DECISIONS RELATING TO PATENTS AND TRADE MARKS.

Supreme Court of the United States.

ANDERSON *vs.* MILLER *et al.*

Letters patent No. 265,733, granted October 10, 1882, to Robert H. Anderson, for an improvement in drawers, not infringed by an article manufactured by the appellees for more than two years prior to the appellant's application for a patent.

Appeal from the circuit court of the United States for the Eastern District of Virginia.

Mr. Justice Lamar delivered the opinion of the court.

The alleged infringement consisted in appellees placing on drawers manufactured by them a patch extending down the front and lapping the seam of the crotch by at least half an inch, which process of re-enforcing the garment, it was alleged, was the invention of the appellant.

The averments of the answer are: That drawers, as re-enforced as described in letters patent of plaintiff, had been made and in public use and on sale by sundry and divers persons for many years prior to plaintiff's application; that they, the defendants: Have been manufacturing one particular kind, and only one particular kind, of re-enforced drawers for more than five years hitherto continuously, a specimen of which drawers, manufactured by them, is filed as "Exhibit A," etc., and that these are the only kind of re-enforced drawers that have been manufactured by them or either of them during the last five years.

The circuit court dismissed the bill, and an appeal from that decree of dismissal brings the case here.

The decree of the circuit court is affirmed.

Supreme Court—State of New York.

TRADE MARK.

MUNRO *vs.* BEADLE *et al.*

Ingraham, J.:

The only act of the defendants complained of by the plaintiff is the introduction of the word "Sleuth" in the title of certain stories published by the defendants. There was no attempt on the trial to show that the defendants had used any symbol or design invented by the plaintiff to designate his series, and unless the plaintiff can establish that he has in some way acquired the exclusive right to use the word "Sleuth" in connection with stories of detectives, no right of plaintiff's has been infringed.

The word "Sleuth" has a well defined meaning, and is defined by Webster to mean "the track of man or beast as followed by the scent." It is used in connection with a hound to indicate that a hound follows the track of a human being or animal, and as applied to man would have the same meaning.

The adoption by the plaintiff of the name of "Old Sleuth" to designate the series of books published by him could hardly be said to give to the plaintiff the exclusive right to use the word "Sleuth" in all future publications of every character, so that the rest of the world must invent a new word to express that meaning. That would be the logical effect of sustaining the position taken by the plaintiff in this case.

The titles adopted by the defendants in the publication of their books would be perfectly intelligible to any one having no knowledge of the use to which the word had been applied by the plaintiff, and, assuming that the plaintiff had acquired a trade mark in the words used by him to designate his publications, nothing proved in this case would show that the defendants have violated any rights that they have acquired. The plaintiff has therefore failed to show any cause of action against the defendants, and the complaint must be dismissed, with costs.

A Flowing Well in Iowa.

A Waterloo, Ia., dispatch to the Chicago *Tribune* says: "The flowing well near Tripoli, Bremer County, is attracting considerable attention, as it appears to be another Belle Plaine gusher on a slightly smaller scale. It is located on the farm of J. J. Cooke, about three miles east of Tripoli, and only a short distance from the Wapsie River. The well was drilled down through the rock and sand about 135 feet. Water was struck several times, and when a depth of 129 feet was reached the water filled the well to within eight feet of the surface. After drilling two hours longer the water began to overflow. Work was stopped and a six-inch casing put in. At three o'clock the next morning, December 30, Mr. Cooke was awakened by a roaring noise, and, on going to the well, he found the water spouting about three feet above the top of the tubing and throwing out blue sand and clay. After throwing out about three wagon loads of this debris the water became clearer, but its force increased until it rose fully six feet above the top of the casing, besides opening the seams in the casing at several places. Four joints of stovepipe were then put on the casing, and the water flowed in a torrent from the top of this improvised tube fully twelve feet from the ground. "Since then the well seems to have lost some of its force, but it still sends out a stream which, if confined, would, it is estimated, throw a three-inch stream fifty feet high. It is the intention to replace the casing in the well with a six-inch gas pipe, and in that way it is expected that the flow of water can be controlled.

