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

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LABOR IN ENGLAND, AND THE INTERNATIONAL WORKING MEN'S ASSOCIATION.

Those who have believed the International Working Mens' Association of small account in its influence upon industrial affairs throughout the world, may learn a useful lesson from the recent struggle between labor and capital in England, in which, at present writing, the former has every prospect of victory.

It is worse than useless to shut our eyes to facts which we shall ere long be called to face, and which must inevitably produce changes in the distribution and rewards of industry, scarcely to be imagined, much less predicted.

Already has one civil war been born of the struggle between this power and capital. Yet the Paris Commune was only one division of the International. To-day an army of workmen in England are, and have been for months, supported without work by contributions from subordinate branches of the International, in a struggle for a reduction of hours of labor without decrease of wages.

A brief history of this movement may not be uninteresting in this connection.

About four months since, a demand was made by the workmen, in the workshops on the Tyne, for a reduction of one hour's labor per day without a corresponding reduction in their pay. The demand was refused; and, about the first of June, the workmen, numbering some ten thousand, struck.

A significant feature of this strike is the united attempt made by the prominent engineering firms in England to defeat it. These sided with the Tyne firms, and raised a large fund for the purpose of importing workmen from other parts of Europe.

of the English manufacturers. Notwithstanding this, a large number of workmen were obtained from Belgium, and others were secured from the Government Arsenal in Denmark. There were also some Germans and Norwegians induced to go to England through the activity of the agents despatched to their respective nationalities.

But the influence of the International, coupled with the threats and remonstrances of the English workmen, soon overpowered that of the manufacturers, and all but the Norwegians have been sent back to their homes at the expense of the strikers. The Norwegians, numbering less than one hundred and fifty, held out, and still remain in England.

At times, there have been fears that the strike for reduction of hours would become general throughout England, and great efforts have been made on the part of the Tyne workmen to bring about such a movement. But, although they have failed in this, the powerful union to which they belong, extending to both sides of the Atlantic, seems resolved not to let them be worsted in this contest.

We have thus the spectacle of united capital pitted against united labor, on a scale to test the relative strength of each. By those who make political economy a study, and who read carefully the signs of the times, this is seen to be one of many such contests yet to follow, some of them perhaps not bloodless, as this has yet been, but all of the gravest importance to the future welfare of society.

Prone as is the American public to refrain from recognizing and preparing for approaching emergencies, there are among us some, who see that the adjustment of the relations of capital to labor, will soon force itself upon public attention, in a manner which will admit of no temporizing.

On the evening of September 23rd, the officers of the recent eight hour demonstration in this city held a meeting, in which it was resolved to organize the building trades into a grand "Building League," and it was further announced that a great strike is arranged to take place next April, which will include the whole of the United States and Canada.

IMPORTANT DECISIONS BY THE COMMISSIONER OF PATENTS.

We give place, in our present number, to two decisions by the Commissioner of Patents, which, in the liberality of their views and the emphasis given to the principles announced, are calculated to have an important influence in promoting the useful purposes of the patent laws.

The first of these decisions pertains to the question of the patentable novelty of new and improved articles of manufacture. On this subject, the Commissioner's logic is quite interesting, and in the course of his remarks he imparts wholesome light for the minds of his subordinates, the examiners in chief and the primary examiners.

In the particular case before him the invention sought to be patented was a transparent glass clock frame, an entirely new, useful, and elegant article of manufacture, in regard to the patentability of which no person of intelligence, except an examiner in the Patent Office, could have any doubts.

Over this simple case, which ought to have been decided in favor of the applicant in ten minutes, the primary examiner racked his brains and ransacked the Patent Office for references, and finally, after a number of days useless delay, made a solemn official decision, rejecting the case.

The applicant was then obliged to go to the trouble of arguing the matter before the primary examiner, upon a re-hearing. After further examination and further searches, conducted on the usual red tape plan, the examiner rendered a second adverse decision.

The applicant was now subjected to the payment of a new official fee, in order that he might have his case reviewed by the Board of Examiners in Chief.

This Board consists of three able gentlemen, qualified by their knowledge of science and the patent laws, and especially appointed to correct the mistakes of the primary examiners.

In due form, after the usual delay, the case came up before this Board for hearing, when the applicant showed that his invention was a new and useful improvement, and that he was clearly entitled to a patent. But the Board of Examiners were unable to see it, and after due deliberation they came to the conclusion that the decision of the primary examiner was correct, and that in view of the fact that preserve dishes, tumblers, etc., are made of glass, and are transparent, there could be no patentable novelty in making transparent clock cases of glass.

So the applicant was again rejected, and compelled, in order to get the decision set aside, to go through the delays and expenses of an appeal to the Commissioner of Patents in person, in whom, happily, he found an individual possessed of common sense, and not afraid to use it.

