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Contents.

(Illustrated articles are marked with an asterisk.)

Academy notes.....	343	Inventions, agricultural, new.....	345
Amateur mechanics.....	340	Inventions, engineering.....	342
American industries.....	337	Inventions, miscellaneous.....	338
Apparatus for testing petroleum.....	342	Iron and steel, product of.....	341
Astronomical notes.....	344	Mechanics, amateur.....	341
Boiler, steam, new.....	343	Mercator, Gerard.....	346
Breakwater, Block Island.....	342	Motor, a novel.....	338
Bridges, suspension, of the U.S.....	342	Muscel, edible.....	345
Chicle, or Mexican gum.....	337	New Northwest.....	346
Clothes moths.....	346	Nickel and cobalt, malleable.....	344
Coal, Am. at the Mediterranean.....	343	Notes and Queries.....	347
Coney Island pier.....	344	Page, David.....	346
Consumption, cause of.....	337	Painting walls, seasonable hints.....	344
Dangers of Wall Street.....	342	Penulium showing rot. of earth.....	338
Design patents.....	336	Plantains and bananas.....	345
Drilling, rock, by electricity.....	339	Provision safe, new.....	344
Drinking cup, Greek.....	344	Railway notes.....	341
Education in China.....	338	Ramie fiber.....	345
Employment and labor in Mass.....	338	Scientific views of nature.....	346
Equine antelope.....	343	Soot for roses.....	345
Garv (Mr.) has the last word.....	344	Sumac, American.....	344
House building, mistake in.....	337	Telephone concert.....	343
Impatience of youth.....	338	Thrasher, straw scale, etc.....	338
Industries, American.....	337	Tin plates, manufacturer, in N.Y.....	338
Industries, American, new.....	339	Ventilation of ships at sea.....	340

TABLE OF CONTENTS OF  
THE SCIENTIFIC AMERICAN SUPPLEMENT  
No. 178,

For the Week ending May 31, 1879.

I. ENGINEERING AND MECHANICS.—Railway Velocipedes. Description of two railway velocipedes, Kaempfer's and Sheffield's, with illustrations.  
The Crime of Inventing Machinery. Absurd objections that have been raised against great inventions.  
Skew Bevel Wheels. Completion of Professor MacCord's articles on skew bevel gearing. Special and singular relations of pitch surfaces, 13 figures.  
One hundred Horse Power French Beam Engine. Exhibited at the Paris Exhibition, by E. Windsor & Sons, engineers, Rouen, 2 illustrations.  
Theory of Grooves in Millstones. Laws governing the action of the furrows in millstones. Old circular groove. New circular groove. Logarithmic spiral. The construction of spiral grooves, 6 figures.  
The Derwent River Bridge, 1 illustration. General elevation of structure.

II. ARCHITECTURE.—Sunday School Buildings. Practical suggestions to builders, one illustration. Plan for Sunday School building.

III. ELECTRICITY, LIGHT, HEAT, ETC.—Electromotive Force. Resistance and current. By J. T. SPRAGUE.  
On Simple Forms of Microphone Receivers. By W. J. MILLAR, C.E., 1 illustration.  
Fuller's Electric Light, 2 figures, 1 section, 2 perspective.  
Mr. Ader's Telephone without a Diaphragm. By M. LE COMTE DU MONCEL, 1 illustration.  
Changes of Spectra. A curious experiment.

IV. TECHNOLOGY.—Gas as Fuel. With tables showing the average composition of fuels, the proportion by weight of the constituents of one pound of coal gas, and the weight of each of the constituents of coal gas in 100 lb. of gas.  
Aniline. History and general description of the aniline industry. 2 illustrations.  
Rubber Hoof Cushions. Various devices for protecting horses' hoofs by means of rubber cushions. 6 illustrations.  
Detaching negatives from their glass supports. Processes communicated to the photographic Society of France by A. Magny, reviewed by W. Harrison.

V. AGRICULTURE, NATURAL HISTORY, ETC.—A Study of Wheat. Conclusion of article by Mrs. LOU REED STOWELL (SUPPLEMENT No. 172). 5 illustrations, showing microscopic structure of the grain.  
The Cultivation of Mushrooms. The edible mushroom. Method of obtaining mushroom spawn. Preparation of materials. How to make the beds. Planting and care taking. Culture in cellars; in the open air. Gathering the crop. Cultivation of other species. Mushrooms in Russia. Mushroom cultivation in Japan. 8 figures.  
Sir John Lubbock on Ants. Latest observations.  
The Sturgeon. The Caspian Sea fisheries. Caviare. American species. A sturgeon team.

