

HEIRS OF JAMES GREER, DECEASED.

[To accompany bill H. R. No. 450.]

JUNE 30, 1854.

Mr. FAULKNER, from the Committee on Military Affairs, made the following

REPORT.

*The Committee on Military Affairs, to whom was referred the petition of the heirs of James Greer, deceased, report:*

The history of this case is briefly as follows: James Greer, the father of the claimants, was an ingenious and skilful mechanic, employed in the manufacture of guns. While working as a gun-borer in McCormick's shop in Philadelphia, in the year 1797, his attention was drawn to the deficiency of the tools used in his branch of the work, and he set his ingenuity in motion to improve them. Thomas Humes, who worked in the same shop, in his statement, after speaking of the bad quality of the tools, says: "My shop-mate, James Greer, suggested the idea, and immediately set about making one of the following description, which, when completed, to our great satisfaction, answered our most sanguine expectations." Then follows a full description of Greer's nut-boring bitt, a model of which is in the hands of the committee. This tool, or machine, was from that time the only kind used in that establishment.

The manner in which the United States obtained the benefit of this invention is detailed by Dennis O'Byrne, who states, "that having viewed the boring-machine constructed by James Greer at McCormick's factory, near Philadelphia, I made a drawing of the plan of said machine for Mr. Joseph Perkins, then one of the officers (superintendent) of the armory at this place, (Harper's Ferry,) from which a machine was constructed and put into operation in some short time after this armory was established."

From the success attending its use at Harper's Ferry, it was also introduced into the armory at Springfield, at both of which armories it was mainly instrumental in carrying the manufacture of public arms to so high a degree of excellence as made them the very best in use in the war of 1812, in either army.

But the conclusive evidence of original invention on the part of James Greer, deceased, is to be found in the letters patent granted him on the 3d October, 1817, securing to him the exclusive use of his machine from that day till the 3d October, 1831, which should be conclusive, at least on the government. It is true, his right was contested by J. Petibone, in the circuit court of the United States for the eastern district

of Pennsylvania, in a suit against Henry Derringer, then a contractor for making arms for the United States. A verdict was rendered for the defendant on the 23d May, 1818, after a full trial on its merits, upon the plea of prior invention by James Greer. Derringer, who had worked in McCormick's shop with Greer, knew personally that he was the original inventor.

Soon after the introduction of the nut-boring bitt at Harper's Ferry, Greer himself was employed there as a gun-borer, and continued to reside there until his death, in 1826. During his service in the armory, it appears that his ingenuity was exercised in the invention or improvement of various important tools and machines, greatly to the benefit of the public service, several of which are in use to the present day. For these he received no extra compensation, nor did he ever seek a patent, although entitled to it, for any one of them. His compensation as a workman could not be considered, in any sense, a reward for those improvements, as he received only the ordinary daily pay for work done by him as a gun-borer.

That this invention is of great value is evident. It has supplanted all other machines for boring gun-barrels in this country and in Europe. An English gun-borer, on the 4th June, 1825, makes the following statement. He says: "I have worked at boring for thirty years, and have always worked with square bitts, and I never saw nor knew any other way; my father likewise worked at boring all his lifetime, and always worked with square bitts. I never saw the nut-boring bitt till I came to the United States, which happened in 1821. I never saw it, and I feel confident it is not used in England, either in a public or private establishment, and has not been, either in my time or my father's."

The workmen employed in using the nut-boring bitt are earnest in its recommendation. John Rezor and five other gun-borers, at Harper's Ferry, are of opinion the advantages of this machine over the old plan are as five to one. S. Chambers and three other workmen, at the same place, say the saving in the *expense* of making arms by this machine is very great, but that *that* advantage is exceeded by the superiority in quality, since a barrel only *rough-bored* by this machine is better than one completely *finished* by the old mode. Major Benjamin Moor, formerly a master-armorer at Harper's Ferry and Springfield, says that "it is indispensable" to them. Colonel Stubblefield, who was superintendent at Harper's Ferry from 1807 till 1829, says also that it was "indispensable." So necessary did he consider it to the operations of that armory, that although warned by the inventor, soon after the issue of his patent, not to use his machine until he should be paid for its use, Colonel Stubblefield continued to use it during his whole term of service.

Some prejudice has been created against this claim by the apparent negligence of those interested in it in its prosecution. The committee are aware of the necessity of guarding against fraud in all cases, and that claims are sometimes held back designedly, for the purpose of allowing unfavorable testimony to be extinguished, by the death or removal of those who might expose them. They have accordingly examined this case with strictness, but can find no reason to sustain such a suspicion here. The patentee himself makes oath "that he

delayed his application to obtain letters patent for his boring-machine with a view of making further improvements in the said machine; also to find if any machine of a similar kind was in operation in any country previous to this invention." As soon as he procured his patent, he gave notice to the superintendent at Harper's Ferry, as is stated by Colonel Stubblefield in his deposition, "that he must be paid a fair compensation for the use of said patent, or the armory must cease to use it. That affiant having no power, as superintendent, to make such allowance, he referred him to the government at Washington, and continued to use it, as above mentioned, it being indispensable to the operations of the armory. Affiant further states, that said Greer was, unfortunately, an intemperate man, and very neglectful of his interests; and, as affiant is fully satisfied, never received any compensation for the use of said patent right. And finally, said affiant further states that, in his opinion, his heirs or representatives are justly entitled to a liberal compensation from the government for the use of said patent right."

In pursuance of the superintendent's reference, Greer made application to the Ordnance office in Washington as early as the 7th March, 1819, and, in reply, was referred back to the superintendent. Having thus made application to the executive branch of the government in vain, on the 16th February, 1820, he presented his petition to Congress, and continued to press it till his death, in 1826. After that event his heirs renewed the claim, and with various intermissions, produced by causes generally beyond their control, they have continued to urge it to the present time. No suspicion, then, can attach to it on the ground of delay in its prosecution. The committee, therefore, cannot hesitate to report a bill for the benefit of the claimants.

The only question in their minds is, what shall be the standard of compensation? They are unwilling to fix any precise amount, believing there is an appropriate mode, which has already received the sanction of Congress, in a precisely similar case, by which justice can be done both to the claimants and to the government. In that instance, the Ordnance bureau, by written contract, agreed to pay the patentee one-half of the net amount which the government saved in expense by the use of his machine or improvement, and he conveyed to the bureau the right to use his patent. That contract was carried out, and the Ordnance office ascertained, by its own records, what sum became due to Mr. Blanchard, from time to time, till his patent expired. If nothing was saved, nothing was paid—certainly a safe arrangement for the government; and the committee are of opinion it is a fair arrangement to be applied in the present case. They therefore report a bill for the benefit of the heirs of James Greer, deceased.

