the Senate Committee on Patents, came into close relations. Taking advantage of the unpopularity at the West of two or three agricultural patents oppressively handled, you first entered into a combination with certain wealthy corporate interests to enable them to oppress and destroy poor inventors, and to make the whole patent system valueless to them, and only operative as a means to enable rich capitalists to seize meritorious inventions, and with them plunder the public without benefiting the real inventors.

#### YOUR ALLIANCE WITH THE PATENT CORRUPTIONISTS THROUGH JOHN W. ODLIN, A LABORER.

To procure the passage of a bill of this character, there came to Washington an agent of the Western Railroad Association of Chicago. There came also a formidable lobby, whose boast it was that with free liquors, free carriages, and other influences of various kinds, they would reach their ends. Their ally in the Senate you became, and established intimate relations with them in person, and more especially through your private secretary, John W. Odlin, whom you had taken into your full confidence, although a man of bad repute and of worse

habits, of which he freely boasts, and had placed on the Senate rolls alternately as a committee clerk, and as a "laborer" doing no work but drawing full pay, while some poor colored man did the work at half price;—his real office being that of a go-between of yours and the Western Railroad Association, drinking their free rum at their spacious head-quarters at Willards, and manipulating in their interest the author and advocate of Senate Bill No. 300, known as the Wadleigh Patent Bill.

#### THE WADLEIGH PATENT BILL, NO. 300.

This bill, which you made yourself responsible for, and during the last three months of your term pressed incessantly, backed by as formidable a lobby as Washington ever saw, antagonizing it to important public business, until you finally fulfilled your undertaking and crowded it through the Senate, is a bundle of iniquities, designed to put obstacles in the way of poor inventors, and to make patents worthless except when stolen and manipulated by men already wealthy.

#### ITS INIQUITIES.

The true character of the bill is concisely stated in the accompanying letter of J. McC. Perkins, Esq., a patent lawyer at Washington, whom I never knew until a few weeks ago, and who of his own accord entered upon an investigation of the subject. His statements are but the reëcho of a sentiment now almost universal, since the bill and the influences pressing it have come to be understood. That senators and members of integrity and acuteness voted for it, is true; some from that Western prejudice which I have spoken of, and others because of the belief they then had in your representations and those of the lobby. But your success in deceiving them only makes the case worse for you. After the bill came to be thoroughly understood, it was ignominiously defeated in the House, and is not likely ever to become a law.

#### HOW IT WAS TO RE-ELECT YOU SENATOR.

One special fact is noticeable. Prominent among the men, reputable and disreputable, who crowded to Washington to



force through this bill, was Mr. T. L. Livermore, who demanded that it should contain a provision preventing the reissue of a patent accidentally defective from being based upon the model, usually prepared by the inventor himself, and always deposited in the Patent Office. Mr. Livermore secured the amendment he desired; he has been an intimate friend and an associate and partner of yours in law business; has lately become agent of the Amoskeag Corporation at Manchester, and is wielding the immense money power of that company to force your reelection as senator. Will the members from Manchester yield their convictions to such influences?

THE VOELTER WOOD PULP PATENT. HOW YOU TRICKED IT  
THROUGH THE SENATE.

Your championship and procurement of the extension, until its twenty-eighth year, of the Voelter wood pulp patent, are well known to the public. February 27th, 1877, you made a report in favor of the extension. March 2d, late in the afternoon, you moved to take up the bill (No. 1255), and said, "It is the only thing the Committee on Patents have asked for." So it seems it had been your only business at this session to get this extension. Senator Cockrell asked for the report, and said, "Let it be read." You objected, and said, "*It is long.*" The report is sixty-two printed lines, being only six lines more than one printed page, and I have just read it aloud deliberately in  $2\frac{3}{4}$  minutes. You prevented its being read, and also said, "Let me say that the moment this bill is understood there would be no discussion upon it, and no opposition to it. It is the case or an invention wholly new, of immense value to this country, where the inventor has lost \$33,000 as it stands to-day." But even this assurance did not then succeed, and the Senate adjourned till eight in the evening, when you were promptly on hand, got up the bill, and hurried it through without debate, with few senators present, and with little notice taken of the transaction.

I charge that you took advantage of the excitement of the presidential count, and of the absence, fatigue, or inattention of senators, to hurry through, by well-timed motions, by deception

and misrepresentation, and by pledging your honor as a senator and chairman, an iniquitous bill, the demerits of which were known to you, and were not known to any other senator.

#### HOW IT WAS TRICKED THROUGH THE HOUSE.

The proceedings in the House were quite as extraordinary. The House Journal shows that on the same night, just before adjournment at 1 : 25 Saturday morning, the bill, with a mass of other bills, passed the House. The Congressional Record shows that when it was first reached, Mr. Springer, a leading Illinois Democrat, objected to it. Later (page 2140) is this :

Mr. Springer : "I desire to withdraw my objection to the bill (H. R. No. 555), the patent being in the interest of the dissemination of knowledge."

But even the acute reporters for the Record do not state that the bill then passed, and if it did it must have been very quickly and quietly slipped through during the confusion of those hours. Mr. Springer now says he was induced to withdraw his objection and make the statement by Mr. W. H. H. Stowell, a Virginia member (who subsequently obtained an interest in the patent, as appears in a letter annexed from Mr. Perkins) ; and Mr. Springer also says that Mr. Stowell told him this was a House bill which had been reported favorably from the House Committee ; and, learning the contrary and the true facts, he has since introduced a bill to repeal the patent, and proposes to press its passage. In fact, the House Committee never considered or acted upon the subject ; and the bill was passed by trickery, now evident and undisputed, as Mr. Springer will state.

