# Scientific American.

ESTABLISHED 1845.

MUNN & CO., - - - EDITORS AND PROPRIETORS.

PUBLISHED WEEKLY AT

No. 361 BROADWAY, - - NEW YORK.

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**(Established 1845.)**

One copy, one year, for the U. S., Canada or Mexico.....$3.00
One copy, six months, for the U. S., Canada or Mexico..... 1.50
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MUNN & CO., 361 Broadway, corner Franklin Street, New York.

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**(Established 1876)**

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NEW YORK, SATURDAY, FEBRUARY 20, 1897.


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### 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 Paris on 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 modern days, is a step in the reduction of the human race to one level of manners and customs and in the minimizing of nations. Sooner or later the world may 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 patents upon an international basis. This alone is 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 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 force.

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 issued, thereby securing the full term of seventeen years for the United States patent, which in this case 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 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 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 America and England, but it is obvious that it must operate only in our favor. It is only recently, in interference 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 required under 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 if Congress would take the necessary steps and make the convention valid for America. Already complaints 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 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 thought go ungathered.

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, ball-bearing, 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 perfecting of its mechanical details.

Commencing with the frame, it is noticeable that the tubing 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 rear forks, and a few use tubing of an oval section, 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, and prevent the possibility of their being lost during a general clean-up of the machine. Much ingenuity is shown in the effort to produce a dust-proof bearing and

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the felt washer is freely used. Two or three novelties in ball bearings which are meritorious are mentioned elsewhere in this issue.

The good old method of attaching the crank to the crank-shaft by means of a plain key is conspicuous by its absence. It has been thrown aside, not because it was unmechanical, but because it was so difficult to remove, especially by unskilled hands. The most common device is some modification of the jointed crank-shaft, in which the crank is formed in one piece with the shaft, the latter being spliced in the center by some form of interlocking device. In some cases the crank-shaft and one crank are formed in one piece, and a very few machines have the two cranks and the shaft in one continuous forging. Almost all of these devices allow the crank shaft to be removed without disturbing the bearings.

Despite the many promises regarding the chainless bicycle made early in the year by prominent manufacturers, there is nothing to show that it is likely to replace the chain and sprocket machine. One leading maker exhibits a bevel gear wheel which is about the same weight as the standard machine and has the compact appearance and the dust proof qualities which are the chief recommendation of this type of wheel. There are a few other chainless wheels of various patterns and excellence; but it is evident that we shall have to wait at least another year before there will be many of them seen upon the road. The large sprockets which have been in favor in England are making their appearance in this country, and as the mechanical grounds on which they have been introduced are sound and practical, they have probably come to stay. The large sprockets reduce the tension in the chain and lessen the strain upon the bearings and the frame. There is noticeable a tendency to raise the gear of this year's wheel, the change being compensated by lengthening the cranks from six and a half to seven inches. By this combination it is possible to reduce the rapidity of the pedal action and yet maintain the same tractive effort in the wheel. In general it may be said that the gear of the roadster has been raised from the 68 and 72 of last year to from 72 to 76 for 1897. There are several two-speed devices shown, most of which operate on the rear wheel. For the weaker riders who wish to ride the hills in a cross country run, the two-gear bicycle is an excellent device, and it is safe to say that it has come to stay. Before leaving the question of driving gear, it should be mentioned that several devices of considerable merit are shown which seek to overcome the sliding friction between the chain and the teeth of the sprockets. In some cases the rollers are on the chain, in others on the sprocket. Closely allied to these devices are the gear cases which are shown in two or three designs at this year's exhibition. Except on the ground of appearance and weight, the gear case has everything to recommend it, and it is quite possible that it will grow in favor as its merits are appreciated. To take such elaborate care to protect the other wearing parts of a machine and yet allow the most important parts of the driving mechanism to grind themselves to pieces in a sticky mixture of oil and mud is, to say the least, a strange inconsistency. At the same time the gear case widens the tread, adds to the weight and destroys the symmetry of the machine—and this is sufficient to kill its chances of adoption, at least for the present.

