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A PROPOSED CONGRESSIONAL RESOLUTION RELATING TO PATENTS.

Representative Stout, of Michigan, has introduced in the House a resolution on the subject of the Bell telephone patents. A preamble to the resolution recites that the original patents of the American Bell Telephone Company will soon expire; that the company has been and is now the owner of certain devices, upon one of which, the Berliner transmitter, an application for a patent was filed in 1877 and the patent not issued until November 17, 1891, and that it is alleged that the final adjudication of those pretended rival claims has been delayed by the owners for the purpose of giving another term to an enormously lucrative patent.

It is true, as set forth above, that soon after the Bell Telephone Patent was granted, March 7, 1876, another application for a patent for a telephone was made by Emile Berliner, to wit, on June 4, 1877, covering ground almost as broad as the Bell patent. This application of Berliner was sold and assigned to the Bell Co., was then kept back and held pending in the Patent Office for over fourteen years, and then issued, to wit, on November 17, 1891. So that the Berliner patent will run for seventeen years from that date.

Notwithstanding the clearest proofs that Phillip Reis, of Germany, had invented and put in successful operation an electric telephone in 1860, or sixteen years prior to Bell, but differing in form from Bell's; notwithstanding that an electric sound receiver, working on the very same principle as Bell's, had been invented and patented in this country by Royal E. House, in 1863, the Supreme Court of the United States upheld the Bell telephone patent in the broadest possible manner, and by its judgment practically debarred all other persons from making, using, or selling an electric telephone. Thus was created by judicial act one of the greatest monopolies of modern times.

Bell's original patent consists substantially in connecting two diaphragms electrically in such a manner that when one diaphragm is spoken to, the other diaphragm will correspondently vibrate, thus producing in the ear the sensation of sound. The same thing was done by Reis and House and is done by means of the new Berliner patent; but the Berliner apparatus is different from Bell's, and for transmitting the voice is better than Bell's.

The Congressional resolution requests the Commissioner of Patents to ascertain whether any modification of the patent law is necessary to protect the public against undue monopoly, etc.

By undue monopoly we suppose is here meant such transactions as the holding back of the Berliner patent so as to spring it upon the public about the time the Bell patent expires, with a view to extend the telephone monopoly.

For the benefit of all concerned, we will suggest a couple of little amendments to the patent laws, which will not only prevent all such tricks as the above, but will save the Patent Office and inventors a world of trouble, put an end to vexatious delays in the grant of patents, and stop the expensive litigations, now rendered necessary in many cases, in order to obtain a patent.

The present statute relating to official examinations reads as follows:

"Sec. 4893. On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall cause an examination to be made of the alleged new invention or discovery; and if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the Commissioner shall issue a patent therefor."

Our suggestion is that the above section be amended so as to read:

"Sec. 4893. On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall cause an examination to be made of the papers relating to the application, and if on such examination the papers are in proper form and the invention claimed is for a useful purpose, the Commissioner shall issue a patent therefor."

The effect of this slight amendment would be to dispense with the present system of official examinations into the novelty of the invention, and place that duty where it more properly belongs, namely, upon the applicant or his agent. When the present patent laws were enacted in 1836, such examination by the applicant was well nigh impossible, because the patents were not printed. But now they are printed, are easily

accessible to the public, and examinations may be readily made by any skilled person.

This proposed change would relieve the Patent Office from a vast amount of labor, enable it to issue patents promptly to every applicant, prevent the holding back of cases on legal or technical grounds, and prove of the highest advantage to the public and to inventors.

The adoption of the above amendment would involve the repeal of the section relating to interferences, which reads as follows:

"Sec. 4904. Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant, and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And the Commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the primary examiner, or of the board of examiners in chief, as the case may be, within such time, not less than twenty days, as the Commissioner shall prescribe."

The repeal of this section and the doing away of novelty examinations would put an end to the expensive legal proceedings which the Patent Office is now obliged to carry on, and relegate the same to the courts, which is the proper place for such adjudications. The repeal would also render it impossible for any powerful Bell monopoly to keep an undue grasp upon the public.

The further advantages of these simple amendments we shall take occasion hereafter more fully to discuss.

THE SEVEN AGES OF OUR WORLD.

In a recent issue of the SCIENTIFIC AMERICAN we fully illustrated a scientific lecture entitled "A Trip to the Moon," which was given at the Carnegie Music Hall, in this city, for several weeks in succession.

This interesting lecture has been followed by another entitled "The Seven Ages of Our World, or from Chaos to Man," which is illustrated in much the same way. The lecturer began his discourse by stating the general belief of astronomers and physicists, which is to the effect that the earth must have existed at one time in a state of vapor, that is, it was merely a nebula, that gravitation asserting itself drew the nebulous particles nearer and nearer together until finally the matter assumed the shape of a sphere, that being the form which permits of the nearest approach of every particle of a mass toward the center of attraction.

The first scene, entitled Chaos, when first presented, is merely a mass of rushing vapors, accompanied by surging and seething sounds, indicating great activity in the chaotic mass. Gradually, and while weird colors play upon the vapor, it subsides, showing a globe with an unstable crust. The first land then appeared. After an interval, representing millions of years, the Devonian age was illustrated by a scene in which were volcanic eruptions, electrical displays in the form of lightning, and all of the seething, rumbling sounds which accompany a volcanic eruption. After another interval representing a few millions of years, a magnificent scene was presented, representing the carboniferous age, in which huge moss and rush-like plants were seen.

This was followed by a scene representing the formation of coal. The dense poisonous gases upon the earth at this age having been largely absorbed by vegetation, the supply of carbon in the atmosphere was so far diminished that it was insufficient for the support of these gigantic plants; consequently, they decayed and fell, forming the foundations for the coal beds which have been discovered in the more recent days of civilization. Next was presented a Permian landscape, which was followed by another scene representing the age of reptiles, and showing the monsters of the Jurassic time. Some of the creatures shown, the lecturer said, must have weighed 20 tons. Many remains of the larger reptiles of this age have been found in the western portion of our own country. Then followed a landscape of the Cretaceous era and a view at the bottom of a chalk sea. Then the audience was presented with a view representing the dawn of the modern world, showing a scene which the lecturer said might well be located in Central Park or some of the environs of the city.

In the illustration of the age of glaciers, which followed, was shown and the lecturer described the manner in which the huge mammoths were entombed in crystal ice. Then was given an illustration of the homes of the first men, the lake dwellers.

The last scene of the series represented the age of civilization, showing architecture in a high state of perfection, engineering works and modern dwellings. In this and in all of the other scenes the artistic work is very effective, and the mechanical and light effects are striking and sometimes startling.

The discourse delivered by Mr. Garrett P. Serviss was not only extremely interesting and entertaining, but highly instructive.