To the honorable the Representatives of the Commonwealth of Pennsylvania. The petition and remonstrance of John Fitch, of the City of Philadelphia ... John Fitch. Philadelphia, September 26, 1789.

To the honorable the Representatives of the Commonwealth of Pennsylvania.

The Petition and Remonstrance of John Fitch, of the City of Philadelphia.

Respectfully sheweth,

THAT Your petitioner hath seen the printed bill for granting to James Rumsey certain inventions; some of the clauses of which bill your petitioner apprehends will interfere with his rights; but before your petitioner proceeds to point them out, he begs leave, in the most sincere manner, to thank the honorable house, for their having struck out of the said bill, such parts as appeared to them to oppose the grant heretofore made to your petitioner.

The parts in the printed bill to which your petitioner principally objects are as follow:

First, The clause respecting “Rumsey's Boilers.” This clause is couched in such general terms, that it will prevent your petitioner from making use of any pipe or tube for water passing through the fire; a mode which your petitioner introduced into the plan he presented to Congress in August, 1785, and hath since in part used; and which clause being artfully governed by the last providing clause in the bill, would effectually deprive your petitioner of receiving any benefit from the said providing clause; because it limits the time of discovery to the year 1784, a period well known by Mr. Rumsey's agents, to be prior to your petitioner's confessed pretensions, and must have been inserted by them for the express purpose of circumventing your petitioner's rights; while, at the same time, it gives to the said Mr. Rumsey every invention or improvement, which he hath either made or adopted since that time; and therefore, carries upon the face of it an undue preference to Mr. Rumsey, in opposition to every citizen of the United States; for not an atom of proof is before the house of even Mr. Rumsey's having invented the boiling of water in pipes, so early as the year 1784; but on the contrary, Mr. Joseph Barnes, agent for the said Mr. Rumsey, positively swears, that his boiler was invented in the winter of 1785–6, which was several months subsequent to the invention of your petitioner, as laid before Congress, and the Philosophical Society. Therefore to confine all other persons to the year 1784, and to give a retrospective extent of two years, to a man whose very representative and partner swears to a point which proves he was not entitled to it until the winter of 1785–6, is a grant and indulgence which the honorable house surely could never have intended; but must have been led into by the hasty manner in which this business was urged forward by the friends of the bill.—And further, the said clauses give and grant to Mr. Rumsey, every improvement on the said boiler which he may have
made since the year 1784, and prohibits to all other persons any improvements which they may have made upon the boiling of water in tubes or pipes; even though their inventions should actually have originated prior to Mr. Rumsey's, as is absolutely the case with your petitioner's. This he will fully prove to the satisfaction of the representatives of Pennsylvania, if he may be permitted, by his council, to shew the same; when your petitioner will point out the impropriety of the general tenor of the bill, and the particular injury he will sustain by its passing in its present form: and though your petitioner does not boast of great connections to support his just rights, yet he flatters himself that there resides among the representatives of Pennsylvania, an earnest disposition to do ample justice to the most insignificant citizen; and that they will protect and defend him from either insult or injury, whilst looking up to them for the preservation of his rights.—The wrong which would be done by this bill, limited to the year 1784, may extend far and wide: nay, the recent invention mentioned in Mr. Ofwald's paper of Wednesday last, respecting an improvement of Doctor Barker's mill, upon principles different from Mr. Rumsey's, would be swallowed up by the vortex of the last providing clause; & of the real existence of such an invention by a Mr. Tho. Chifin, your petitioner is fully convinced by an examination at the Prothonotary's office, by which invention, a stream of water is conveyed down a perpendicular fixed tube, standing in the center of a trunk that is connected, and moves, with the horizontal arms of the mill, by which means the friction in Mr. Rumsey's mode, appears to be totally avoided, and yet, as the bill stands, Mr. Rumsey's agents have only to go to the office, adopt the plan of Mr. Chifin, and enter it as Mr. Rumsey's own, within the time limited by the bill; for it seems that time is to be extended to “ Months ” as appears by the bill.

Secondly, Because the clause respecting Mr. Rumsey's “ Double Piston Machine, ” by introducing the words “ Air Vessels, ” may directly interfere with your petitioner's rights and inventions (and which Mr. Rumsey never pretended to have invented) your petitioner having published in his pamphlet his intention of using “ Air Vessels, ” to his boat. And because this clause intrudingly and cunningly introduces the Steam Boat into the bill for latent purposes; which boat was expressly intended, by the honorable house, to be wholly struck out; and because this clause makes the honorable house speak a language, and assert as fact, that of which they have no fort of proof before them, viz. “ That the fourth described machine was originally invented for the use of his Steam Boat, ” thus making the honorable House Sponsors and Godfathers to an invention with which they are totally unacquainted; and because this clause artfully covers an intention of monopolizing the plan of pushing water thro' tubes in all cases, even to the preventing your petitioner from making use of them in his boat; which general grant the house must certainly never have intended, as your petitioner, by Doctor Franklin's publication in 1785, hath, in common with all other persons, an undoubted right to use this mode; which was evinced in his dispute, with Arthur Donaldson, and the consequent passing of your petitioner's law; even the Doctor acknowledges to have taken the thought from Monsieur Bernoulli, who wrote above 50 years ago: whereas should the last providing clause, respecting the limitation to
the year 1784, take effect, the Doctor's *free gift* to the public, would be monopolized by Mr. Rumsey, and he permitted to enjoy an exclusive right to a mode, which your petitioner is able to prove, he had no sort of pretensions to, prior to your petitioner's dispute with Mr. Donaldson.

In short, your petitioner hath such numerous objections to the bill in its present form, that he prays he may be heard by council, at the bar of the house, and that they will not suffer so important a bill to be hurried through, without allowing time for a full and fair investigation thereof, and that your petitioner's *property* may be *openly* defended. And because the last providing clause, respecting "Sixty days notice" of matter of matters to be given in evidence, is dangerous to private rights, big with public mischief, and contravenes the whole principle of the *patent* bill, published by Congress; which, when it is passed into a law, will absolutely bind this state. This bill confines the said notice to *special* matters, which respect the specifications to be entered in their office, and does not extend to *all sorts* of evidence, as in the present instance; which in many cases, might prove of the most fatal consequence, to causes pending in the courts of justice, if this law should unhappily be introduced as a precedent—for there are a thousand cases, where it would be ruinous to a man if he was obliged to inform his antagonist of all the evidence intended to be produced against him, *months* before the trial.

This request of having time allowed, your petitioner conceives, cannot be reasonably objected to, by Mr. Rumsey's friends; because they appeared, at one time, to have expected that the honorable house *would reject their whole bill*, and accordingly made application to Congress, as may be seen by their petition recited in the votes of Friday last.

Your petitioner conceives himself in duty bound to apologize to the honorable house, for the trouble he hath so repeatedly given; but he hopes they will be so indulgent as to recollect, that he hath not made a single movement in this business, except when compelled to defend his just rights; and your petitioner begs leave, at the same time, to make a solemn appeal to the secret feelings of each individual member, whether he hath attempted, by any measures, directly, or indirectly, to influence their judgment; on the contrary, your petitioner resting upon the faith of the state, and the honor of its Representatives, hath honestly spurned at every idea of gaining a single voice, by any other mean than an open conviction of the justice of his cause, and hath left his rights to stand *unprotected by party*; he wishes, for the *honor of citizens*, and the *dignity of their Representatives*, that his opponents had observed the *same delicacy*, and that they had *dared* to submit the issue of the dispute, to the merits of their claims!

Philadelphia, September 26, 1789.
JOHN FITCH.