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THE PROPOSED EMASCULATION OF THE PATENT LAW.

Section II. of Mr. Wadleigh's amended patent bill, now before the Senate, reads as follows:

"On each and every patent for an invention issued after the passage of this act, there shall be paid to the Commissioner a duty, as follows, namely: Fifty dollars to be paid on or before the first day of January occurring next after the expiration of four years from the date of the original patent, and one hundred dollars on or before the first day of January occurring next after the expiration of nine years from the date of the original patent; and in default of any such payment, the patent shall expire on the first day of April next thereafter. But the Commissioner, for good cause shown, may allow the payment to be made at any time before such first day of April, in which case the patent shall not become void. The Commissioner shall annually, in the month of April, publish a list of the patents which have expired for non-payment of duties." (The remainder of the section provides simply for the recording and certification of the prescribed payments.)

It is much to be regretted that a bill, otherwise commendable, should embrace a provision like this, since it involves nothing less than an abandonment of a characteristic and valuable feature of the American patent system. Hitherto this country has stood almost alone in giving to the inventor an absolute patent in return for the publication of his invention, and its surrender to the public at the end of a term of years. There have been no drawbacks or subsequent duties; once the patent was issued, the patentee entered into a full and exclusive right to control his invention for the stipulated period.

The beneficial effect of this feature of our patent system has been amply demonstrated. In no other country have poor men contributed so enormously to the progress of the arts and sciences through useful inventions, for in no other country have the benefits of patent rights been so accessible to men of limited means.

The theory of the founders of the system was substantially this: The life of a patent is but an insignificant period compared with the life of the nation. Even should the patentee be unable or unwilling to develop his patent, the publication of his idea and its surrender to the community at the close of a limited term of years more than compensate the public for the special privilege which the patent confers. At most, that merely deprives some other possible inventor of the same device, during the life of the patent, of the privilege of controlling his invention; and the injury likely to be done through such infrequent occurrences is as nothing compared with the good sure to flow from the issue of unrestricted patents. Accordingly no conditions were affixed to the right. The inventor was not compelled to put his device into practical use within a specified time on pain of forfeiture of his right, as in other countries.

He was not compelled to issue licenses to make or use his invention. He was not required to keep his patent alive by periodical fees. In short, his right, so long as it lasted, was absolute and unconditional. And the working of the system has abundantly demonstrated the wisdom of its founders.

It is now proposed to reverse this principle. In obedience to the wishes of wealthy corporations, which would naturally like to control all patents issued for inventions within their spheres of operation, it is proposed to discriminate against inventors of limited means. Worse, it is proposed to reduce the actual life of patents from seventeen years to four years, with the privilege of extending that life to the full period on the payment first of fifty dollars, and subsequently one hundred dollars more.

Since the existing patent fees more than suffice to support the Patent Office, the proposed increase of cost cannot be justified on the score of necessity. Its sole purpose is to facilitate the confiscation of valuable patents by those who want to use them without payment therefor; and we are confident that the obnoxious section will be stricken out before the passage of the act, provided the attention of the Senate is called to its vicious effect.

Inventors do not spend their time and strength and means in putting their ideas into material form, and thus communicating them to the world, from a pure love for invention. They work like other men for pay. There is no public fund provided for the hiring or rewarding of inventors, nor is it desirable that there should be such a fund. It is desirable, however, that invention should be encouraged; and the simplest and best way to do this has been found to be through the granting of patents; that is, simple official recognition of a limited property right in the fruit of one's thought and labor.

The life of a patent is now seventeen years. Should the new bill be passed as it stands, the assured life of patents will be reduced to four years—certainly an unjustifiable lessening of the encouragement hitherto held out to inventors.

But, the friends of this Section II. may urge, four years is time enough to show whether a patent is worth anything, and fifty dollars is no great sum to pay for the perfecting of an inventor's title for five years more. If the inventor does not think it worth fifty dollars, it had better be killed and out of the way.