#### THE VOELTER PATENT MONOPOLY AN ENORMOUS BURDEN UPON THE PUBLIC.

The Voelter patent, thus prolonged for seven years after twenty-one years, is simply an apparatus for holding wood against a grindstone with the grain or fibres parallel to the axis of the stone, so that the wood may be ground into pulp without cutting or breaking the fibres. But by means of the patent, a

wealthy and powerful monopoly has been and is enabled by you to impose a burden of many millions of dollars upon the newspaper reading public of America. The cost of the wood is about one half a cent per pound; one cent per pound will pay the whole cost of manufacture; all above \$30 per ton is profit. In 1870 the selling price of pulp was six cents per pound. In 1877, according to your report, it was three cents per pound, or \$60 per ton, giving \$30 per ton profit to the owners and tax upon the public resulting from the Voelter monopoly. You stated in your report, when trying to show how much this invention had saved the country by reducing the price of pulp, that the annual production of wood-pulp was 360,000 tons. If so, the Voelter patent burdens the people annually with \$10,800,000. You cannot escape this conclusion except by denying your own figures, and explaining why you "wilfully and monstrously" exaggerated the product. Taking the more reasonable figures of sixty tons per day, or 18,000 tons per year, as the present product, and the profits are \$540,000 per year, or \$3,780,000 unnecessary tax upon the public in the seven years of the extended patent. But the owners of the patent testify that there can be profitably used in America 125 tons per day, in which event the profit would be \$1,125,000 per year, or \$7,875,000 during the extended life of the patent.

Verily the owners of the patent could well afford to capture a United States senator by paying the political contributions and the cost of his reelection to the Senate.

#### YOUR MISREPRESENTATIONS TO GET IT PASSED.

Of course, to get through Congress such an enormous patent job, it was necessary to resort to such artful tricks as I have described. But much other rascality marks its history.

#### FALSE STATEMENTS ABOUT VOELTER'S POVERTY.

You stated in your report, that "from his patent in the countries of Europe the inventor has received comparatively nothing;" that his expenditures to 1870 were \$100,508, and his receipts \$33,000, and that since 1870 his receipts were \$20,000; "consequently he has thus far met with a loss of about \$47,000;" and in your place in the Senate you said, "the inventor has lost

\$33,000 as it stands to-day ;" and you also report that he "was and is a man of small pecuniary means."

Voelter says, in an *ex parte* affidavit in 1870, that he had received \$16,000 from Germany, \$2,000 from Sweden, \$2,000 from France, \$3,000 from Russia, and \$800 from Canada, making \$23,800, but he does not give his receipts from England! He does, however, state, that from 1865 to 1870 he had 150 machines in operation in Europe, each averaging 200 tons per year, or 150,000 tons in five years, the profits on which could not have been less than four millions of dollars, of which Voelter, who has never been subjected to cross-examination, says he received only \$23,800. This statement is incredible! He also states, in 1877, that he had, since 1870, received in Europe \$7,000, and subsequently admitted \$21,000 more, making \$51,800 in all admitted in Europe. As to America, he says he sold the patent to A. Pagenstecher and his associates for \$5,000, Jan. 1, 1869, and \$6,000 per year annually thereafter, or \$53,000 at the time of your report. These figures make \$104,800, instead of \$53,000 as stated by you.

As to his alleged expenses of \$100,508, he includes \$1,000 for exhibiting his invention at London, in 1862, and \$14,800 at Paris, in 1867, without giving particulars! He estimates his own time, from 1846 to 1855, at \$15,400, and from 1856 to 1870 at \$27,300,—and yet all this time he was engaged in active business, which he did not neglect! He includes \$9,600 for persons hired from 1846 to 1855 and \$26,000 from 1855 to 1870 and \$5,000 for getting patents,—all without details. From the bogus claims, set up in this solitary *ex parte* affidavit, nothing is allowable, by any reasonable rule, except \$458 for American patents, \$20 for a laborer, and \$60 for travelling expenses, making \$538 in all; and unquestionably he has received over \$100,000 from his invention, and probably many thousand dollars more.

These facts you knew when you made your report and statement in the Senate.



FALSE STATEMENTS THAT VOELTER HAD NOT ASSIGNED  
THE PATENT.

You stated in your report,—

*“The evidence shows that he has made no arrangements as to the sale of the extended patent, and that such extension will be for his benefit.”*

A careful examination of the record evidence, and the consideration of other facts equally sure, compel me to charge that the above statement is untrue, and that you knew it was untrue when you made it, and yet made it deliberately, in order to deceive your associates in Congress and get through a patent, not for the benefit of a poor foreign inventor, Henry Voelter, whose name alone appears in your report, but to enrich an overgrown monopoly, to the temptations offered by which you deliberately yielded.