VI. CORRESPONDENCE, ETC.—Sketch of the life and inventions of Mr. J. B. Fuller.  
Wire versus Twine Binding for Wheat. Why wire should not be used. Advantages of Twine.

DESIGN PATENTS.

The following is the text of the principal part of the existing law in relation to patents for designs:

"Any person who, by his own industry, genius, efforts, and expense, has invented and produced any new and original design for a manufacture, bust, statue, alto-relievo, or bass-relief; any new and original design for the printing of woolen, silk, cotton, or other fabrics; any new and original impression, ornament, pattern, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, or patented or described in any printed publication, may upon payment of the fee prescribed, and other due proceedings, had the same as in cases of inventions or discoveries, obtain a patent therefor.

"Patents for designs may be granted for the term of three years and six months, or for seven years, or for fourteen years, as the applicant may, in his application, elect."

The government fee for a design patent of 3½ years is \$10; for 7 years, \$15; for 14 years, \$30.

The interpretation and practice of the Patent Office in respect to that portion of the above law which we have italicized, has varied from time to time according to the particular views of the individual who happened to occupy the chair of the Commissioner of Patents. For several years past, however, the Patent Office has held the words italicized to mean that the new shape or configuration of the article must be ornamental, otherwise no patent could issue. Accordingly it has been the custom for the Patent Office to reject all applications for design patents for new forms of articles, unless such forms were ornamental.

We are glad to observe that the present Commissioner of Patents, General Paine, has set aside this old practice, and adopted a more liberal and evidently more correct interpretation of the law, whereby design patents will hereafter issue for any new, useful, and original shape or configuration of any article of manufacture, as stated in the law.

Commissioner Paine's decision to the above purport was announced in the recent appeal case of Shoeninger. The Commissioner says: "The examiner's objection in this case is, not that the design is for a shape or configuration wholly useful, but that it is not for a shape or configuration wholly ornamental. He thinks the presence of utility as one of the qualities of the design renders it unpatentable, notwithstanding the simultaneous presence of beauty as another quality. But I think that if the design is new and original, and also useful, it is patentable under the law, whether it be or be not ornamental or beautiful. The examiner will conform his action in the case to the foregoing opinion."

We think that this decision of Commissioner Paine will be generally received with satisfaction and that it will be upheld as correct by the courts. We regard it as a decision of considerable importance and far reaching in its scope.

Not only may inventors obtain patents in the usual manner for improvements of every kind; but they may further fortify themselves by taking design patents upon original forms or shapes of any of their articles. It is oftentimes the shape given to any article of manufacture that determines its popularity or governs its saleability in the market. Any one who can produce a new design for the shape of a plow, a fence, a chair, a dish, a garment, or other useful article, would appear to be entitled to a design patent for such novel shape, under this ruling of the Commissioner; and such patents may prove to be of intrinsic value.

For several years past there has been regularly introduced in Congress, but always defeated, a bill to so amend the patent law as to make it an offense for anybody to use a casting as a pattern for making other castings, except by consent of the maker of the original pattern. We have always felt constrained to oppose the enactment of this law, and have shown that while it is very annoying in some cases to pattern makers to have their unpatented designs appropriated by others, still it is one of the conditions of trade. Whatever is good and popular others will, of course, desire to imitate; but it would be iniquitous, as was intended by the proposed law, to empower the owner of a wooden pattern of an old stair plate, for example, costing him perhaps a dollar, to collect hundreds of dollars in damages of any poor fellow simply because he used one of the plates for moulding.

In discussing this proposed pattern law we showed that the design patent law as it stands, if properly interpreted, would be adequate to protect the owners of original and useful patterns; and we are glad that the Patent Office now adopts substantially the same view.

Pattern makers have no further occasion to grumble or seek for special legislation. The Patent Office, as we understand it, is now ready to grant proper claims for anything that is original and useful in the shape of any article. This is a broad, liberal, and encouraging view of the law; and is likely to give a renewed stimulus to the art of designing, not only in decorative applications, but in the proportioning of patterns, goods, and manufactured articles of every description.

THE IMPATIENCE OF YOUTH.

