

The proposal to establish a national map at the capital city of the United States is certainly, on the face of it, not unattractive, and no doubt it commanded the ready support of the members of the Senate. It is safe to say, however, that the gentlemen who cast their complacent vote on this occasion had not the least conception of the financial burden which they were preparing to lay upon the tired shoulders of the taxpayer; for it now appears, according to a competent authority, that the proposed map, if carried out strictly on the lines of the resolution, would cost in round numbers some \$500,000,000!

Of course the commission of five would not have gone far in its inquiry before it began to realize the gigantic nature of the undertaking; and if it had included an expert in relief map construction, it would have seen at the very outset that the scale proposed, namely, "one square yard of map surface for each square mile of actual area," was altogether out of the question. Indeed, the most cursory estimate of the size of the completed work shows the impossible dimensions which it would attain, and we think the august body that committed itself to the scheme will learn with un-mixed astonishment that it would be a six or seven mile drive to get round the map if it were built.

The United States have an east and west measurement of 3,000 miles and they extend north and south about 1,900 miles. On the proposed scale of 3 feet to the mile the ground map would be over a mile and a half long and over a mile wide, and there would be 5,700,000 square yards of ground surface to be modeled. If the model were to be given the proper degree of curvature, it would rise to a height of 1,440 feet above the ground level, or to over two and a half times the height of the Washington monument! But supposing that the scheme as it presented itself to the mind of the Senate was more modestly outlined, and that the proposed map was to be built on the flat, the cost, judged by the current prices that are paid for such work, would more than absorb the whole annual revenue of the United States government. Models that have heretofore been made for the scientific bureaus of the government have cost, we are told, \$10 to \$50 a square foot, and generally the higher price. If the work could be done at the lowest rate, it would cost, as anyone may readily estimate for himself, over \$500,000,000.

The passage of this peculiar resolution has brought to this office a characteristic contribution from Mr. Cosmos Mindeleff, of Washington, in which the utter impracticability of the scheme is set forth. The writer, who is entitled to speak with authority on a matter of this kind, makes this incident the occasion for a lengthy and interesting account of the art of relief map construction. The paper, which is illustrated by diagrams and a map, will be found in the current issue of the SUPPLEMENT.

The utter impracticability of the scheme is shown by a consideration of some of the details of the cost, as worked out by Mr. Mindeleff. As a material of construction, earth is out of the question, that is, if the model is not to be quickly worn away by the elements. Asphalt or cement is suggested; but the first costs over \$2 a square yard, and cement more. If the asphalt surface could be laid for \$1 per yard, this would require an appropriation of over \$5,000,000 for surfacing the model. To build up the contours in wood, as would have to be done to secure permanent work, would require some 1,000,000,000 feet of lumber, and the total cost of the material of all kinds would be not less than \$30,000,000. At 50 cents per square foot for modeling, instead of \$50 (the price which has been sometimes paid), this item would cost \$25,000,000, and taken altogether, the estimate for the completed map cannot be brought down below \$75,000,000.

At the same time, if the scheme were properly modified, there is no doubt but an effective work could be produced. On a scale of 3 miles to 1 inch, the map would be less than 100 feet in diameter, and the whole of it could be placed under cover. The scale would allow the topographical details to be brought out with sufficient distinctness, and the cost would be about fifty thousand dollars—a by no means prohibitive figure.

JAPANESE PATENTS.

The interest that is being taken by American manufacturers in the extension of the rights of protection by letters patent in Japan to American citizens is shown by the great number of inquiries that have been received by the Department of State during the past two months for information concerning the new convention between the two countries. The Japanese patent laws were established some years ago, but the privileges of the patent system were only extended to natives. The Japanese, being a progressive and inventive people, eagerly sought after and introduced American inventions and devices which could not be protected by the foreign inventor. On January 13 of this year a treaty was drawn up providing for the reciprocal protection of patents, trade marks and designs. The exchange of ratifications took place at Tokio on February 8, and on March 9 President McKinley issued a proclamation

promulgating the terms of the treaty. This is a great step forward for Japan in the march of civilization, and will serve to develop the country industrially and will doubtless serve to advance greatly our commercial relations with that country.

A commercial museum is being established at Osaka, and Americans should protect their wares by letters patent before sending them to Japan for exhibition.

AMENDMENTS TO THE PATENT STATUTES.