Voelter's statement and petition, in 1870, say that he sold his patent of 1858 to Alberto Pagenstecher and his associates for the original term and its extensions. This statement was before you in 1877; and you also saw the deed of Nov. 6th, 1868 (recorded in the Patent Office transfer record, Book D, page 314), from Voelter to Pagenstecher, which covers the patent and “any extensions or renewals thereof;” and you have known that Pagenstecher and his associates have held the patent ever since that date; and that April 6, 1869, they obtained a reissue, and June 6, 1871, a second reissue, both in the name of Pagenstecher as assignee.

The associates of Mr. Pagenstecher are Warner Miller, of Herkimer, N. Y., and Wm. A. Russell, of Lawrence, Mass.,—both now congressmen; and they own substantially the whole gigantic wood-paper pulp monopoly in America,—Mr. Miller for New York and the West, and Mr. Russell for New England. They were witnesses before you, asking for this extension, and stated that they were interested in the patent. Mr. Warren F. Daniell, paper manufacturer, of Franklin, N. H., was also a witness before you, urging the extension; and Ex-Gov. P. C. Cheney, an owner of pulp-mills in this state and in Illinois, spent the month of February, 1877, in Washington,



constantly urging you to pass the Voelter extension bill, and was there for that purpose.

The patent had been in existence twenty-one years; Miller and Russell owned the patent, and, with Daniell and Cheney as associates, were getting enormously rich from it. Did they urge upon you its extension, with no arrangements for its future use? To say that they did, or that you thought so, is utterly preposterous; and yet you said to the Senate that this was the case of a poor, meritorious inventor, who had made no arrangement for selling the extended patent, and that such extension would be for his benefit!

Subsequent events, also, prove the complete falsity of your statement. On the application, in 1877, before the Commissioner, for the extension under your bill, Miller and Russell admitted under oath that they controlled the entire patent. It was objected, that under such circumstances it should not be extended, even under your law. On July 31, 1877 (after the whole case had been submitted to Commissioner Speare) Miller, Russell, and the licensees of the patent conveyed all their interests to Pagenstecher, Voelter's assignee. As soon as the Commissioner had, in August, 1877, made a favorable decision, Voelter made a conveyance to Pagenstecher, and he again conveyed their former interests to Miller and Russell, and they reconveyed to the smaller owners or licensees their old petty interests. What was the precise object of these sham transactions does not appear; but all the facts show that Voelter was a mere figurehead to cover a gross fraud upon Congress and the country, and that you knew that Miller and Russell and Daniell and Cheney were the real parties in interest in the extension, and that you were willing to aid in that fraud, and prostitute for its perpetration the high office with which the legislature of New Hampshire had happened to honor you.

#### THE PATENT VOID ON MANY GROUNDS.

There are numerous other objections to the Voelter patent, which I will not now state, and which you either knew or would have known if you had done your duty, and heard disinterested witnesses instead of Miller and Russell and Daniell and Cheney. (1) Our statutes specially provide against an

extension of an American patent to a foreigner after his home patents have expired, so that our people may not pay him tribute after his own country ceases to deem him meritorious. The Voelter patent in Europe expired before 1870, and therefore the extension in this country of August 29, 1870, was illegal, and more so was your extension of 1877. (2) The invention was not novel, because a French patent of 1847 describes an invention for grinding wood cut into pieces as long as the grindstone is wide; plainly implying that the wood is to be held against the stone with the fibres parallel to its axis—which is the whole substance of the Voelter patent. (3) The state of the art of grinding wood pulp at the time of first granting the patent in this country, taken in connection with prior patents, makes this patent invalid. It is absurd to give a monopoly for a mere method of holding the wood against the stone, substantially known and practised long before. (4) Voelter's contradictory and confused statements as to the time, circumstances, authorship, and ownership of the invention now claimed for him, will destroy the patent on any full and fair trial;—and so on with many other objections.

THE PATENT A MONOPOLY BECAUSE OPPRESSIVELY MANIPULATED BY RICH CONGRESSMEN AND AN EX-GOVERNOR.

Why, then, if these fatal defects exist, does the patent operate as a monopoly? For no other reason than one not unusual in patent experience,—because of the large amount of money behind it, enabling its holders to use it as a pretext to oppress and crush out the inventors and users of all pulp-grinding machines, most of whom find it cheaper to pay a license fee for the machines they use, than to fight in lawsuits; and Miller and Russell are thus able to limit the number of pulp machines in the country, make the wood pulp production a monopoly, and burden the large daily newspapers of the country, nine-tenths of which are printed on wood paper, and the public who support them, with a price for paper twice as great as it should be; amassing huge fortunes by which to elect themselves to Congress to protect their wrongfully-gotten patent, and if possible to seduce and debauch other Senators and members as they have

you, by furnishing their New Hampshire partners and associates with money for purposes which the members of the legislature can discover, if they choose to open their eyes to behold your array of outside retainers now swarming the state capital, and whose names shall be carefully recorded, and will be held in remembrance long after they return to their townsmen to disburse in their midst their petty share of pulp-money. By the PULP MONOPOLY which you created, profitable wood-paper mills in New Hampshire have been limited in production, or destroyed; without it, dozens of them would be in full operation along our streams, increasing our population and wealth. It is yet to be determined whether PULP-MONEY controls our politics.

#### WHY HAVE YOU BEEN A SENATORIAL DODGER?

While you have thus labored with zeal and alacrity, instant in season and out of season, whenever questionable patent legislation was to be manipulated, why have you entirely failed to do your duty as Senator when votes have been taken on important public questions?

