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NEW YORK, SATURDAY, JUNE 5, 1886.

(Illustrated articles are marked with an asterisk.)

Alum, Arizona 3
Aluminum manufacture of 3
Boats, ships' S
Boats, ships'
Business and personal 3
Business and personal
Comet. Brooks, No. 3
Eggs by weight 3
Eggs by weight
Fisheries, Gloucester 3
Fisheries, Gloucester
Furnace for burning fine coal* 3
Gas, coal, calorific power of 3
Hay loader, Spilman's*
Heliogravure, improvements in 3
High Bridge, New York city, stone
steps at*
Horse detacher, Teeter's 3
House bill 4,458 3
Ice in the sick room 3
Index for books, Trow's*
inventions, engineering
Inventions, index of 3
Inventions, miscellaneous 3
Inventor gone, another
Lifeboats, steam-An opportun-

357 Locks, freight car door, im-362 proved*..... proved*
Mount Etna, eruption of*
Notes and queries.
Organs, pneumatic action for, Photographic notes..... Phylloxera, mercurial preventive Phylloxera, mercurial preventive of ...
Planing machine, improved*...
Resting after meals ...
Sawmill, circular* ...
Scorpion, poisonous, of Mexico. ...
Shad, young, transportation of ...
Sky, night—May and June ...
"Slow burning" construction.
Sphinx. Egyptian, the* ...
Steamers to run 50 miles an hour.
Trade mark decision...
Trunnels the, of the ancients...
Vegetation, chemical* ...
Weavers, handloom, the last of the old ...

TABLE OF CONTENTS OF

SCIENTIFIC AMERICAN SUPPLEMENT No. 544.

For the Week Ending June 5, 1886.

Price 10 cents. For sale by all newsdealers.

	AGE
I. ARCH ÆOLOGY.—Pompeian Painting.—Sir M. D. WYATT'S Study of Methods.	8686
II. ARCHITECTURE.—GEORGE EDMUND STREET.—Monument and memorial sculpture to his memory in Royal Courts of Justice, London, by Mr. H. H. ARMSTEAD, R.A.—2 illustrations. Size of Stones in Masonry. National Agricultural Hall, Kensington.—From the designs of Mr. H. Edoe.—Full page illustration, showing plan and details of construction.	8686 8686
III. ASTRONOMY.—A New Induction in Spectroscopy.—Constitution of nebulæ.	8694
IV. CHEMISTRY.—The Action of Metals on Acids.—By HENRY E. ARMSTRONG.—The method of studying the nature of alloys by measuring the electromotive force between them and platinum in nitric acid by means of an electrometer. The Eurhodines, a New Class of Coloring Matters.—Their production by the action of ortho-amido-azo compounds on a naphthylamine hydrochloride. Estimation of Zinc in Zinc Ash.	8688 8694
V. ELECTRICITY.—History of the Electrical Art in the United States	

Patent Office.—A lecture delivered before the Franklin Institute by C. J. KINTNER—An interesting account of the growth of electricity in this country and a description of the more important historical models in the possession of the office. VI. ENGINEERING AND MECHANICS.—On Board of a Torpedo Boat.—A graphic account of a trip on one of the French torpedo Boat.—A graph a acount of a trip on one of the French torped boats off for the property of the form of the french torped to form of the french torped to farge machinery for raising or forcing water compressing or exhausting air, or motive power.—By H. D. PEARSALL, C.E.—An improved form constructed by the author.—4 figures.

VII. GEOLOGY.—Artesian Well Sinking in the Sierra Nevada.—A correspondent's description of wells sunk in Sierra Valley, 50 miles north of Lake Tahoe, Cal.

Artesian Wells: their Requisite and Qualifying Conditions.—By THOMAS C. CHAMBERLIN.—Concluding paper.—Height of flow.—Detection of flow.—Effect of time on flow.—Character of the water.—Limits in depth.—The art of sinking wells.—Record of drillings.—Areas of favorable, doubtful, and adverse probabilities.—4 figures.

VIII. MEDICINE AND HYGIENE.—Pasteur's Treatment of Rabies.
—An historical and detailed account of Pasteur's system of pro-

IX. MISCELLANY.-Christopher Columbus' Egg.-An ingenious toy -3 ligures.
The Portuguese Royal Carriage.—I illustration.
The Anatomist's Ode to his Mistress.—Written by a medical teacher of New York when a student.

