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(Illustrated articles are marked with an asterisk.)

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Price 10 cents. For sale by all newsdealers.

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RIGHTS OF EMPLOYERS TO INVENTIONS MADE BY THEIR EMPLOYEES.

An interesting patent case was decided not long ago by the Supreme Court of the United States in which the rights of employers with respect to inventions made by their employes, at the expense and in the time of the employer, are set forth.

It appears that during the years 1867 and 1868, Spencer M. Clark was in the employ of the government as Chief of the Bureau of Engraving and Printing.

Mr. Clark laid before the Commissioner and committee a self-canceling revenue stamp, as being, in his opinion, a very desirable stamp for the prevention of fraud.

No bargain, agreement, contract, or understanding was ever entered into or reached between the officers of the government and Mr. Clark concerning the right of the government to use the invention, or concerning the remuneration, if any, which should be paid for it.

Before Mr. Clark had filed an application for a patent, the Commissioner of Internal Revenue adopted the stamp as the one to be used in the collection of the tax on whisky and distilled spirits.

In the Court of Claims judgment was entered in favor of the government. From such judgment an appeal was brought to the Supreme Court.

Mr. Justice Brewer delivered the opinion of the Court, from which we abstract the following:

The government has used the invention of Mr. Clark, and has profited by such use. It was an invention of value. The claimant and appellant is the owner of such patent, and has never consented to its use by the government.

If one is employed to devise or perfect an instrument, or a means for accomplishing a prescribed result, he cannot, after successfully accomplishing the work for which he was employed, plead title thereto as against his employer.

So, also, when one is in the employ of another in a certain line of work, and devises an improved method or instrument for doing that work, and uses the property of his employer and the services of other employes to develop and put in practicable form his invention, and explicitly assents to the use by his employer of such invention, a jury, or a court, trying the facts, is warranted in finding that he has so far recognized the obligations of service flowing from his employment and the benefits resulting from his use of the property, and the assistance of the co-employees, of his employer, as

to have given to such employer an irrevocable license to use such invention.

The case of McClurg v. Kingsland (1 How., 202) is in point. In that case was presented the question as to the right of the defendants to use an invention made and patented by one Harley.

That Harley was employed by the defendants at their foundry in Pittsburg, receiving wages from them by the week. While so employed, he claimed to have invented the improvement patented, and, after several unsuccessful experiments, made a successful one in October, 1834. The experiments were made in the defendants' foundry, and wholly at their expense, while Harley was receiving his wages, which were increased on account of the useful result.

On review in this court, the rulings of the trial court were sustained. That case is decisive of this. Clark was in the employ of the government when he made this invention. His experiments were wholly at the expense of the government.

POSITION OF THE PLANETS IN MAY.

MERCURY

is evening star until the 9th, and then morning star. He is in inferior conjunction with the sun on the 9th, at 9 h. 41 m. P. M. The event is of unusual importance, for, as he passes between the earth and the sun, he makes a transit on the sun's disk, and will be visible upon it as a small black spot, a phenomenon that has not occurred for nearly ten years.

As soon as it was discovered that Mercury was an inferior planet, revolving within the earth's orbit, it was known that he must pass between the sun and the earth at every inferior conjunction.

It is easy to calculate the recurrence of transits.