#### YOU DODGED THE ELECTORAL COMMISSION BILL.

In the crisis of the count of the presidential vote of 1876 the Electoral Commission bill was before Congress, and it was of great importance that it should be fully discussed and courageously voted on by every Senator. When the yeas and nays were called you dodged the vote. Why did you thus evade your duty? You have said that at the time the bill was voted on, "and for several days after, I was confined to my bed by sickness." This excuse will not serve you, for the Congressional Record shows that just before the bill passed you were present and responded to the call of the yeas and nays on some incidental motion concerning the bill. Were you taken sick and compelled to go to bed immediately after this vote? There is no doubt that just as the final vote was approaching you did go home and go to bed, but you were no sicker than many other Senators who remained and did their duty, and then went to their homes and beds. Your excuse is

undoubtedly a pretence. You intentionally dodged, and are sicker now than you were then !

YOU REFUSED TO VOTE TO RE-ELECT SENATOR CRAGIN.

Your excuse for not voting on the Electoral Commission bill might possibly be believed if dodging were not your habit. When Senator Cragin was renominated and elected, you opposed him in caucus, and threatened to bolt. When the House was voting, before the roll-call reached your name, you rose and left the hall, and refused to vote for the regular nominee of your party. Why did you thus dodge ?

YOU DODGED SENATOR PINCHBACK'S CASE.

When the case of Senator Pinchback was before the Senate, you would not vote for his admission, came off to New Hampshire without pairing either for or against him, and, in spite of repeated telegrams sent you, refused to pair. Afterwards, as Chairman of the Election Committee, you reported in favor of the admission of the Democratic Senator Eustis in Pinchback's place, and secured it, against the minority report of some of the ablest Republican Senators on the committee. But this report was less discreditable to you than dodging in Pinchback's case.

YOU DODGED THE M'VEAGH-COMMISSION CASE.

Secretary Sherman borrowed about ten thousand dollars, and paid the expenses of the McVeagh-Commission to go to Louisiana and tear down Packard's government. He induced the Senate Appropriation Committee to put an item in a bill to pay this sum ; but the Senate rejected the item by a decided majority. You knew it was coming up, and went away from the capitol on pretence of business : unfortunately for you the debate was shorter than you expected, and you reached the Senate, and I myself saw you standing on the floor while the roll was being called, and before it was too late to vote ; and yet you dodged. Why did you thus evade your obligations ? Most of the Republicans voted against the payment ; several true Republicans voted for it. What were your complicated relations



with the radical Senators and Secretary Sherman that you dared vote on neither side?

YOU DODGED THE NEW YORK CUSTOM HOUSE APPOINTMENTS.

The last inquiry is made more pertinent by your failure to vote on the nomination of General Merritt as collector of New York. This was an exciting contest between Senator Conkling, supported by most of the Republican Senators and a few Democrats, and Secretary Sherman and the administration, backed by most of the Democratic and a few Republican Senators. You might have voted whichever way your judgment honestly inclined you, with honor and without injury, and you were not at this time absent from pretended sickness; and yet you did not vote, and were the only Republican Senator present, not paired and not voting. Why did you dodge this vote? The Republicans of New Hampshire tolerate the largest honest difference of opinion in their own ranks, but they do expect their public men, especially their most highly honored Senators, to form opinions on important questions, and express and act upon them frankly and fearlessly; and any congressman who omits to do this is not a true representative of our intelligent, radical, aggressive Republicanism.

YOU GAVE A FALSE REASON FOR DODGING.

The excuses you have undertaken to give for your failure to vote on the New York nominations well illustrate your character and methods.

You stated, in a published letter to Hon. O. C. Moore, editor of the *Nashua Telegraph*:

I withheld my vote because it would not affect the result, and because I had a profound disgust and contempt for "log-rolling." Could the honest voters of this state know all the facts they would justify me.

Yours respectfully,

B. WADLEIGH.

. Your affected hesitation about disclosing proceedings in executive session of the Senate did not, however, hinder



you from orally and privately (while also whispering your slanders upon me) asserting this :

That you intended to vote for General Merritt's confirmation, but that just before the vote was taken, located as your seat was on the Democratic side of the chamber, you overheard the Democrats say that it was arranged that if Merritt should be confirmed, Senator Stanley Matthews would not vote for, but would prevent the ejection of Hamburg Butler as Senator from South Carolina, and the admission of Senator Corbin ; and that, moved with righteous indignation at this bargain, you impulsively withheld your vote.

This reason apparently corresponds with your above written statement to Mr. Moore. Unfortunately it is confronted with a denial from Senator Matthews, as this correspondence will show :

CONCORD, N. H., March 25, 1879.

HON. STANLEY MATTHEWS,  
Cincinnati, Ohio :

*Dear Sir :* A statement is going the rounds of this state that there was an understanding between you and Democratic Senators, that if General Merritt should be confirmed as collector of New York by their votes, you would vote against taking up the Corbin case ; or an understanding somewhat like that above suggested. This statement I would like to contradict by your authority if it is incorrect, as I believe it is.

Yours very truly,

W. E. STEVENS.

CINCINNATI, OHIO,

March 29, 1879.

W. E. STEVENS, Esq., Concord, N. H. :

*My Dear Sir :* I have just received your note of 25th inst., in which you say that a statement has found circulation in the public newspaper press of New Hampshire, that there was an understanding between myself and Democratic Senators, that if Gen. Merritt should be confirmed as collector of New York by their votes, I would vote against

taking up the Corbin case, or an understanding of that nature.