There are several fallacies and false assumptions here. There have been multitudes of valuable patents whose real worth has not been demonstrated during the first four years; often the inventor's reward does not fall to him until nearly the end of the allotted seventeen years. Very often the additional fees proposed would bear so heavily upon the in-

ventor as to cause him to relinquish his apparently barren, yet really valuable, right; and there is just where this feature of Mr. Wadleigh's bill may be made the means of working grave injustice to deserving inventors, in addition to its general bad effect in discouraging invention. If any change at this point is to be made in the working of the system, it should rather be toward diminishing the fees, and thereby increasing the inducement held out to poor men to develop their inventive genius. There is no telling how many suggestions of infinite possibilities for the public good may already have been allowed to die undeveloped, for the simple reason that their immediate promise has not seemed to warrant the sacrifices involved in taking out a patent. Small as the charges of the Patent Office are, compared with those of other countries they are still of serious magnitude to poor men.

But the worst phase of this obnoxious section is seen through the door it opens for the subjection of many inventors to the mercy of grasping corporations, whose inordinate selfishness needs no such encouragement. The manifest anxiety of such parties to have certain patents killed and out of their way is conclusive evidence of their value to somebody. And it is quite possible that the prospect of enjoying the free use of an invention at the end of four years might often induce covetous corporations to unite in its condemnation, thereby depriving the public of the benefit of the invention during that period, as well as ultimately defrauding the inventor, who might be unable to perfect his title or unwilling to sink more money in a right that promised no return.

No doubt it is often unpleasant, both to individuals and corporations, to pay an inventor his price for the use of his invention; but that does not justify their robbing him. Much less would it justify the public, which has been so enormously benefited by the law as it stands, in emasculating the system to facilitate the robbery.

"KERAMICS" AND WOMAN'S WORK.

The desire to decorate pottery for purposes of household adornment seems to be a kind of chronic inclination which suddenly affects large numbers of people at the same time, and as suddenly disaffects them. The influx of paste, paint, and varnish pots, of jars and vases of glass and crockery, of sheets of gayly colored pictures, into that part of the domicile sacred to the feminine members of the family usually indicates the beginning of the attack; the prevalence of said jars and vases (which too often are liquid blacking bottles or ginger pots artfully disguised) in the parlors marks its advanced stage; and the contemptuous removal of the same to the attic, under the stigma of "looking cheap," denotes its termination. Thus far the mania has appeared in three forms. About fifteen years ago it bore the name of potichomanie, and it took the form of pasting scrap pictures inside of clear glass jars, backing them with thick white paint, and then persuading yourself that an accurate counterfeit of Oriental porcelain had been produced. This gave place to decalcomanie, a useful species of decoration which enables colored pictures printed on gelatine films to be applied to any smooth surface. It is much in vogue yet for decorating cheap furniture, carriages, and safes; but during its fashionable prevalence no object of household use was safe from its incursions, and the marble center table or the kitchen pails were beautified with indiscriminating impartiality. The term keramics has lately been twisted out of its proper signification to be popularly applied to the sticking of paper pictures on pottery of any kind, and adding a coat of varnish, an alleged imitation of painted china being the result.

Upon the broad general principle that anything which tends to increase the popular taste for beauty is to be encouraged, the above named manias may be beneficial apart from their obvious utility as a means of amusement; but, on the other hand, when it is remembered that the same inclinations, directed in the proper channel, may with little or no more labor produce objects of real artistic merit and of far more value as educating and refining the tastes, it would almost seem that time and talents are being wasted. Nothing that is false is artistic. Decorated ginger pots are in truth but ginger pots; blacking bottles cannot be foisted upon the world as Etruscan vases or Haviland faience. A certain amount of falsity is conventionally accepted, such as imitation wood and sheet iron architectural ornament; but when an object is diverted from its recognized use, especially if that use be humble, the deception is only tolerated for a time, and eventually is repudiated; and the pity of it is that so large an amount of the female energy in the world seeking an outlet finds it in such a way. The legitimate result is the degradation of woman's work as a unit in social economy, for while no one would wish to do away with the numberless delicate devices which the feminine mind delights in conceiving, or would remove one source of pleasure to the gentler sex, all must agree that if that work were, as a rule, directed to the production of objects, no matter how intrinsically trivial, which satisfied the precepts of correct artistic taste, and were capable of affording permanent gratification, there would be less heard about the lack of openings for woman's labor.

It requires but a brief glance at the statistics of our imports and exports to show how largely dependent we are upon foreign nations for objects valuable only because beautiful. Take the class known as fancy goods: for the year ending last June we exported these to the value of \$335,310, and imported them to the value of \$3,828,302. We imported nearly four million dollars' worth of china and stone ware,