X. GENERAL PHYSICS.—On the Explosion of Homogeneous Gaseous Mixtures.—Determination of the pressures produced by the evils intentice. Determination of the pleasures produced by the explosion of mixtures of inflammable gas with atmospheric air.—
Tabulated results with coal gas and air, and with hydrogen and air.
By Mr. DUGALD CLERK.
Improvements in Air Pumps.—A new arrangement of Sprengel's

XI. TECHNOLOGY.—Facsimile Telegraphy.—The method by ruled squares devised by Lieut. Glen and Lieut.—Col. Melville, of the English Army.—if gures.—

ANOTHER PATENT NULLIFICATION BILL,

We give in this issue the text of a bill (H. R. 4,458) that threatens very gravely the interests of the inventors of this country. It was introduced in the House of Representatives by Mr. R. W. Townshend, of Illinois. During the last two years, it has often been our office to comment on proposed enactments that had the included. The clause is a blow at the equities of the same bad tendency—a tendency to the abridgment of the rights of patentees. We have reiterated the expression of the best jurists that this country has ever seen, that the inventor is a pre-eminently useful member of the community, and deserving of every protection and encouragement that the law can afford him. Judge Story, and other judges only less eminent than he, support this view of the case. Notwithstanding such support, the House of Representatives, for some reason, during the last two years, has had a paroxysm of activity in the production of bills impairing the standing of patentees in the courts.

But the present bill has gone further than most of its predecessors. It has, after consideration, been reported favorably by the Committee on Patents, and presumably is in a fair way to pass the House. A glance at its provisions is enough to condemn it. It strikes at the root of our patent system, and threatens a gross injustice to the inventors of the country. A patent already granted is a pledge, and any curtailment of its rights is a violation of that pledge. The effect of the present patent system has been to place America in the van of nations, as regards her progress in the technical and industrial arts. Almost any change must be for the worse, when the original has proved so good. Yet such violation of contract and such change of a practically beneficial system, as proved by years of efficiency, is to-day proposed in Congress.

The first provision of the bill deprives the United States courts of jurisdiction in patent cases where the amount in controversy does not exceed two hundred dollars. By this provision, infringement is by law allowed on the majority of inventions. By one clause, the most meritorious inventions, and those that contribute the most to our comfort in every-day life, are declared unworthy of compensation. There is no need to refer to the records of patents to identify them. Sewing machines, churns, washing machines, straw cutters, plows, mowing machines, hardware, boots, shoes, clothing, furniture, stoves,—all these and innumerable others would fall within the two hundred dollar Had this law been in force for the last fifty years, no small inventions would have been made. The inventor would have no incitement to use his talent, save in the larger class of subjects. None of the minor improvements in household conveniences, productive of health as well as comfort, would have been carried out. Our lamps might smoke, for who would invent anything to improve them under the two hundred dollar limit? Our coffee would be ground with mortar and pestle, or in inferior mills. Our culinary utensils would not be coated with enamel, but the poisonous copper vessels of old days would still be used. Our sewing machines, if manufacturers succeeded in maintaining the price above two hundred dollars, would not be provided with automatic tension devices, hemmers, and fellers, for the line of invention in the direction of such small objects would be closed. Many an inventor of small capital has fought his way to success by small but important improvement. This law would end the career of all such workers.

This first provision declares in effect that an inventor must submit to infringement by any individual to that extent before he can sue for relief.

If his patent is infringed, he cannot strike at the evil in the beginning, but must patiently wait until a wrong of a definite extent has been committed. Again, he may suffer great injustice by a multitude of infringers, none of whom may pass the two hundred dollar limit. In such a case, he can do nothing. Any one can infringe licenses and encourages infringement. It would seem that such a clause would stand not the shadow of a ventors what is granted to foreign authors. chance of passing, were it not that the presumable temper of the House has been shown in the recommendation of the bill embodying it, by the Committee on

The next provision aims at the rights of the "innoinfringement.

The bill provides that purchasers of a patent right risk the dangers of the stormy Banks in winter. for actual use shall not be liable for its value, or for infringing the same in any manner, if, at the time of its prised to find that the "bankers" are manned by young

claims of a third person. In other words, if a fraudulent patent is obtained, and sold to a manufacturer, he can work under it quite regardless of the rights of an original and anticipating inventor.