There is not a particle of truth in the statement, nor the least foundation whatever for it. It is simply a lie out of whole cloth. I had no understanding of any nature, with Democratic Senators, on either subject. You are authorized to contradict the whole story, whatever shape it assumes.

Yours truly,

STANLEY MATTHEWS.

YOUR TRUE REASON FOR DODGING WAS DISGRACEFUL TO YOU.

This exploded reason for not voting, based upon your alleged sudden impulse at discovering "log-rolling" between Senator Matthews and the Democrats, has been your excuse to radical or stalwart Republicans. You have had a second, different, and inconsistent reason ready, principally for use with admirers of President Hayes and Secretary Sherman, namely :

That you had a prior understanding with Secretary Sherman that you would vote for General Merritt if your vote should appear necessary to secure his confirmation ; but that otherwise you might withhold it on account of opposition you feared would develop in New Hampshire to your reelection if you voted with the administration and against Senator Conkling and the senators supporting him.

This understanding with Secretary Sherman was reached through Assistant Secretary Henry F. French, with whom you reside when in Washington ; and out of the mouths of two or three witnesses can every word be established. I am not aware that you do not now adhere to this as the true reason. You have been in correspondence with Secretary Sherman on the subject, and have privately shown to some persons his reply to your request for a written excuse for not voting. He has said that his letter may be made public. Will you produce it ?

If this excuse for your dodging be the true and only one, as I am inclined to think it is, in what a contemptible light

do you place yourself before the people of New Hampshire : bargaining with the administration for permission, if your vote on a public question would not affect the result, to dodge, in order not to announce to your senatorial constituency, from whom you were soliciting a reelection, your opinion which of two Republicans should be a collector of customs ! How can such senatorial dignity, manliness, and true courage be spared from the Senate by the stalwart Republicans of New Hampshire during the dangerous contests of the next six years !

PRODUCE YOUR BATCH OF EXCUSES AND CERTIFICATES OF CHARACTER.

Undoubtedly Secretary Sherman will give you any reasonable reward of merit or certificate of excuse you may desire. It is doubtful if President Hayes would, for I have been informed he thinks you were very cowardly. But your plausibilities secretly whispered might deceive the very elect. I have heard that you have been procuring certificates of good character from brother Senators, who are often willing to go too far to aid in shielding each other from senatorial blunders and crimes, and have sometimes done so to the great wrong and injury of the Republican party ; and especially might this be the case with worthy Senators whom you may have deceived or enticed into voting with you on your various patent schemes, and who may now feel obliged to try to vindicate their own record by unnecessarily sustaining the author of their mistakes.

This personal influence, by even an unworthy Senator, upon his associates, is well illustrated by the fact, that in June, 1878, you succeeded, by incessant importunity, in procuring from the other members of the Committee on Elections, of which you were chairman, a report against the right of the legislature of New Hampshire, then in session, to elect a Senator. It was a life or death struggle with you, and you persuaded them into announcing a denial of the right, which

view, in the recent debate, was almost universally repudiated, and Senator Bell only obtained his seat because a small majority of the Senate believed that, not the people of New Hampshire, but the Senate itself, under your manipulation, were to blame for the failure to elect in 1878.

Still, whatever your administration or Senatorial certificates are, they are entitled to be considered;—will you not furnish them to the public, and not exhibit them only to a favored few?

A LITTLE WHOLESOME ADVICE, IN CONCLUSION—GO TO  
PRACTISING LAW.

In April, 1877, you did me the honor to ask my opinion on the next senatorial election. After long consideration, I am now free to advise you not to be a candidate. You have certain mental and moral tendencies that are likely to prove your ruin if you indulge them, and they have already begun to drag you downward. They developed instantly when you commenced law practice, in which trickery and chicanery frequently bring temporary success: they made you a disreputable practitioner, and nearly resulted in your expulsion from the bar. Taught a severe lesson, you struggled to restrain them, and so far succeeded that the memory of your early sins did not prevent your accidental election as Senator. Stepping into the Senate upon the prostrate form of one of New Hampshire's most brilliant public men, you thought enforced self-restraint, hypocrisy, and self-righteousness would be for a time the most politic course;—but on the first serious temptation you fell. The force of early habit was too strong. You never should have trusted yourself amid the corruptions of the pulp and patent ringsters, for you were not permanently cured of your original appetites. But your case is not hopeless;—only do not again trust yourself amid temptation. Do not ask the Republicans of New Hampshire to reelect you to the Senate, and to run the risk of endorsing all the dishonesties which may



be disclosed in the approaching investigation and repeal of the Voelter patent, which Messrs. Miller and Russell have pushed themselves into Congress to prevent, and which they can handle without your help. New Hampshire has dealt most generously with you: you should deal generously with her. You have said you did not desire the office, but preferred your law practice. Retire to that, lending your support to some one of New Hampshire's gallant soldiers, so that we may not have only two Union against twenty Confederate generals in the Senate; and give peace to our state politics. With the aid of Messrs. Livermore and Cheney and Daniell, and your other pulp and patent acquaintances, you will obtain again a large law business, for which, not only by inclination, but, believe me, also by character and habits, mental and moral, you are better fitted than to struggle six years more against the tempters of senators you have so forcibly described, and whom, you say, you have never—that is, hardly ever—yielded to.

