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No. 892.

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ANOTHER BILL TO DISCOURAGE THE INVENTOR AND FAVOR THE INFRINGER.

A bill has lately been introduced in Congress by Mr. Tillman, of South Carolina, providing that no patent shall, by reason of a broad or dominating claim or otherwise, prevent the practice or use of any patented actual improvement in the invention forming its subject matter, provided the patentee or owner of the improvement shall pay a reasonable royalty or tribute to the owner of the patent having the dominating claim, the amount of royalty or tribute to be determined by a court of the United States, the court to take into consideration the profits, past or prospective, to the owner of the improvement and the damages of the dominating patent, similar as in the case of a decree for infringement.

The law as it stands awards to the original and first inventor the exclusive right to make use and sell his invention for the short period of seventeen years.

The proposed law takes this right away from the inventor and bestows it upon the court, thus making the court in the first instance a party to the control and management of the patent. Under this proposed law not only is the inventor deprived of his exclusive rights, but the infringer is allowed to drag the original inventor into court, subject him to trouble and expense, requires the court to discriminate in favor of the infringer, and compels the inventor to share the proceeds of his invention with the infringer.

Of all the schemes to emasculate the patent laws, the foregoing plan of giving encouragement and support to infringers by legal enactment is the worst and most absurd. It remains to be seen whether Congress will sanction such an act of folly. It is in direct contravention of the spirit and intent of the constitution of the United States, which provides in Article 1, Section 8, that Congress shall have power to promote the progress of science and the useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

THE EXCLUSION OF CHINESE.

On January 18 of the present year, at Duluth, Minn., Judge R. R. Nelson, of the United States Court, rendered a decision in the case of a Chinaman who was brought before him on *habeas corpus* proceedings in a suit under the Chinese Exclusion Act. The case was a motion for the release of Ah Yuk, a Chinaman, who had violated the act. The accused was a seven-year resident of the United States. Under the act he was to have been returned to China. His crime was illegal presence in this country. The motion for his release was based on the theory that the imprisonment for thirty days and the returning to China of such persons as the accused, after no other proceedings than a hearing before a United States Court Commissioner, was unconstitutional. The right to a trial by jury was pleaded, and the judge acquiesced in the counsel's plea. The act, in the provision affecting the prisoner's case, was held to be unconstitutional, and the prisoner was released.

The Chinese Exclusion Act has recently been attracting much attention and criticism on account of the radical measures embodied in it. It forms Chapter 60 of the laws passed by the 52d Congress, and is dated May, 1892. It begins by holding in force the previous laws excluding Chinese. It then ordains that Chinese not legally here shall be removed to China or to such other country as may claim them. If they do belong to another country, and if a fee or immigration tax is required on their return to such country, they shall be sent to China. If adjudged guilty of illegal residence the culprit, as this law treats him, is liable to a year's imprisonment before removal. No bail is allowed on *habeas corpus* proceedings. All Chinese laborers entitled to remain here are, within one year from the passage of the act, to apply for a certificate of residence, or otherwise are to be arrested and proceeded against.

These are the main provisions of this act, one which makes the breathing of the air of the United States a crime if perpetrated by a Chinese. The exclusion or restriction of a tide of immigration from the Orient, with its hundreds of millions of aliens, may be necessary. The immense Chinese empire could pour out upon our shores an entire population of their race without feeling the difference. The good qualities of the Chinese are undoubted, but they do not assimilate with the Caucasian race. They do not come here to found homes for their children. Their stay here is merely an exile submitted to as a business venture. They bring with them nothing that can be of profit to us. They leave behind them nothing except work executed by them as laborers.

Our nation of sixty millions of people is threatened by another problem in the race question. Already the existence among us of some eight millions of negroes is regarded by political economists as the basis of a very difficult problem, which is far from solution. The elements of this case are similar to those of the Chinese immigration question. In both cases there are unassimilatable races of small capitalization. But with the Chinese there is present the additional difficulty that they simply desire to send in floods of temporary residents, with almost limitless sources of supply of new immigrants to crowd out our own people from many avenues of trade and labor.