The proviso of ignorance, at the time of purchase only, of such claims on the part of the purchaser is case. The most admirable provisions of our patent laws are devoted to guarding the rights of original in-

Interference proceedings in the Patent Office and test cases in the courts continually arise for the purpose of determining priority of invention. By this act, all these safeguards are nullified, and such priority is made a secondary consideration, and subsidary to fraud. The purchase of fraudulent patents is legalized, and a reward is offered for perjury. The bill in the same clause excludes from liability the innocent purchaser of a patented article, until a written notice of the existence of the patent has been served upon him personally. This is a minor provision following the same erroneous line of action.

All these provisions are a direct temptation and incitement to fraud. They do no good to any class of the community, except as a law depriving laborers of their wages might be held to benefit capitalists. Inventors are the servants of the community. They have served it faithfully in the past century, as the splendid record of over three hundred thousand patents shows. It now remains to be seen whether their compensation is to be taken away from them.

The ingratitude of such an action counts for little, unfortunately; its injustice should count for more; but its shortsightedness and impolicy should be within the scope of every legislator. It is to be hoped that the House will not follow the action of its committee. If any influence has been brought to bear upon the latter, the whole body, it is probable, will be free therefrom. Though only one step on its road to enactment, we should be sorry to see the House of Representatives committed by the passage of this bill. Even where a bill ostensibly aimed at the further protection of inventors, we have counseled conservatism. The patent law is best let alone. It has done good work; it has been systematized, codified in standard text books, and is understood by all. A radical change in it is always to be feared, but especially when it has a direct tendency toward injustice. We hope the bill will never reach the Senate; we hope that the full body of Representatives will effectually kill it, and relieve the air of so threatening a menace.

We hope that the House of Representatives will not pass this measure. If they do, the Senate will be under a great responsibility to the country for their action in the matter. If it should become law, then the majority of inventors will be deprived of their granted rights. Thousands of small industrial establishments, in all parts of the country, will be obliged to close and discharge their workers.

All who feel interested in preventing the consummation of this great error should lose no time in writing to their members of Congress, and protest against the passage of the bill, giving their reasons as fully and as forcibly as possible.

The members of the present Congress have taken a more favorable view of another class of intellectual works, the productions of authors. International copyright has been favorably considered, and the bill reported by the Senate Patent Committee, and the grant of patents to foreign authors, not members of the community, many of whom never have and never will see this country, is now in a fair way of being realized. In the same breath, the legislature that thinks so well of fostering foreign authors proposes to undo the laws protecting home inventors. If a book, as the product of the brain, is entitled in any sense to protection, a fortiori is a title to such protection due to an actual invention, which has assumed a tangible form under with impunity if he does not exceed this amount. In | the clause of the patent laws requiring full and clear this provision, injustice and absurdity are rivals. It description and operativenessor utility. Inconsistency could go no further than this—to refuse to home in-

Contending with perils at sea and Canadian armed cruisers inshore, the life of the Gloucester fisherman is not a happy one. If, however, he can escape from the cent purchaser," of whom we have heard so much first and elude the second, he is pretty certain to find a during the last two years. He stands in all justice in good profit awaiting him, for rarely is there a glut in the position of the innocent violator of a law, and in the deep sea fish market. Mackerel may be so plenty fact is such, and should be so treated. He should for as to be almost given away, as was the case at Fulton the good of the community be subject to the same pen- Market, New York city, recently, during the early run alties as the willfully infringing purchaser. To make of young mackerel or "tinkers;" but a large supply of any law operative, the knowledge of its provisions on halibut, cod, hake, and haddock only tends to so far the part of the violator must be presumed. This is the reduce the price as to bring them within the means of experience of all governments. The patent right in an the many. The "mackerelers" and the "bankers" invention becomes valueless if the ignorance of an in- may fairly be looked upon as two distinct orders of fringer is to protect him against the consequences of fishermen, for while the latter sometimes engage in mackereling in summer seas, the mackerel men rarely

purchase, they had no knowledge of the existence of men exclusively; perhaps it would be safe to say that

at least half of these fishermen are under twenty. In many cases the skipper himself is as young as three and twenty. Indeed, it is said at Gloucester that there is no "old" bank fisherman; that is to say, there are none who have for many years continued to fish during the winter on George's and the Grand Banks.