Very respectfully,

WM. E. CHANDLER.



## MR. J. McC. PERKINS'S LETTERS.

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OFFICE OF J. McC. PERKINS,  
Counsellor at Law.

No. 811 L Street (four squares north of Patent Office.)  
SPECIALTY: Patent Law and Patent Office Practice.

WASHINGTON, D. C., May 28, 1879.

HON. WM. E. CHANDLER:

*Dear Sir:* Senate Bill 300, generally known as the "Wadleigh Patent Bill," passed the Senate on Jan. 23, 1879. It received the name of the "Wadleigh Patent Bill," because ex-Senator Wadleigh, of New Hampshire, was its most active and constant champion in the Senate. As it passed the Senate, it was composed of twenty-five sections: as reported to the Senate by Mr. Wadleigh, it was composed of twenty-four sections. While under consideration in the Senate, a new section was sandwiched in between the original second and third sections, in order to accommodate certain constituents of a Minnesota senator. This changed the numbering of the original sections from this point onward, so that the last section of the bill, as it passed the Senate, was numbered twenty-five instead of twenty-four, as it was reported to the Senate. In my remarks on this bill, I shall refer to the sections of it as it was originally reported to the Senate. It becomes necessary thus to refer to the sections of this bill, because the very extended discussions before the Senate and House Patent Committees, and in various public journals of this country, have uniformly referred to the original sections of the bill.

I shall not attempt to consider at this time all of the sections of this very remarkable patent bill. There are, however, some six sections of the original bill, which I shall briefly refer to in order to disclose the infamous character of the class legislation in favor of rich manufacturers and rich corporations attempted to be saddled on to the country by the Senate Wadleigh Bill.

These sections are,—

Section I, relating to a limitation of four years from the time when the action accrued, in which actions for infringement must be brought, instead of the whole lifetime of the patent, as the law now is.

Section II, relating to damages and profits, which denies to the owner of the patent, after he has successfully sued the wilful infringer, the savings or the profits which the law now gives to the owner of the patent; and, in lieu of these savings or profits, only mulcts the rich infringer with the moderate license fee which the patentee contracts for with the honest manufacturer.

Section V, relating to reissues. This section provides that only the specification and drawings of the patent shall be used as a basis for a reissue, instead of the law as it now stands, by which reissues are allowed to cover any feature shown either in the model, in the drawings, or in the specification of the patent.

Section VIII, perpetuating testimony. This section is new, and is designed to allow rich and influential manufacturers and corporations to hunt up and preserve testimony in any part of the country, to be used thereafter to defeat a patent in case a suit is commenced.

Section IX, repeal of patents. This section is new; and it authorizes any one who has sufficient money to carry on a suit to commence an action to repeal a patent; and if the owner of the patent is unable to furnish sufficient money at once to defend the patent, he is liable to lose his letters-patent, though perfectly valid.

Section XI, periodical fees on patents. This section is new, and provides that the owner of the patent shall pay a further fee of fifty dollars (\$50) after the patent has been in force for four years, and a further fee of one hundred dollars (\$100) after the patent has been in force for nine years, or, in the event of the failure to pay either of these two fees, the patent shall terminate.

I should have spoken also of Section X, which substantially provides that a rich and wilful infringer may commence suit against the poor inventor or patentee for the purpose of preventing the patentee from suing the infringer at any time thereafter. The abomination of this section is apparent, but not more so than appears in all the other sections that I have cited.

If this "Wadleigh Patent Bill" had been entitled "A bill to destroy the existing patent system in the United States, saving only so much of the patent law, as a matter of form, as will enable the rich and powerful to tax and oppress inventors and the industrial classes as much as they desire,"—if such a title had been given to the bill by Mr. Wadleigh, it would have honestly and frankly expressed its true character. \*

Heretofore the patent law in this country has been framed to protect the patent franchise of the inventor and patentee. The "Wadleigh Patent Bill" not only protects the rich and grasping infringer, but it enables the infringer to prosecute

and to persecute the owner of the patent. Mr. Wadleigh would engraft class legislation upon the statutes of the United States—such class legislation as would make the rich richer, and the poor poorer. If the “Wadleigh Patent Bill” had become a law, patent property in this country would have been comparatively of no value. Far better it would have been, to have absolutely repealed all laws authorizing the grant of letters patent in this country.

Take Section V, relating to reissues. The Wadleigh Bill provides that the features of the invention which are shown only in the model, shall not be used as a basis for a reissue. It provides that the reissue shall be made only on what is shown in the drawings or described in the specification. The inventor makes his model himself. He may be and very often is an uneducated man, but he thoroughly understands the mechanical principles exhibited in his model. But the drawings and the specification are made in the office of his attorney, who generally lives in a distant city. Attorneys well know how often it happens that the drawing does not show correctly every minute feature which the inventor has placed in his model. Practically, the invention, as embodied in the model, is the voice, and the only voice, which the inventor has in his Patent Office exhibit, out of which his letters patent spring. The Wadleigh Bill, as originally introduced, provided for a reissue based on anything shown either in the model, in the drawings, or in the specification of the patent.