The International Congress of Photographers at Paris.

By a ministerial order, dated August 2, 1887, a congress and series of conferences were instituted to be held in Paris during the Universal Exhibition of 1889. By another resolution, dated July 16, 1888, of the Minister of Commerce and Industry, Commissioner-General of the Exhibition of 1889, a Committee of Organization of the International Photographic Congress was nominated;

M. Andra, member of the Administrative Council of the French Photographic Society; M. Bardy, Vice-President of the French Photographic Society, and Director of the Laboratories for *Contributions Indirectes;* M. Edmond Becquerel, member of the Academy of Sciences, the chief discoverer and pioneer in relation to photography in natural colors; M. Bordet, the manager of photographic conferences at the school of *Ponts et Chaussees;* M. Alfred Chardon, member of Council of the French Photographic Society; M. Cornu, member of *l'Institut;* M. Davanne, Vice-President of the French Photographic Society; M. Gauthier-Villars, member of Council of the French Photographic Society; M. Gobert, member of Council of the French Photographic Society; M. Guilleminot, manufacturer of chemical products; M. Haincque de St. Serroch, member of Council of the French Photographic Society; MM. Paul and Prosper Henry, of the Paris Observatory, well known for their achievements in stellar photography; Dr. Janssen, member of *l'Institut* and Director of the Astronomical Observatory at Meudon; M. Levy, photographer; M. Albert Londe, the chief photographic worker at the Salpetriere, in Dr. Charcot's department; M. Adolphe Martin, physicist, member of the Council of the French Photographic Society; M. Pector, member of Council of French Photographic Society; M. Peligot, member of *l'Institut*, President of the French Photographic Society; M. Perrot de Chaumaux, General Secretary of the French Photographic Society; M. Roger, member of the Council of the same society; Colonel Sebert; M. De Villecholles, member of Council of the French Photographic Society; M. Wolff, astronomer, member of *l'Institut.*

At the first meeting of the Committee of Organization, Dr. Janssen was elected president; Messrs. Wolff and Davanne, vice-presidents; and M. Pector, secretary and treasurer. It was also resolved to elect in foreign countries and in France some honorary members of the congress, who are requested to promote its interests, to group its supporters, and to study in advance the subjects to come before the congress, as well as to suggest others.

The list of those photographers in foreign countries and in France who will be invited to become honorary members is not yet completed; but among those who will receive invitations are Mr. James Glaisher, Captain Abney, Mr. J. R. Dallmeyer, Mr. Ross, Mr. John Spiller, Mr. Tennant, Mr. Common, and Dr. William Huggins.

The list of subjects proposed to be discussed by the congress is not yet completed, but will include the following:

1. Relative units of light. Photometry.
2. Lenses. Best mode of determining their focal lengths. Proportions between the apertures of diaphragms and the foci of lenses.
3. Unity in the expression of formulæ of solutions used in photography.
4. Unity in the dimensions of lens flanges.
5. Unity in the names of photographic processes.
6. Measures to be proposed to various governments to facilitate the passage through custom houses of photographic surfaces sensitive to light.
7. The application to photographs of the same copyright privileges as granted to works of art.

The meetings of the congress will probably take place during some period between July 15 and August 15, 1889. This time, however inconvenient to the Parisians, who might like to be at the seaside during the vacation, is likely to be the best for foreigners who visit the exhibition in the holiday season.

Any photographer who presents his card will be welcomed at the meetings of the congress, and to take part in the discussions. Those who intend to read papers will probably have to send them in in advance, that due order in the proceedings and subjects may be arranged beforehand.

What has herein been stated will give a general idea as to the nature of the congress and its scope, but are not cast iron decisions; they are liable for some little time yet to additions and modifications. All persons who have the interests of photography at heart cannot, I think, do better than to make their suggestions at once to M. Davanne, Vice-President of the French Photographic Society, Rue des Petits Champs, Paris.

It will be noticed that the congress is connected with and recognized by the authorities of the Paris Exhibition.—*Correspondence in Br. Jour. of Photo.*

Modern Fortifications.

