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Contents.

(Illustrated articles are marked with an asterisk.)

| Archæological news | 115 | I |
|-------------------------------|-----|---|
| Beans, jumping | 116 | ' |
| Bicycle, a new house* | 122 | ' |
| Bicycle brake. Stewart's* | 116 | |
| Bicycle exhibition, the 114 | 122 | |
| Bicycle novelties* | 123 | |
| Books. new | 124 | |
| Buffalo story of the | 119 | |
| Chees the entiquity of | 116 | 1 |
| Clocks curious | 117 | i |
| Coffee country life in the | 112 | |
| Cruiser Columbia in dry dock* | 112 | |
| Dry dook Prooklyn Navy Vard* | 112 | |
| Come meladice of the | 110 | |
| Geins, malaules of the | 110 | |
| Gloves, cleaning ((111) | 120 | ł |
| inventions recently patented | 124 | ľ |
| Landslides, the cause of | 116 | |
| MINERALS IN SERVIA | 121 | |

Nansen's gold medal. . Nicaraguan trade Nicaraguan trade Ocean's depths. Patent convention and congress Patent sale (?) agencies Patent sharks. Patent sparted, weekly record. Pipe wrench, Jenner's*. Pope, Richard. Science notes. Science notes. Terminals, railway, Washington, Unemployed, census of the. Valve, Sampson's*. Vaporization in tubes*. Welds, strength of. Weld at Antwerp, Quintin Mas-spa'*..... 115 117 878

force.

TABLE OF CONTENTS OF

Scientific American Supplement

No. 1103.

For the Week Ending February 20, 1897.

Price 10 cents. For sale by all newsdealers

PAG

- V. ENGINEERING.-Rock Dredging on the Rhine.-6 illustrations.. 17628
- VI. FINE ARTS.—The Restoration of the Venus de Milo.—An in-terestingaccount of how the arms of the Venus de Milo came to be broken and the various projects for its restoration.—9 illustra-tions.

CONGRESS AND THE INTERNATIONAL PATENT CONVENTION.

The SCIENTIFIC AMERICAN has published from time to time notes upon the International Convention for the Protection of Industrial Property. This somewhat lengthy title designates a set of international patent statutes, as they may be termed, which, as the result of exhaustive debate in several congresses of representatives of different nations, were formulated and published at Parison March 20, 1883. Under existing conditions of rapid ocean transit and intercommunication by mail and cable, international agreements affecting trade and business become more essential than ever in the conduct of human affairs. The rapid disappearance of characteristic national peculiarities, a disappearance due to the rapid intercommunication of be one country. International relations are now so intimate that assimilation of the laws of different countries is of increasing importance.

While our patent statutes have always provided for the influence of foreign publication upon priority, the convention of 1883 marked the first real effort to place enough to give great importance to the convention. It was characterized by the utmost conservatism, the representatives of the different nations watching vigilantly for anything which might affect the inventors of their respective countries. After the convention had been formulated, it remained for the different countries to ratify it. Great Britain, France, Belgium, Spain, Italy and other countries have done so. Germany has not joined it. The United States joined the convention, and this fact was announced by a presidential proclamation on June 11, 1887. But this, it is held, is insufficient, the Attorney-General of the United States, W. H. H. Miller, in an opinion rendered April 5, 1889, holding that legislation was required to make the treaty binding.

Thus it has come to pass that while the patentees of the United States in their dealings with the patent thought go ungathered. offices of countries of the convention receive a direct benefit from it, and while their applications for foreign patents are numerous enough to justify the United States in maintaining to the best of its ability the terms of the agreement, the element of reciprocity is lacking for want of legislative action. The grounds for the Attorney-General's adverse view are very fully stated in his opinion, with citations from authorities. He holds that there is a class of treaties which under federal law do not become binding without legislation. As the Constitution prescribes that the legislative power over patents shall be vested in Congress, and as the convention is in the nature of a contract, the treaty must be ratified by legislation to be valid. The exercise of powers committed by the Constitution to the houses of Congress being involved in the convention, the simple proclamation of the President is insufficient to give it

Under existing practice, foreign patents can be taken out without reference to the convention, and the majority of foreign applications are so presented. The practice of the United States Patent Office is, fortunately, such as to make it very easy to do this. After a patent has been allowed by the United States Commissioner of Patents, it is held for issue until the payment of the final fee, and on the payment of that final fee the patent is promptly issued. Thus the solicitor can fix exactly the date of the issue, the process being still further simplified by the fact that all patents are issued on Tuesdays. Thus, in current practice, after the United States application has been prepared, forwarded, prosecuted and granted, but not issued, then the foreign patents are arranged to be applied for on the day of the issue of the American patent. This arrangement insures several things. It brings about a synchronism of dates of many foreign patents, which is at least a convenience; it also prevents any foreign patent from issuing before the American patent is ing of its mechanical details. issued, thereby securing the full term of seventeen ars for the United States patent, which in this will not be limited by any foreign patent. By the terms of the convention there is a six and seven months period allowed, which sometimes is of great rear forks, and a few use tubing of an oval section. advantage; that is, a patent can be applied for in one country, and if within six months, or for countries beyond the sea, seven months, an application is made in another country for the same invention, the date of that application is practically set back to the date of the parent application. There are various cases in ⁸ which this might be available. Thus a person might apply for an American patent and it might issue within two or three months after the time of the application. The inventor then would have four or five months within which to make his foreign application, and it would have the same effect as if dated back to the date of his United States application. In practice this seven months term of priority, as it is termed, is frequently made use of, notably between and prevent the possibility of their being lost during a America and England, but it is obvious that it must operate only in our favor. It is only recently, in inter- shown in the effort to produce a dust-proof bearing and

ference proceedings in Washington, that a case came up in which the foreign inventor was estopped from taking advantage of the convention under the decision of the Attorney-General of April 5, 1889, which we have already cited and explained.