But Mr. T. L. Livermore, of Boston, appeared before the Senate Patent Committee, and argued that the model should be eliminated from consideration, when a reissue was asked for. Subsequently, it seems that the word model was struck out of Section V, leaving only the drawings and the specification to be consulted in an application for a reissue.

This matter of a reissue is the most important matter within the jurisdiction of the Patent Office. Inventors, patentees, and owners of patents will now fully understand the “true inwardness” of section V of the “Wadleigh Patent Bill.”

Section I limits the right of suit against infringers to four years after the cause of action has accrued. A rich defendant will cause a delay of more than four years, before the suit can be finally adjudicated. It often happens, that it is from half a dozen to a dozen years before the owner of the patent becomes cognizant of the fact of the infringement, and is able to obtain judicial proof of the same.

Section II, relating to damages and profits, abolishes all inducement to the unscrupulous infringer to treat the patentee honestly. It says to the infringer,—

"You can go on and infringe a patent with impunity. If the patentee sues you, you may be able to exhaust his limited means by legal quibbles, and delays in court. You will have time to hunt up or to manufacture evidence which will defeat his patent in court. But even if the patentee finally obtains judgment against you, you will only have to pay, as damages, the same amount which the honest manufacturer has paid as a license fee, from the beginning. So, go on and rob the inventor all you can!"

I will not, at this time, further consider sections VIII, IX, X, and XI of the "Wadleigh Patent Bill." They are quite as scandalous as section V, or sect. I, or sect. II, which have just been briefly referred to. The able and astute agents of the railroad lobby seem to have been the most successful persons in persuading ex-Senator Wadleigh what changes were needed in the patent system of the United States. For one, as a voter and a citizen of New Hampshire, I feel ashamed that the senior senator of the Granite State has so absolutely betrayed the trust reposed in him, as to become the sponsor for the "Wadleigh Patent Bill."

In the *Independent Statesman* of March 6, 1879, there appeared a letter from Mr. C. C. Coffin. This letter purported to have been written from Washington. The author of this letter belonged to that class of men who were paid to advocate the passage of the Wadleigh Bill by Congress. Certainly he displays no little ingenuity in attempting to make the Western grangers responsible for this bill, and deserves a patent for the novelty of this letter; but there might, however, be a question whether it would answer the requirements of the law in regard to its utility. However, Mr. Coffin's letter will do little harm, and I thus pay my respects to it, and leave it.

Very respectfully,

J. McC. PERKINS.

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WASHINGTON, D. C., May 30, 1879.

HON. W. E. CHANDLER, Concord, N. H.:

*Dear Sir:* The policy of the law in extending the term of letters patent beyond the limit of the original patent, was, and is, to compensate the meritorious inventor, when he has failed to receive an adequate reward during the life of the original patent. It was never the policy of the law of extensions to benefit assignees and speculators in patents; and it has been the rule and practice of the patent office to refuse to extend letters patent, when it appeared that the patent had been assigned to another person, or when there was an existing contract to assign the patent, after the extension, for a considera-



tion, notoriously small, in comparison with the profits made by the assignee of the patent. Sometimes this practice has gone so far that a Commissioner of Patents has withdrawn his decision in favor of an extension, even after a favorable decision had once been deliberately made. This happened when it became known to the Commissioner that the inventor had sold his interest in the extension for the extended term. Therefore, in extensions, it is important to have it appear that the title to the patent is in the inventor, and that he has made "no arrangements as to the sale of the extended patent."

On Feb. 27, 1877, in Senate Report, No. 688, ex-Senator Wadleigh, of New Hampshire, made the following statement in support of the extension of the Voelter Paper Pulp Patent:

*"The evidence shows that he has made no arrangements as to the sale of the extended patent, and that such extension will be for his benefit."*

I propose to show that this statement is incorrect, and that ex-Senator Wadleigh knew that it was when he made it. In the Patent Office Records, for the transfer of patents, in liber D. 11, folio 311, under date of Nov. 6, 1868, there appears an assignment by H. Voelter to Alberto Pagenstecher, of "all his right, title, and interest in patent No. 21,161, dated Aug. 10, 1858, and antedated to Aug. 29, 1856, and to any extension or renewals thereof." Pagenstecher and his assignees and his associates have held the title to this patent continuously from that date to the present day. Mr. Wadleigh knew this fact, of course, when he made the above statement, for the Patent Office Records show it.

Further: under date of April 6, 1869, Pagenstecher obtained, in his own name, as the assignee of Voelter, a reissue of this patent. Mr. Wadleigh knew this fact.

Further: Mr. Voelter, in 1870, in his petition for an extension, under the general law providing for extensions, stated that he had sold his invention, *both for the original and extended terms, to Pagenstecher and his associates*. Mr. Wadleigh knew this fact, because Voelter's statements to this effect was before him.

Further: on June 6, 1871, Mr. Pagenstecher obtained a second reissue of this patent, in his own name, as the assignee of Voelter. Mr. Wadleigh knew this fact.

In Feb., 1877, before Mr. Wadleigh made this report, he had the affidavit before him of the Hon. Warner Miller, of Herkimer, N. Y., stating that he and his associates were interested in the pending extension. Mr. Miller, and the Hon. William A. Russell, of Lawrence, Mass., also a member of the present congress, in the subsequent proceedings for this extension before the Patent Office, both admitted, under oath, *that they*



*owned and controlled the entire Voelter Patent.* Mr. Russell also stated that it would result in a serious pecuniary loss to him if the Voelter Patent was not extended a second time.

