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STATE LAWS AFFECTING PATENTS.

Can the State legislatures exercise any control over dealings under patent rights? This question is one of increasing importance, and presents many aspects: one of which—the power of a State to tax goods manufactured under a patent—is instructively discussed in a very recent Supreme Court decision.

As the States need to be constantly on the watch for new subjects of taxation from which they may derive revenue for their increasing expenses, and the development of invention under the patent laws is steadily embracing more and more of the lucrative manufacturing business of the country, a claim to impose taxes on patent rights and dealings under them has been very natural.

The case above mentioned, by which the authority of the States to tax the manufactured article has been established, arose in Virginia, under a law of the legislature, which made it a criminal offense to sell anywhere in Virginia things manufactured outside the State, without obtaining a license fee, for which a tax must be paid.

The States have sometimes seen reason to legislate for the protection of their people against noxious or dangerous articles, and the question has arisen whether a right granted by Congress for manufacture or sale exempts the article from such laws.

* The decision of the Virginia Court of Appeals is published as Webber's case, 33 Grant, 898; and that of the Supreme Court as Webber vs. Virginia, 12 Cent., L. J., 488.

were intended to displace what is called the "police power" of any State; by which term is meant that general authority, necessarily vested in every government, of providing for the health, good order, peace, and general welfare of the community.

A distinct decision upon this branch of the subject was rendered about two years ago relative to the "Aurora oil." This oil was manufactured under a patent right. There was, however, a law of the State (Kentucky) which required all coal oils and like burning fluids to be inspected before sale; and punished the offering for sale of any which the inspector condemned as below the standard for safety.

In so far as the decisions treat a patent right as superior to State laws, they evidently throw upon Congress the duty and responsibility of passing all laws which the interests of the general public demand. And it is scarcely to be denied that the subject has not received proper attention.

The note is owned by "an indorser for value and without notice." Now a familiar rule of law forbids the maker of a note to make defenses which would be perfectly good against the payee, when the note is presented by one who bought it innocently before it was due.

Congress has taken no pains to suppress these fraudulent dealings; yet when some of the States have endeavored to protect their citizens against these traveling patent salesmen, the objection has been made that their laws are unconstitutional; that the manner of selling a patent right is wholly within the care of Congress.

WATER GLASS.

In 1640 Von Helmont discovered that when in the preparation of glass from sand and alkali an excess of alkali was used the glass dissolved in boiling water, but it was not until 1828 that water glass as now known was prepared and practically utilized by Von Fuchs, in stereochromy or solid color painting, in mural and monumental decoration, and for the preparation of various cements and artificial stones.