The convention affects the right of importation of patented articles. Under its provisions the importation of patented articles from abroad into any country where a patent for the same has been issued, does not involve forfeiture of the patent. This provision does not affect the obligation to manufacture where such is requiredunder the laws of the country in question, but it avoids the radical measure of forfeiture of the patent. This forfeiture is provided for by the French patent law among others.

It will be of great service to the inventors of America modern days, is a step in the reduction of the human' if Congress would take the necessary steps and make race to one level of manners and customs and in the the convention valid for America. Already complaints minimizing of nations. Sooner or later the world may are being received from abroad of this inaction. Unquestionably the United States government has failed to make the Union available to foreign applicants, while citizens of the United States receive the benefits of the convention in other countries. The idea of the Union was to establish reciprocity, and this should be done. It has been thought that the British Privy patents upon an international basis. This alone is Council might issue an order to no longer grant to the citizens of this country the privileges of the convention in England. There is no question that when the terms of the convention were formally made known, the general belief was that every country would ratify the terms, and the general desire of those interested was that they should be so ratified. The interests of America were very carefully safeguarded by its representative, and it seems desirable that the convention should be made valid here. It took a great deal of work, time and thought to bring about the formulating of the terms of the convention; many conflicting interests had to be considered, and all had to be done with due reference to the patent statutes in different countries. This was so thoroughly done that little or no complaint can be made by any of the interested parties, and it would seem a pity to let the result of so much labor and

> The proper committees in Congress should certainly take the matter into consideration, and it would be well for the inventors of America, and it would contribute to the dignity of the country, to take definite action in approving and accepting the terms of the convention. As it now stands it does not seem very dignified in the United States to accept from other countries the privileges of the convention as a favor which under competent legal advice we are unable to reciprocate. It does not seem possible that Congress would be indisposed to reciprocate; it would seem to be a case of neglect, not of opposition.

THE ANNUAL BICYCLE EXHIBITION AT THE GRAND CENTRAL PALACE, NEW YORK.

In every annual bicycle exhibition of late years the prediction has been made that the bicycle has reached its full organic development, and that future exhibitions will show but little change except in the matter of details. The first impression made upon a visitor to the great exhibition recently held at the Grand Central Palace, New York, is that there has been less visible change in the bicycle during the past twelve months than in any year that preceded; and the conviction deepens that the present diamond frame, ballbearing, chain-driven, wood-rimmed, pneumatic machine is destined to remain as the permanent type of the modern bicycle.

This conviction is strengthened by the fact that the present exhibition is remarkably free from what might be called the "freak" bicycle. Inventive genius, which a few years ago was making persevering efforts to devise a bicycle that should differ in its organic construction from the type which was rapidly gaining exclusive control of the field, has now directed its attention to the beautifying of its external appearance and the perfect-

Commencing with the frame, it is noticeable that the ubing is slightly larger, an inch and an eighth and an inch and a quarter being common. Nearly fifty per cent of the high grade wheels have D tubing for the both being adopted with a view to reducing the tread, which has been brought down to about four and a half inches in many of the wheels. A noticeable feature that adds greatly to the symmetrical appearance of the wheels is the use of the oval shaped tubular crown on the fork in place of the square pattern. The crank hanger is lower than last year, some makers dropping it as much as three inches below the level of the hubs. There has been an all round advance in the construction of the bearings. Balls are slightly larger, and the rider who has more than his share of "nerves" will appreciate the introduction of ball retainers, which enable each set of balls to be removed with its own cup, general clean-up of the machine. Much ingenuity is

| VII. GEOLOGY.—Common Freaks of Nature.—An interesting paper on nodules and concretions.—2 illustrations |
|---|
| VIII. HOROLOGY.—Measurement of Time by Clepsydras.—An in- teresting paper showing various forms of the clepsydra in all ages.—7 illustrations |
| IX. HORTICULTUREHorticulture and Health 17637 |
| X. MECHANICAL ENGINEERING. — How to Test the Relative Hardness of Metals. — A simple and convenient test for ascertain- ing the relative as well as the absolute hardness of the various useful metals |
| XI. MEDICINEA Quarter of a Century's Work on Respiration By C. F. TOWNSEND1 diagram |
| XII. MISCELLANEOUS.—Amber, Ancient and Modern |
| XIII. NATURAL HISTORY.—Ants as Property Holders.—By O. W. OESTLUND |
| XIV. PHYSICS.—Electrification of Air by Roentgen Rays.—An in- teresting note communicated by Lord Kelvin.—I illustration 17635 |
| XV. TECHNOLOGYNew Cock for Compressed or Liquefied Gas |