Scientific American.

MUNN & CO., Editors and Proprietors.

PUBLISHED WEEKLY AT
NO. 37 PARK ROW (PARK BUILDING), NEW YORK.

O. D. MUNN. A. E. BEACH.

VOL. XXV., NO. 11 . . . [NEW SERIES.] *Twenty-sixth Year.*

NEW YORK, SATURDAY, SEPTEMBER 9, 1871.

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RIGHT OF PROPERTY IN INVENTIONS AN ABSTRACT RIGHT.

There once lived in England a famous writer upon civil law, whose wise teachings have, until quite recently, been accepted as almost the very foundation of legal lore, both in England and America. Wherever civil law is studied, "Blackstone's Commentaries" are—or, we should say, have been—considered as one of the most logical and rational expositions of the social rights of mankind ever penned. However, in the land of that celebrated thinker and most able expositor, there has arisen a new school who reject his teachings, and publish to the world a directly opposite doctrine to that which he taught.

Blackstone told us, so forcibly and with such solid argument, that the natural rights of individuals were only such as they had individually the power to maintain, that this principle has become almost a legal axiom. He taught, further, that the civil rights of individuals in society are only such as are granted to them by and in the society of which they are members, in exchange for the natural right they possess to seize and hold whatever they desire, and to force others to obey their will, in so far as they naturally possess the power to seize, and hold, and compel. Where individuals are possessed of, and employ, all their natural rights, there can be no society. The moment even two combine against a third, they do so by the agreement to let each other alone temporarily, and by so doing form a society, and surrender for the time some of the savage freedom they originally possessed to kill or maim any weaker than themselves, or to take and retain anything they wished, so long as there was no one strong enough to get it away from them.

The civil right of the weak, to have and to own property, has been obtained by their agreement to leave unmolested the possessions of those still weaker. In other words, the members of society mutually agree to let each other alone in certain particulars, and the terms of this agreement constitute civil law.

The recent vigorous discussion of the patent system in England has elicited many singular views, but none more absurd than the one that inventors have a natural and inherent right to exclusively use and enjoy the profits of their own inventions.

As a sample of this absurd doctrine, and because it expresses very briefly, yet fully, opinions that have occupied much space in our English exchanges, we quote the following from the *Mechanics' Magazine*:

It is surprising that a man's right of property in his own invention should be denied by men of reputed intelligence. Nothing seems to be more in harmony with the principles of equity than that this right should be conceded. There are some who absolutely repudiate the idea of abstract rights, and they are skeptical in regard to all rights save those established and guarded by law. By a kindred class of logicians it is argued that an exclusive right in the mechanical creations of the brain is opposed to the public good. On the common ground of honesty such an argument may safely be deemed absurd. Why, in various departments of enterprise the right is already virtually admitted. At a recent meeting of London Patent Agents, the right of inventors to the sole use and disposal of their inventions was emphatically declared, and it was further urged that this view of the question ought to be authoratitively recognized by the Legislature. It is rather difficult to see how the extension of right to the individual can prejudicially affect the interests of the community. The right of property is a sacred heritage, but if this right is refused to the personal achievements of inventive genius we have, as the result of such a course, an unjust anomaly."

Now these "London Patent Agents" are many of them intelligent men who must, it would seem, be blinded by self-interest to give utterance to such an absurdity.

There is no natural and abstract right to any property whatever, except the power to grab it, and to keep out of the way of some stronger grabber, a right which a wild beast possesses just as much as a man. All other rights are mutually conceded from motives of policy. To grant to inventors the power to exclusively use their own inventions for various periods of time, has been justly deemed by most enlightened modern governments a wise policy, tending to encourage invention, and thus to ultimately secure for society at large—not merely the individual himself—the benefits of improvements that would otherwise not be made, or, if made, would, for the benefit of the inventor, be held secret as long as possible.

Inventors have found that this limited protection is better than anything they can do to protect themselves; so they have hitherto been glad to agree that they would surrender their natural right to hide and conceal, as best they might, their discoveries and devices, for the privilege of selling to others part or all of the right accorded them by the government, or of using the same freely and unmolested for a term of years, more or less, in a free and public manner.