Not long since the SCIENTIFIC AMERICAN ventured to suggest that in the matter of education a late beginning was better than none, and that not a few men whose early advantages had been small had by diligence and earnest application in maturer years achieved an enviable degree of scholarship. A far less hopeful view of the advantages of trying

to make up in later life for opportunities missed in youth is taken by a correspondent, who prints his name in very large letters at the top of his paper, and under it the words "Lecturer and Essayist," but does his writing with a lead pencil. He says:

"True it is, that the young men who regret educational deficiencies are legion. Many make no effort to remedy the evil, and it is little wonder they do not. There is but little encouragement given the young man who does strive to better his education. I cite my own experience as an instance: I am a young man, and have employed my spare moments, since beginning active life at 16, in the acquisition of knowledge. I apply for a situation requiring a knowledge of one of the branches I have studied and am asked for my 'diploma.' I have none, am self-educated. I am not wanted. A person who has a certificate of ability from some school takes the situation. Is it, then, strange that so many young men cease to strive for knowledge? Especially when they apply, as I have done, for a place at manual labor and—because they are known to be students—are told that 'no dreamers or theorizers are wanted.' And that, too, when they were strong, active, and willing, when they could have brought to bear on the work a superior muscle, operated by a good intellect. Around me to-day I see ignorant men, unable to read or write, basking in the smiles of Dame Fortune, while with great effort only I keep a crust in my mouth for my pains to cultivate body and mind. Now when such encouragement as this is given to him who improves spare time, is it strange that many decline to tread the thorny way up the hill of science?"

This is a characteristic plaint of youthful eagerness and impatience. The ambitious stripling, whether self-taught, college-taught, or not taught at all, is confident of his ability to fill any position, and marvels that the world does not hasten to set him to work on his own terms. And not unfrequently his lofty estimate of his own merit is the sole bar to his getting a chance to show what stuff there is in him. From a purely business point of view we confess that with all our regard for culture, perhaps because of it, we should hesitate to engage for manual labor a young man, however muscular, who wrote "Lecturer and Essayist" after his name. This not from any feeling of disrespect for reading and writing, but rather the contrary. What right-minded man, for example, would enjoy having a Tyndal or a Tennyson to black his boots, let the work be done by him never so cheaply or skillfully?

That, other things being equal, the man with a diploma will ordinarily be preferred for the work covered by the diploma is very true. In many cases the intending employer has no other means for estimating the fitness of a candidate. Any lack on this score, however, so far from deterring a youth from study, should incite him to study the more, that he may the more speedily overcome the obstacle thus opposed to his progress in life. But our young friend must not think that the self-taught are peculiarly afflicted in having to wait overlong for a public recognition of their deserts. Speaking of the conflict between general and special education, a clever writer touches this very grievance as one particularly felt by young men fresh from college. He says:

"It has been said that the higher education of the period scatters too much—that it gives the aspiring youth much that is of no practical value and little that is. This is not so. There are few graduates of our colleges who cannot take up a specific business as soon as they get their sheepskin, and follow it much more to their own satisfaction than anybody else can, however extended the latter's experience and however great the sacrifice of time and money he has been at to fit himself for that particular branch. The young collegian feels hurt if he is not granted at once all the emoluments which belong to the older person alluded to, and frequently hopes, and says as much in forcible and elegant language, that the time will speedily come when people will appreciate the general education more and the specific less. This shows that he is adapted to everything from the word "go"—if we may be permitted the expression; that there is no limit to his powers in any branch of business or in the professions, from the matter of sawing wood to that of presiding on the bench."

Another phase of the same trouble was noticed in a recent address before a college society by a prominent jurist of this city, who remarked that "one great obstacle to the advance of young men in political life is the arrogance which too many of them affect in their relation to public affairs. They are too apt to assume that because they are well read and cultivated they may be at once assigned to command without ever carrying a musket in the ranks. From old soldiers, hot, dusty, and begrimed with battle, the brightness of the new uniforms commands but slight respect."

It matters little whether the aspiring youth acquired his learning in college or in the solitude of his own chamber, he is too apt to overrate its amount and importance, and to feel very much sat down upon by the world when it manifests no urgent desire to furnish him free scope and vantage ground for the exercise of his peculiar talent, which too often exists only in his own imagination. "Knowledge comes, but wisdom lingers," and it is ever the sore affliction of impatient youth that the world cares most for wisdom. Ten years from now our correspondent, if he does not give over his efforts to grow in knowledge, will probably smile at the narrowness of his present view, and possibly laugh at the callow foolishness of his fancy that the world offers no encouragement to such as patiently strive to better their intellectual condition.