Grim death menaces the life of the Bank fishermen in too many ways to permit of such a career. A few successful seasons of this fishing will often put several thousand dollars and sometimes very much allowed. more in the pockets of a single hand. Then is the time for him to quit the business. He usually does this, and employs himself thereafter in less hazardous enterprises afloat or ashore.

The statistics show that the number of fishermen lost on the Banks has averaged nearly one hundred and fifty a year for the past decade from the port of Gloucester alone. Heavy seas, fierce winds, and fogs and thick weather prevail on the fishing grounds all winter and these serve, of course, to intensify the peculiar dangers to which these fishermen are exposed. Most of the time the fishing schooners must be hove to

holding ground is so uncertain that, swinging with the tide, they are like to foul it and, athwart seas, tear their bows out with plunging. Sometimes during gales, they drift down on to one another, and this nearly always means disaster. Another and no less serious danger is that of being run down by the transatlantic steamers, for they lie almost directly in their track. Perhaps the most menacing danger of all is that experienced by the "trawlers" in setting and hauling in their nets. The "trawlers" always set four nets at some distance from their vessel. One of these nets is ahead, another astern, and one on each quarter. Two men go out in each dory, and are sometimes gone for hours. If the weather be thick, the fog horn is kept going on the schooner, but those to windward are not always able to hear, and those to leeward not always able, if a heavy sea is running and a gale blowing, to get back. Now, to be adrift on George's or the Grand Banks in a dory under such conditions of weather is more than dangerous, it is perilous. If a crew have their net aboard, they are likely any moment to be upset, and their only chance of a rescue lies in the possibility of drifting down upon some other fisherman and of being picked up.

The crew of a banker has a share in the catch; this

half the fish they take. But the skipper and the cook, who is always next in rank, get the largest share. They are a sober, steady, and fearless lot of men, these fishers, whose habits and customs differ wholly from those of the ordinary Jack before the mast.

At 11 O'Clock: May

At 10% O'Clock. May 15 At 10 O'Clock: May 22

"Slow Burning" Construction.

several circulars recently which are full of suggestive ness to property owners. One of these gives rules for the proper construction of fire doors, so as to meet the requirements of the underwriters. Another important circular gives a brief standard schedule of what is needed to construct a slow burning building. We print this last mentioned circular in full for the benefit of the many whom it concern:

Mills, factories, stores, warehouses, and other buildings used for similar purposes, constructed in accordance with the following instructions, will be slowly combustible, and will receive the lowest ratings from the Boston Fire Underwriters' Union, viz.:

Walls.—To be of brick; of such thickness as the in tended occupancy and building laws of the city may require, and not to exceed 60 feet in height from the one-third paraffine, this mixture being then heated to plastered direct on the brickwork.

Cornices.—To be of brick.

Roof.—To be flat and of "mill construction" (i. e., pores.

made of heavy timbers and planking, without plastering or sheathing), and covered with gravel or metal, No wooden Mansard or French roofs allowed, as they are regarded as "lumber yards up out of reach of water," furnishing so much additional material for the fire to feed on, as well as greatly increasing the risk of fire from adjoining property.

Girders and Columns.-To be made out of the best Southern pine timber. Iron girders and columns not

Floors.—To be made of "mill construction," consisting of heavy Southern pine timbers from 5 to 10 feet apart, according to the burden they are expected to carry; covered with three inch tongued and grooved plank; then two layers of asbestos or other heavy floor paper (in stores and warehouses an inch of lime mortar can be used instead), and then an inch flooring above. These floor timbers and floors to be left exposed beneath, without plastering or sheeting.

Elevators and Stairways.-To be placed in brick well holes extending at least two feet above the roof,

and crowned with a skylight having an iron frame and under storm trysail; for should they come to anchor, the thin glass protected with a wire screen. All openings NIGHT SKY: MAY & JUNE

In the map, stars of the first magnitude are eight-pointed; second magnitude, six-pointed; third magnitude, five-pointed; fourth magnitude (a few), four pointed; fifth magnitude (very few), three-pointed, counting the points only as shown in the solid outline, without the intermediate lines signifying star rays.

uthern Horizo

At 91/2 O'Clock: May 3

share, under certain circumstances, amounting to one on the various floors to be protected with standard tin cules, close by which we see his head and gleaming, clad fire doors.

Well Holes for Light.-Not allowed in this class of buildings.