It is conceded that an inventor has the natural right to secrete his invention as long as he can; when, however, it is discovered, and others see fit to use it, he has no recourse unless he has taken measures to secure an exclusive right from the society in which he lives, for such time as society sees fit to grant it. His natural right to slay the discoverer of his secret, or to threaten the latter with violence in case he reveals it, or uses it, has been surrendered for personal immunity from violence or threatening on the part of others.

In short, the whole question of "Patents or no Patents," resolves itself into the simple question whether it is good policy to grant them or not. This is solid ground upon which to argue the question, and the only solid ground.

We believe the policy has been demonstrated to be a wise one in this country, and that it would, if properly carried out, have proved a wise one in every civilized land. That some European systems are defective, and have led to injustice and tedious litigation, cannot be denied, but it is the method, not the principle, that is at fault. And we believe that, with all their defects, these patent systems have greatly benefitted the countries in which they exist.

THE ORIGIN OF LIFE.

The present is the most active time, in the history of the world, for speculation of all kinds; and thinkers and theorists are straining their attention in all directions, to find some new fact or combination of facts which may help to elucidate the most important and greatest of all scientific questions: How did life begin on this planet? The labors of Huxley and Pasteur—and also of Bastian, although this eminent *savan* commenced by attempting to prove the possible spontaneity of life—have demonstrated, beyond all controversy, that all organisms receive their life from other life; that every living thing (and this term must now be taken to include the products of fermentation, the germs of disease, and many other natural formations not formerly regarded as instances of organic life) is in existence by means either of generation or separation from another being of the same order. We have thus a simple explanation of the manner in which the lowest of living creatures, such as *fungi* and sporules, are endowed with vital force. The myriads of instances of these growths which we see all around us are but "the present generation," having derived life from some now passed away, and standing ready to communicate it to others that are yet to come. The theory of spontaneous generation is now disregarded, the strong light thrown by modern science upon the varied means of communication of vitality having shown us a more excellent way.

But while this simple and truthful account of the continuance and propagation of life is recognized by all honest and candid students, the primeval origin of the vitality which is thus continued and diffused, remains an open question. It is the final result of all speculation and investigation to reach a point where it can go no further, and where the wisest must bow his head in reverence, and acknowledge his weakness and inability.

The temerity of the unwise is proverbial; and it is not encouraging to the many enthusiastic believers in the glorious nineteenth century, to find that a most prominent philosopher, a man well versed in most branches of science, an electrician of the most profound knowledge as well as ingenuity in invention, and chosen to preside over the session for 1871, of the British Association for the Advancement of Science, should have made a "flying shot" at the stupendous problem, and have succeeded only in eliciting expressions of regret from the friends of knowledge, and of derision from her foes. Sir William Thomson says:

"When a volcanic island springs up from the sea, and after a few years is found clothed with vegetation, we do not hesitate to assume that seed has been wafted to it through the air, or floated to it on rafts. Is it not possible, and if possible, is it not probable, that the beginning of vegetable life on the earth is to be similarly explained? Every year thousands, probably millions of fragments of solid matter fall on the earth—whence came these fragments? . . . . . Hence, and because we all confidently believe that there are at present, and have been from time immemorial, many worlds of life besides our own, we must regard it as probable in the highest degree that there are countless seed bearing meteoric stones moving about through space. If, at the present instant, no life existed on this earth, one such stone falling upon it might, by what we blindly call natural causes, lead to its becoming covered with vegetation. . . . . The hypothesis that life originated on this earth, through moss grown fragments from the ruins of another world, may seem wild and visionary; all I maintain is, that it is not unscientific."

Language fails us when we try to describe this extraordinary farrago. The professor has nothing to say for his idea, but that it is an idea; he has no evidence, and he is not likely to find any, that any meteoric body ever had a single organic attribute; he disdains to explain away the fact that these bodies are, by friction with the atmosphere, heated, as they approach the earth, to such a degree that any vegetable germs in or upon them would certainly be destroyed; and he altogether forgets the trifling point that his theory brings us no nearer to the origin of life than we were before. It must after Sir William Thomson has left it, still remain open to discussion and speculation; and the question, "What is the origin of life?" will continue to interest us by its importance, and to awe us by its magnitude, long after the President for 1871, of the British Association, has passed away.