The Commissioner reviewed the case, and quickly disposed of it, reversing the previous decisions, and ordering a patent to be issued.

The worthlessness of the decisions of the primary examiner and of the examiners in chief in this case is made apparent in the closing sentence of the Commissioner's decision, where he says: "I do not recognize any pertinency in any of the references."

In other parts of this dictum, the Commissioner exposes, without any compunctions, the absurdity of some other Patent Office decisions; such, for example, as the rejection of

improved picket fences upon references to combs; and of improved urinals on references to blacksmiths furnaces.

He lays it down as the governing rule of the Patent Office that patents are to be issued, not only for chemical and mechanical inventions, but also for all kinds of improved articles of manufacture, and that the examiners, in searching for references, cannot legitimately go outside of the particular class of articles to which the alleged improvement belongs.

It is evident that the Commissioner seeks to make a new departure for the Patent Office, and that in the future he desires the examiners to give a more broad and liberal interpretation of the law, in favor of the applicant. In this he will be fully sustained by the public, and his present decision will give very general satisfaction.

Patent Office Examinations.

We have for some time inclined to the opinion that our system of official preliminary examinations was a failure, productive of more trouble to inventors than benefit; and the present decision of the Commissioner tends to corroborate this view. We particularly commend it to the study of our English friends who have fallen so desperately in love with our system that they are anxious to engraft it on the British statutes.

"It is very difficult," says the Commissioner, "to establish any rule as to references that shall be plain and of universal application; consequently there are almost as many different rules of practice in finding references and making rejections as there are different examiners in the office."

"The impossibility of prescribing definite rules of general application as to the pertinency of references, has given rise to a great want of uniformity in the office practice."

"The examiners have displayed more inventive genius in finding the references than the applicants would dare claim for their devices."

Such is the practical working of the system of official preliminary examinations, after thirty-five years' experience therewith at Washington, as presented in this decision of Commissioner Leggett, who, as all will admit, is one of the most able and intelligent officers that have ever filled the Commissioner's chair.

We are pretty well satisfied that the law ought to be amended, making it the duty of examiners simply to see that the patent papers are correct in form, and if so, then promptly to issue the patent. But a necessary condition of this change will be the publication of all existing patents, in a cheap and popular form, so that applicants may readily make their own examinations as to novelty, and judge for themselves as to the propriety of taking out a patent. The question of the validity of a patent rests, after all, with the courts for decision, and it matters but little what the Patent Office examiner thinks about it.

The second decision of the Commissioner relates to trade marks, and is referred to in another paragraph.

TRADE MARK REGISTRATIONS.

To a considerable extent the Congressional laws for the registration of trade marks, passed last year, have been nullified by the conceit of the officials, to whom the business of registration is committed at the Patent Office. The matter of registration might be readily done by a smart person in half an hour's time; but as now conducted it is a long and serious operation.

In some cases, the examiner appears to spend days in considering whether or not the words sought to be registered are new words, or in deciding whether registration shall be granted without a device, or whether the applicant shall be required to append a device to the words of his trade mark; or whether he shall be required to add his name and address, whether a symbol only may be registered, whether a letter only may form a trade mark, and so on ad infinitum. The examiner, in fact, expends far more ingenuity in concocting excuses for refusing registration than the applicant exhibits in devising the trade mark itself. But what is an examiner good for, except to make trouble and delays for the applicant?

All these questions are conclusively answered in the able and interesting decision by Commissioner Leggett, relative to trade mark registrations, which we elsewhere publish. From this document, the examiner will learn that any device, name, symbol, or other thing, may be legitimately employed as a trade mark, and as such may receive registration.

In view of this decision, it is to be hoped that the officials will in future higgler less over the small points, and use more common sense coupled with diligence in granting certificates of registration. The law was made for the express purpose of protecting manufacturers and merchants in the symbol or design they have devised for a trade mark; and it ought to be the sole aim of the examiner to grant the registration, except in those cases that are positively and unqualifiedly forbidden by the law.

CHEMICAL MANURES.

The constituents of a fertilizer, which give it its invaluable properties are known to be elements which originate only in animal and vegetable life. But the countless generations of beasts, birds, and fishes which have inhabited this planet in prehistoric times have not passed away without leaving behind them somewhat for the benefit of mankind. Wherever, on or under the earth, the sea has been, (and where has it not?) there are to be found the remains of organic existences; and, as would naturally be supposed, the fish tribe furnishes the greater part of these specimens, and deposits of their remains, either as fossils, or intermixed with the substances of rocks, are found everywhere. And many of these beds conserve so much of the valuable properties of the fish, that