

Scientific American.

ESTABLISHED 1845.

MUNN & CO., Editors and Proprietors. PUBLISHED WEEKLY AT No. 261 BROADWAY, NEW YORK.

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

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NEW YORK, SATURDAY, MAY 27, 1882.

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Price 10 cents. For sale by all newsdealers.

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NULLIFICATION OF THE PATENT LAWS.

Property, in law, has been defined to be the highest right a person has, or can have, to anything; and the labor of inventing, making, or producing anything is regarded as constituting one of the most indefeasible titles to property. Admitting this to be true, and that when letters patent are granted to an inventor he has a legal title given him for a specified term to the article or thing patented, which thus becomes his property, and that, in the words of the statute, an exclusive right is conferred upon him, his heirs, executors, and assigns, to "make, vend, and use" that which has been invented by him, it seems almost incredible that Congress should now attempt to put at defiance these plain principles of justice, and unblushingly assert itself the law-breaker as well as the law-maker, so far as the rights of inventors and patentees are concerned; nevertheless, such is literally the case.

A bill has recently passed the House of Representatives at Washington, nominally for the relief of innocent purchasers of patented articles, but virtually for robbing the patentee of the rights and privileges expressly awarded him by law. The bill reads thus: "That no action for damages or proceeding in equity shall be sustained, nor shall the party be held liable under Sections 4,919 or 4,921 of the Revised Statutes of the United States, for the use of any patented article or device, when it shall appear on the trial that the defendant in such action or proceeding purchased said article for a valuable consideration in the 'open market.'" This bill, fortunately, is not yet law, and there is little probability that the Senate will ever assent to so iniquitous a measure; but even if it should, there is not a question of doubt but that the law would be declared unconstitutional by the Supreme Court.

In order that our readers may fully comprehend the character of the bill, we would state in plain English that it proposes to give any individual or corporation the right to use and hold, as against the real owner, property bought from a third party who had no title or claim to it, and who was unauthorized, either directly or indirectly, to dispose of it. This is simply to give "protection" to a purchaser who has unfortunately, or imprudently, by not exercising due diligence, or making proper inquiries, bought from an irresponsible party that which did not belong to the vender. If patented articles can be thus bought and held, so should real estate, for both have equal rights as property. The law distinctly gives a patentee or his legal representatives the exclusive right to use as well as to make and vend the patented article; and no other person has the right to use it without the patentee's consent, no matter whether he be an innocent or a guilty purchaser. Were it otherwise, how easily might innocency be assumed, and what latitude would be presented for the perpetration of fraud.

In the discussion of the bill, much stress was attempted to be laid by its advocates upon the purchasing in "open market" of the thing patented, as a ground of exemption from loss to the purchaser, and right to use and hold that which had been unlawfully sold; but when asked to define the term "open market," it was not found convenient or possible to do so. According to the theory of Mr. Burrows, of Michigan, it was "open market" for a set of men to go through the country with wagon-loads of gates and dispose of them to the farmers, who, after carelessly buying from these irresponsible dealers, find that they are amenable to the real owner by virtue of a patent which he holds. Denouncing these illegal venders and rightful patentees alike, this same gentleman concludes his tirade by stigmatizing them as insatiate vampires. Such language is much more emphatic than elegant or truthful.

We cannot do better than close these remarks by the following extracts from the speech of Mr. Reed, of Maine, who cogently though unsuccessfully opposed the bill: "The Constitution," said he, "has a right motive in protecting those men (the patentees), because the public get value received, and unless you pay the inventors, men will not invent. If you rob them of the proceeds of their invention after they have invented, you stop the business. And every man knows that notwithstanding the thousands of dollars that are taken away from innocent men by fraudulent practices, such as are complained of, there are millions of dollars conferred upon the public by this very inventive faculty. It is because inventors furnish a quid pro quo, it is because it is for the interest of this entire country to encourage invention, that the patent laws exist, and if you strip a man of his reward for his invention, you strip him of all incentive to exertion. What would this country be without the inventive faculty? Without the patent laws to-day it would be poor instead of being rich. We owe the cheapness of everything that enters into the production of our daily bread, of everything that we wear, of everything that we use, to the inventive power. Do not strike it down. It is not wise to do so."

ASPECTS OF THE PLANETS FOR JUNE.