Before quitting the subject, we must enter a protest against Sir William's closing sentence. His hypothesis, unlike his germs of life, is a spontaneous emanation, and not a legitimately derived product; and he has for once forgotten his Bacon, and tried to discover new truth which does not grow organically out of old. And when we find him thus striking at the first principles of scientific investigation, we are not surprised to hear him say that a statement may be wild and visionary without being unscientific. It is because his theory is wild and visionary that it is unscientific. The wild and visionary speculators are the worst foes science has to encounter; and it is to be regretted that, on the subject of the origin of life, Sir William Thomson must be reckoned among the number.

JAPAN A FIELD FOR INVENTIONS AND MACHINERY

This country, comprising in its empire the three islands of Japan (called, in Japanese, Niphon), Kioo-Sioo, and Sikoke with many smaller ones, possessing a population which has been variously estimated up to 50,000,000, and a territory of over 163,000 square miles, has many characteristics which render it interesting to us. Of these the chief must be considered to be the accessibility of its people, and their willing recognition and encouragement of the introduction of modern improvements and inventions from our own and other shores. While the bulk of the Mongol Tartar race, the Chinese, have an abject fear of a foreign manufacturer or producer, and place an almost impenetrable barrier of "protection" around their enormous empire, the Japanese are courteous to visitors, and always ready to adopt any foreign product, if it be likely to prove useful to its industrious and ingenious people. Consequently, the benefits of the superior civilization of the United States and the kingdoms of Europe are being brought to the knowledge of the Japanese people with a rapidity unknown in the history of any Oriental nation, and we propose to describe a few of the innovations lately made in this remarkable empire, which is likely to become in time a valuable and potent ally of the Anglo-Saxon countries.

The appointment of Mr. Capron, late Commissioner of Agriculture in the United States, to a similar office in Japan, has been already commented upon in our columns; and of many steps taken by the Government, that is perhaps the most important and the wisest. The country being thickly populated, the soil has been closely cultivated, without, however, encroaching on the lands set apart for maintaining the supply of timber, which latter named proceeding many of our Eastern States would do well to adopt. But in farming implements and machinery, as well as in stock breeding, there is room for vast improvement; and the knowledge and judgment of Mr. Capron will prove of eminent service in all these branches of agricultural science. A cotemporary (the San Francisco *Bulletin*) points out that cattle and hog raising will not be likely to make great strides in Japan, as the people eat no meat, being devout believers in the transmigration of souls; but advancing civilization will probably eradicate this superstitious fanaticism.

Major Warfield, engineer, Dr. Austisell, geologist, and Dr. Eldridge, are also commissioned by the Japanese authorities in a similar manner. A school of medicine in all its branches has been established, and two eminent European professors have gone out to superintend it. And a postal communication has been formed between some of the most important places, and its extension to the country at large is a question of a very short time. The manufacture of coal gas, and the illumination of cities thereby, has long been carried on; and a discovery of a very different kind, namely, vaccination, must be added to the list. The importance of the latter as a prophylactic is well understood in Japan, and its practice is compulsory, and enforced by fine and imprisonment. A large foreign commerce will be assured to the people by their possession of large coal deposits, in the neighborhood of Nagasaki, a port which will soon be frequented by the flags of all nations, in search of fuel, so valuable and so scarce in all parts of the Eastern world.

With a country of singular beauty and fruitfulness, inhabited by a race of people now beginning a second life in the history of the nations, we cannot doubt the Japanese empire has a golden future before it. The American citizens who are there, and who have so highly useful a career before them, will no doubt keep us informed of the progress they are making; and news on the subject will be regarded with great interest by the public in general.

A NEW RAILWAY, 26 miles in length, has just been opened between Lowell and Framingham, Mass. The completion of this link establishes a direct railway line between Portland Me., Lowell and New York. The road passes through severa important places, and affords long needed facilities of communication to a large population.