THE OLD STATUTES.

SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement thereof, not known or used by others in this country, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceedings had, obtain a patent therefor.

SEC. 4920. In any action for infringement the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney, thirty days before, may prove, on trial, any one or more of the special matters:

Third. That it had been patented or described in some printed publication prior to his supposed invention or discovery thereof; or,

SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application. But every patent granted for an invention which has been previously patented in a foreign country shall be so limited as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term, and in no case shall it be in force more than seventeen years.

SEC. 4894. All applications for patents shall be completed and prepared for examination within two years after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable.

SEC. 4898. Every patent or any interest therein shall be assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent Office within three months from the date thereof.

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SEC. 4887. No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than seven months prior to the filing of the application in this country, in which case no patent shall be granted in this country.

SEC. 4894. All applications for patents shall be completed and prepared for examination within one year after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within one year after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable.

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If any such assignment, grant, or conveyance of any patent shall be acknowledged before any notary public of the several States or Territories or the District of Columbia, or any commissioner of the United States Circuit Court, or before any secretary of legation or consular officer authorized to administer oaths or perform notarial acts under section seventeen hundred and fifty of the Revised Statutes, the certificate of such acknowledgment, under the hand and official seal of such notary or other officer, shall be prima facie evidence of the execution of such assignment, grant or conveyance.

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vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement, the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby; and the court shall assess the same or cause the same to be assessed under its direction. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case.

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But in any suit or action brought for the infringement of any patent there shall be no recovery of profits or damages for any infringement committed more than six years before the filing of the bill of complaint or the issuing of the writ in such suit or action, and this provision shall apply to existing causes of action.

SEC. 7. That in every case where the head of any Department of the Government shall request the Commissioner of Patents to expedite the consideration of an application for a patent it shall be the duty of such head of a Department to be represented before the Commissioner in order to prevent the improper issue of a patent.

SEC. 8. That this Act shall take effect January first, eighteen hundred and ninety-eight, and sections one, two, three and four, amending sections forty-eight hundred and eighty-six, forty-nine hundred and twenty, forty-eight hundred and eighty-seven and forty-eight hundred and ninety-four of the Revised Statutes, shall not apply to any patent granted prior to said date, nor to any application filed prior to said date, nor to any patent granted on such an application.

Approved, March 3, 1897.

ANOTHER NEW PATENT LAW.

An act defining the jurisdiction of the United States circuit courts in cases brought for the infringement of letters patent. H. R. 10,202.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That in suits brought for the infringement of letters patent the circuit courts of the United States shall have jurisdiction, in law or in equity, in the district of which the defendant is an inhabitant, or in any district in which the defendant, whether a person, partnership, or corporation, shall have committed acts of infringement and have a regular and established place of business. If such suit is brought in a district of which the defendant is not an inhabitant, but in which such defendant has a regular and established place of business, service of process, summons, or subpoena upon the defendant may be made by service upon the agent or agents engaged in conducting such business in the district in which suit is brought.

Approved, March 3, 1897.

PATENT ATTORNEYS APPEAL.

Charges of violation of the law have been made by a number of local patent attorneys before Postmaster-General Wilson against the National Recorder, a periodical devoted to patents, and John Wedderburn & Co. The spokesmen were J. R. Edson, Walter R. Rogers, ex-Commissioner W. H. Doolittle, and Ernest Wilkinson, who claimed in substance that Wedderburn & Co. publish and circulate through the mails the National Recorder, which it was said had for its chief object the advertisement of a private business which is ostensibly that of securing patents for inventors. It was asked that the paper be barred from the mails as a fraud, and that a fraud order be issued against the company for obtaining money under false pretenses.

It was alleged that the company offers to subscribers prizes for valuable inventions; the originators of ideas in certain cases receive also from the firm certificates of patentability from a "board of experts." The prizes and certificates, it was claimed, by their manner of issue, are calculated to deceive inventors. Some fifty-five patent attorneys signed the charges left with the Postmaster-General. Among them were F. L. Middleton, F. L. Dyer, W. H. Myers, ex-Commissioner Ellis Spear, ex-Commissioner E. M. Marble, James L. Norris, Butterworth & Dowell, W. A. Bartlett, Whitaker & Prevost, Franklin Hough, V. R. Catlin, and E. B. Stocking.—Washington Post.