MERCURY

is evening star until the 28th, and during the first part of the month possesses an unusual interest on account of his continued favorable position for observation in the western sky after sunset. He arrives at his greatest eastern elongation on the 1st, at 9 o'clock in the morning. He is then 23° 30' east of the sun, and has reached the end of the invisible chain that binds him to the great luminary. His great northern declination, at present 25° 1', makes it

comparatively easy to find his position in the heavens, and makes him more conspicuous than when further south he attains his maximum distance 29° from the sun. He may be readily found on any clear evening for nearly two weeks to come, being now about 3° north of the sun, and setting an hour and three-quarters after the sun. Venus will be for a few nights a bright guide to her more humble companion, being a little distance to the southeast, and setting only a quarter of an hour after him. The paths of the two planets have however commenced to diverge. Mercury is retracing his steps toward the sun, setting earlier and losing his luster as he draws nearer to the magnet whose every impulse he blindly obeys. Venus is still traveling on her eastward course toward elongation, increasing in size and brightness as she increases her distance from the sun, while the proximity of the two planets lends for a few nights a noteworthy interest to the long twilight glow of the serene summer night.

Mercury will fade into invisibility about the middle of the month, when his lesser light will be obscured in the sun's rays. On the 28th, at 1 o'clock in the morning, he is again close to the sun, reaching his inferior conjunction when he is at his nearest point to the earth, and, passing between the earth and sun, reappears on his western side as morning star, commencing again his oft repeated course. As he completes a synodic revolution in one hundred and fifteen days, that is, a journey from inferior conjunction round to inferior conjunction again, it is easy to follow his wanderings. Observers who keep up with the position of the planets from month to month cannot fail to be greatly interested in the bright stars with whose destiny our own is indissolubly united. They will soon learn to look upon these brother worlds with feelings of far deeper personal interest than those with which they regard the suns of space shining from measureless distances in the star depths.

Mercury sets now at a quarter past 9 o'clock in the evening. At the close of the month he rises about half past 4 o'clock in the morning.

VENUS

is evening star, and, after the brief companionship of Mercury in the early part of the month, reigns alone in the western sky, the undisputed queen of the starry throng. Almost as soon as the sun has disappeared, she hangs her golden lamp in the glowing west, and, wherever an eye is turned to the heavens, she is sure of an admirer. She reigns alone. No brother planets cross her track, no brilliant stars lessen the luster of her shining presence, and no incident worthy of record marks her progress. She moves on in her resistless course, lengthening the invisible chain that binds her to the sun as she travels on the long road that leads to her eastern elongation, all the time approaching the earth, and growing brighter and more beautiful as she draws near. Observers will involuntarily regard her with reverence as well as admiration, for with every reappearance she comes nearer to the grand event in her history, the transit of December 6th. This event is so universal in its interest, so intense in its importance, that millions of dollars will be expended for its observation, and the western hemisphere will assemble to watch every second of the time during which she makes her passage over the sun's face. Well, therefore, may she rest from her labors in the month of June, and serenely pursue her course without getting up special entertainments for terrestrial star gazers.

Venus sets now at twenty-three minutes after 9 o'clock in the evening; at the close of the month, she sets at half after 9 o'clock in the evening.

MARS

is evening star, and varies his monotonous course with an interesting event. On the 27th, at 2 o'clock in the morning, he is in conjunction with Regulus or Alpha Leonis, the leading brilliant in the constellation Leo. At the time of conjunction, Mars is forty-five minutes of a degree north of Regulus. The evening of the 26th will be the best time for observation. Regulus can be readily found, for it is the well known bright star in the handle of the Sickle. A favorable time for observation will be about 9 o'clock, when planet and star will be nearing the western horizon. Mars has now dwindled to an insignificant red star, and after the Sickle and Regulus are found will be easily recognized as the only red star in the vicinity. Forty-five minutes of a degree can be estimated by remembering that the average diameter of the moon is thirty-two minutes, although the nearest point of approach is not reached till Mars is below the horizon. Regulus is one of the few first magnitude stars whose path lies near the ecliptic or sun's path. It is not unusual for the planets who always move within eight degrees on each side of the ecliptic to approach within a short distance of the bright star that travels in their domain. Its nearness to the ecliptic—it is only half a degree distant—makes it useful to nautical observers for determining longitude at sea, and it is known as one of the nautical stars.

There is nothing noteworthy in the aspect of Mars except his conjunction with Regulus. He is traveling on his slow path to conjunction, and moves so lazily that he will not reach the sun till December. Therefore observers have little else to do but to follow his course among the stars. After passing Regulus, he hastens to overtake Uranus, while Venus follows closely on his steps, the result being that next month the monotony will be broken up, Mars passing Uranus, and Venus passing Uranus and Mars. Mars sets about half past 11 o'clock in the evening; at