Under this title the *Esercito Italiano* quotes an interesting article of the *France Militaire* on the modifications rendered necessary in the plan and construction of fortresses and fortified places for the future by the overwhelming power of modern explosives. A repetition of experiments on a large scale tends to show that iron and a very solid sort of concrete, rich in cement, are the only materials capable of offering a prolonged resistance to the action of modern artillery. Sand may be usefully employed under certain circumstances, but the uselessness of earth ramparts has been clearly demonstrated. In future, therefore, the main feature of a fort is most likely to be a round ironclad tower emerging from a glacis of concrete and furnished with heavy ordnance to reach the assailant at long ranges, and with lighter artillery for flank firing and for firing at shorter ranges. Forty or fifty machinists and artillerymen will probably compose the whole garrison of these forts. But the defense will, moreover, consist in a body of movable troops and artillery, to be conveyed to any point in the circumference, under the shelter of natural or artificial cover, by a narrow gauge railway. According to this system of defense, the assailants will no longer enjoy alone the advantage of concentric fire. Important experiments of this kind have been witnessed by the French Minister of War at the fort of Lucey, near Toul.

The *Esercito Italiano* states that three new batteries are in course of construction at Nice, viz., at Rimiez, the Corniche, and the Lanterne. The last of these three has for its object to obstruct the passage of the Vare. The erection of the three batteries has already been commenced by three different contractors. The French government is also erecting a fort on Mont Grois, where the trees have been felled over the whole area. The works are to be carried on with the greatest possible alacrity.

The *Rousskii Invalid* gives a list of German fortified places furnished with ironclad batteries or forts, namely, two towers at the fort of Vogelsang, at Cologne; one at Fort Manstein, Metz; at Fort Kamecke, several small towers for cannon of 15 centimeters; at Bremerhaven, facing the sea, nine towers for cannon of 28 centimeters, two for cannon of 15 centimeters, and a battery for nine 21 centimeter cannon; two towers at Ham, for the defense of the bridge on the Rhine; two towers at Ingolstadt. The German government has also ordered sixty ironclad towers for heavy cannon and mortars for the fortifications of Metz and Strassburg. They are to be constructed at the Gruson factory at Buckau-Magdeburg. Besides these a large number of towers of smaller dimensions are in course of construction, and will be supplied eventually with Maxim guns. The greatest activity prevails at the above mentioned works, showing the great importance attached to ironclad fortifications by the German government.

The New York Fire Department.

Following is a summary of the operations of the New York Fire Department for the year just closed, as reported by the Fire Commissioners:

OPERATIONS OF THE FIRE DEPARTMENT—1888.

FIRE EXTINGUISHING FORCE.

	Number.
Officers and men	1,019
Engine companies (including two fire boats)	55
Hook and ladder companies	19
Steam fire engines	87
Fire boats	2
Hook and ladder trucks	35
Horses	294

FIRE STATISTICS.

Total number of fires	3,202
Fires confined to point of starting	2,877
Fires confined to building	201
Fires extended to other buildings	48
Fires extinguished without engine stream	2,165
Fires extinguished with one engine stream	686
Fires extinguished with more than one engine stream	351
Fires resulting in nominal damage only	1,107
Fires—Building not damaged	520
Fires—Building slightly damaged	1,025
Fires—Building considerably damaged	106
Fires—Building destroyed	18

	Loss.	Insurance.
On structures	$1,566,401	$23,280,193
On contents	3,923,929	17,988,363
Total	$5,490,330	$41,268,556

	1887.	1888.
Average loss per fire	$1,917.28	$1,714.66

Number of fire alarms, 3,406.

Tramways in Damascus.

An imperial firman has, it is reported, been granted for the construction of a line of tramways in Damascus. Nor is this concession to western civilization the only sign that the far-famed city of Damascus is on the high road to becoming modernized. Gas also is to be introduced into the city, and the inhabitants are eagerly awaiting the promised innovations, which will, they believe, not only add to their own comfort, but will materially increase the value of property within the city boundaries. The latest estimate of the population of Damascus places it at 150,000.