Shutters.-To be placed on all windows and other openings at the rear and sides of buildings, when exposed by other property or by another section of the same property cut off by division brick walls. To be gentine Republic, the Samoan Islands, Uraguay, Chili, The Boston Fire Underwriters' Union have issued of standard construction, and the fastenings so ar- Santo Domingo, Hayti, Nicaragua, and Russia sent anged that they can be opened from the outside

Blind Attics.—And other concealed places that cannot be readily readily reached by firemen not allowed. Boilers.—For heating or power, to be placed in separate buildings or fire proof rooms, and provided with regular boiler chimneys.

Preservation of Wood.

The prevention of decay in wood is said to be effectively accomplished by exhausting the air from the pores and filling them with a gutta percha solution, a substance which preserves the wood alike from moisture, water, and the action of the sun. The solution is made by mixing two-thirds of gutta percha to The inner surface to be left plain or liquefy the gutta percha, when it is readily introduced into the pores of the wood, the effect of the gutta NIGHT SKY.-MAY AND JUNE.

BY RICHARD A. PROCTOR.

The Great Bear (Ursa Major) occupies all the upper sky from west to north, except a small space occupied by the Hunting Dogs (Canes Venatici). The Pointers are in the northwest, almost horizontal. A line from the Pole Star (a of the Little Bear-Ursa Minor) to the Guardians of the Pole, β and γ , now occupies the position of the minute hand of a clock three minutes past an hour.

Due south, low down, lies Cassiopeia, while above, somewhat toward the east, we find the inconspicuous constellation Cepheus. The Camelopard is in the west of north, and getting upright.

Low down in the northwest lie the Charioteer (Auriga) and the head stars of the Twins (Gemini) further west. The Crab (Cancer) is nearly due west, the Sea Serpent (Hydra) holding his head almost exactly to the west point. Above is the Sickle in the Lion, its blade curved downward, and the tail of the Lion (Leo) lies above, toward the south of west.

On the Serpent's back we find the Cup (Crater) and the Crow (Corvus), in the southwest and to the south

of southwest respectively. Above these constellations, and extending beyond the south toward the east, the Virgin (Virgo) occupies the mid-heavens.

Above the Virgin we see the Herdsman (Bootes), his head and shoulders nearly overhead. Low down in the south is the Centaur (Centaurus), bearing on his spear the Wolf (Lupus) as an offering for the Altar (Ara), which, however, is invisible in these latitudes. Above the Wolf we see the Scales (Libra), while the Scorpion (Scorpio), one of the few constellations which can at once be recognized by its shape, is rising balefully in the southeast.

The Serpent Bearer Ophiuchus) bears the Serpent (Serpens) in the midheavens toward the southeast, the Crown (Corona Borealis) being high up in the east, close by the Serpent's head.

Low down in the east is the Eagle (Aquila), with the fine steel blue star Altair, the Swan on the left about northeast, and above it the Lyre (Lyra), with the still more brilliant steel blue star Nega. Hercules occupies the space between the Lyre on the one side and the Crown and the Serpent's head on the other. He is high up, due east.

Lastly, the Dragon winds from between the Pointers and the Pole round the Little Bear, toward Cepheus, and then eastward toward the feet of Her-

eves. B and v.

At 9 O'Clock June 7 At 8% O'Clock: June 14 At 8 O'Clock: June 22

THE Textile Manufacturer, London, thinks there is likely to be a great deal of trouble growing out of the winding up of the New Orleans Exposition. The governments of Honduras, Ecuador, Peru, the Argoods under the guarantee that all expenses of portation to and fro would be paid by the Exposition Company. Even Dom Pedro, Emperor of Brazil, has his son on the way with goods, in expectation that the show would be open into the fall. The enterprise has closed a miserable failure, and the goods of these nations are held for the charges due. It would seem not at all improbable, from the moral support the United States gave the affair by granting it subsidies, that it would in good faith be bound to take these goods out of pawn and send them back.

**** Brooks Comet No. 3.

On the evening of May 22, Professor Brooks, of Phelps, N. Y., discovered another comet, having a right ascension of 11 h. 51 m. 15 s., and a north declina tion of 8° 55′ 15'. The wanderer is reported as large but faint, and has a slow motion to the southeast. percha being, when it becomes cool, to harden the Its discovery secures to Professor Brooks the first, second, and third Warner prizes of the year.