If a permanent population of eight millions of negroes, not re-enforced by immigration, is enough to constitute a difficulty for political economists to dispose of, what may we not be confronted within a floating population of indefinite capability of extension. It certainly seems that we are entitled to adopt some measures of restriction. But the humanitarian aspect of the case tells against the present law.

A year's imprisonment is the measure of the criminality of simple residence. This is certainly a measure unworthy of a civilized people. It fairly savors of ferocity to imprison for so long a period one whose offense is mere existence. The decision that the act is unconstitutional in one particular serves to emphasize its broad injustice. By no principle of justice can the presence of an inoffensive person in a country be construed as a crime. The expulsion of the Jews from Russia is really the only instance of the present day that is comparable with the action of the United States as dictated by the Chinese expulsion laws.

The limitation of the numbers coming here could be otherwise brought about. A poll tax could be levied on every Chinese entering the country. This could be made high enough to deter them from coming in large numbers.

Already many murmurs of dissatisfaction are making themselves heard. It is felt that the Chinese government may yet adopt retaliatory measures which will make themselves felt upon American residents of China. Independent of the fear of such action the injustice and inhumanity of the act should suggest its amendment. Laws proposed as substitutes of increased severity should be discouraged. Excessive immigration would be amenable to more logical and juster methods of treatment.

Gobelins Tapestry.

A report of the United States consul general in Paris on French tapestries gives some interesting information in regard to the famous Gobelins factory. It was founded in 1607 by Henri IV., in the scarlet dye works originally established in the fifteenth century by Jehan Gobelins. In 1662 it was bought by Louis XIV., on the advice of Colbert, and formed into the "Manufacture des Meubles de la Couronne," with 800 workmen directed by the most celebrated artists. After the death of Louis XIV., the factory reverted to its original work of making tapestry only. The national factory of Gobelins is now divided into three sections, dye shops, tapestry shops and carpet workshops. The first not only produce every color, but twenty or thirty shades of each. The execution of the tapestry is so slow that an artist cannot produce more than a fourth of a square yard in a year. In 1826 the manufacture of carpets was added. These are remarkable for their softness and the evenness of their tissue. Some of them take five to ten years to produce, and cost from 60,000 francs to 150,000 francs. Several tapestries of special importance exhibited at the Gobelins are mentioned by the consul general. A portrait of Louis XIV. by Rigaud is considered the *chef-d'œuvre*.

A special account of the method of making the tapestry, by Mr. Debray, an expert, is also given in the report. This gentleman says that the value of Gobelins is on the average 3,000 francs to 4,000 francs per square meter, while that of the Beauvais tapestry is as much as 7,000 francs. The characteristics of Gobelins are large historical scenes and reproductions from celebrated paintings. Sales to private persons are only permitted by the special authority of the minister of fine arts. To the Gobelins factory is joined the carpet factory of La Savonnerie (the building in which this work was first commenced was originally a soap factory), in which velvet carpets, reproducing historical and mythological subjects, are manufactured in the same way as velvets. The artists at Gobelins receive very high salaries. Hand looms only are employed, and tapestries of the ordinary dimensions require on the average three years. The manufacture of silk tapestries at Nimes has been declining since 1750, and there, as at Aubusson, it is in private hands. At Beauvais as well as Gobelins the manufacture is controlled by the state. Cotton warps, called *boyaux*, are employed, the weft is of twofold wool, and is a species of Australian mohair wool, denominated *laine brodé*, its characteristic being that it is open and firm. The wefts are dyed by expert chemists and dyers, by the old method of wood dyes, such as indigo, cochineal and curcuma. Part wool and part silk tapestries are also manufactured, and a limited number all silk.

A Luminous Fungus.

The *Union Medicale* for December 27, 1892, gives a short account, from the *Revue Scientifique*, of the *Pleurotus lux*, a fungus that takes its specific name from its property of glowing in the dark, even for twenty-four hours after it has been plucked. It has lately been carried to Europe from Tahiti, where the women use it as an adornment in bouquets of flowers.