In his petition for a second extension in 1877, Mr. Voelter reiterated the fact that he had sold out his interest in the patent to "Mr. Pagenstecher and his associates" for the extended term.

Now it seems to me that these record facts can leave no shadow of doubt in the mind of any fair man that ex-Senator Wadleigh knew that he was stating a falsehood when he made the statement heretofore quoted.

The law in relation to the extension of letters patent, when a foreign patent has been obtained, as well as a patent in the United States by a foreigner, is well stated in the decisions of the Commissioner of Patents for 1870. Page 108. \*

It is as follows: "The extension of letters patent is not matter of right, but of favor. The seven years for which the existence of a patent may be prolonged, is in no sense, prior to the actual grant of the extension, a part of the original term. When, therefore, the statute declares that the patent shall expire at the same time with the foreign patent, I am very clearly of the opinion that if, at the expiration of the original term, it appears that the foreign patent has already expired, no prolongation of the term of the American patent can be permitted. This is in accordance with the letter and spirit of the enactment. The intention of Congress obviously was, to obtain for this country the free use of the inventions of foreigners as soon as they became free abroad. This is indicated by the use of the phrase, 'first patented or caused to be patented in a foreign country,' for it was presumable that American citizens would obtain their first patent here, while a foreigner would first patent his invention in his own country. The statute was designed to prevent a foreigner from spending his time and capital in the development of an invention in his own country, and then coming to this to enjoy a further monopoly when the invention had become free at home."

This decision was made by the late ex-Commissioner of Patents Fisher, now deceased, who had a national reputation for being an accomplished patent lawyer. This is a very exceptional characteristic of a Commissioner of Patents, who is rarely a lawyer, but generally obtains this office, as other public offices are obtained, as a compensation for political or personal services.

The law relating to this matter I will quote from the Revised Statutes:

SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application. *But every patent granted for an invention which has been previously patented in a foreign country shall be so limited as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term, and in no case shall it be in force more than seventeen years.*

Hence it is evident that the first extension of the Voelter Patent, made on Aug. 29, 1870, was illegal, and contrary to the letter and spirit of the act of July 8, 1870. For Mr. Voelter, in his petition for the extension, in 1870, stated that all his "foreign patents had then expired, or nearly so." Much more, the second extension of 1877 was contrary to the letter and spirit of the act of July 8, 1870, regarding this matter.

I have in this letter referred to this last-named objection to the Voelter Patent, because I think it is a vital and important one. I think I overlooked it in my former letter to you, concerning the validity of the Voelter Patent.

Very respectfully,

J. McC. PERKINS.

WASHINGTON, D. C., May 29, 1879.

WILLIAM E. CHANDLER:

*Dear Sir:* Hon. Wm. M. Springer, M. C. from Illinois, says that when the act of March 3, 1877, came before the House for action, after it had passed the Senate, he objected to its consideration at that time. It was then the midnight before that Congress expired by legal limitation on the next day at 12 o'clock. No new bill could then be considered and acted upon, without the unanimous consent of the House of Representatives. Just then, when the bill was in imminent danger, by this unexpected objection on the part of Mr. Springer, Hon. Wm. H. Stowell, then a member from Virginia, came to Mr. Springer, and told him that this was "a bill to aid in the dissemination of knowledge;" that this was a House bill, and that it had been reported to the House by the House Patent Committee. Not doubting the veracity of Mr. Stowell as a man of honor, and at the urgent persuasion of Mr. Stowell, Mr. Springer consented to withdraw his objection to the Voelter bill. Mr. Springer now says that Stowell made an erroneous statement to him; and that the record shows that it was not a House bill at all, and that it had never been considered by the House Patent Committee.

Now for the sequel. On the Transfer Records of the Patent Office, liber No. 23, folio 441, there appears, under date of March 23, 1878, and recorded Feb. 26, 1879, an exclusive license of the Voelter Patent from Warner Miller, Herkimer, New York, to William H. H. Stowell, of Appleton, Wisconsin, and two of his associates, covering the states of Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, and Iowa. This license limits the use of the Voelter Patent to wood previously treated by a process described in the Averill Patent of May 30, 1876. A significant provision of this exclusive license is, that Stowell and his associates shall pay, "their due proportion of all expenses incurred from and after March 1, 1878, in maintaining said Voelter Patent; the amount thus due, to be such part of the aggregate expenses as the pulp by them made is of the aggregate quantity of pulp made by the owners and licensees of such patents."

On the same date, and recorded at the same time, there appears in the same liber, folio 443, a license to the Fox River Pulp & Paper Co., of Appleton Wisconsin, to use the Voelter Patent. In this license, also, there appears the same significant clause regarding contributions to maintain the Voelter Patent, and Wm. H. H. Stowell seems to have been the secretary of the Fox River Pulp & Paper Co. On Oct. 8, 1878, Wm. H. H. Stowell, as secretary of the Fox River Pulp & Paper Co., executed an assignment of its interest in the Voelter Patent to the Atlas Paper Co. What other interest, if any, prior or subsequent to these recorded assignments, may have been made to the Hon. Wm. H. H. Stowell, late Member of Congress from Virginia, the Patent Office Records do not disclose up to the date of this letter.

Very respectfully,

J. McC. PERKINS.