The wooden rim reigns supreme, and one well known firm, which last year made a specialty of aluminum rims, is offering wood rims as an optional alternative on its high grade wheels. Great ingenuity is shown in devices for preventing the warping and splitting of the rim—a defect which now seems to be fairly overcome.

There is no advance so marked as that shown in the production of a comfortable saddle. From the days of the primitive "bone shaker" the saddle has been the most faulty element in the make-up of a bicycle; but to-day the problem has been solved by designing the seat on so-called hygienic principles, and it is not the fault of the market if the 1897 rider does not sit his machine in comfort.

The single tube pneumatic tire is apparently destined to become the predominant type, though the well known double tube variety is still used by several of the leading makers.

In the matter of general attachments there is shown an infinite variety of bells, brakes, lamps and cyclometers of handsome design, and all the etcetera that go to make up the equipment of the 1897 wheelman.

## THE LATE RICHARD POPE.

The death of Richard Pope, Esq., Deputy Commissioner of Patents of the Dominion of Canada, took place on February 2. Mr. Pope was in the seventieth year of his age. He was born in Toronto and was admitted to the bar of Lower Canada in 1855. He devoted great attention to the mineral and other resources of Canada, publishing important books and reports upon the subject. In 1872 Mr. Pope was transferred to the Federal Department of Public Works. For nearly a quarter of a century he has been a resident of the federal capital of Canada. He was private secretary to Sir Hector L. Langevin in 1873, was clerk of the Crown in Chancery, and in 1888 he became Deputy Commissioner of Patents.

The administration of the various public offices which he enjoyed shows an honest, active, painstaking public officer. In private life he was hospitable and considerate. A large circle of friends will warmly sympathize with Mrs. Pope and family in this hour of sad bereavement.

## A NEW BUSINESS—PATENT SHARKS.

Recently a new business has grown up. Patent lawyers are advertising extensively that they will give hints to inventors, and not only secure patents for them, but place their devices on the market. There are about a dozen such firms in this city, and all are doing a rushing business. Presently some of them will be in the penitentiary. They are not all dealing on the square.

An acquaintance of mine in the West asked me by letter to investigate a certain firm for him. It had secured a patent on his invention, and was trying to sell it, as he thought, without letting him in for his rights. I visited the gentlemen, and, introducing myself as a merchant, asked if they had such and such inventions, at last mentioning that of the Westerner. Yes, they had his patent, but it was not possible just then to get at the papers. They could assure me, however, that everything was all right, and they wanted to sell. What would they take? I asked. They could not possibly say without first consulting with the inventor and patentee; they would write at once and communicate with me. I left my address.

A week later I received from the inventor a copy of a letter written to him by this firm of patent lawyers. It concerned my visit. Here is an extract:

"Naturally your device was the first shown, and he appeared to be interested, but stated that he only wished to consider inventions in that line so far as foreign countries, more particularly European, were concerned, and we informed him that, although patents had not been granted in those countries, yet arrangements had been made for their protection. He desired us to state a price on England, France and Germany, and, without being informed upon that subject, we placed at random $5,000 on these countries, and he quickly stated that those figures were out of his range. . . . We trust you will discover the importance of foreign patents, as those countries are in better financial condition than ours at the present writing."

There is a lie in nearly every word of that letter. I am strongly tempted to mention the name of the firm. It might save some fool of an inventor not only his money, but his patent. Here is an effort to belittle the value of the Westerner's invention in his eyes, and at the same time a bid for additional fees for taking out foreign patents. Let inventors take warning.—N. Y. Press, February 10, 1897.

## A GOLD MEDAL FOR NANSEN.

The Royal Geographical Society held a reception February 8 in Albert Hall, London, in honor of Dr. Fridtjof Nansen, the distinguished Arctic explorer. Sir Clements Markham, the president of the society, presided, with the Prince of Wales sitting at his right hand and the Duke of York at his left.

Dr. Nansen delivered a lecture describing the voyage of the Fram and telling of his adventures in the far north. He said that the object of his expedition was not to discover the North Pole, but to explore the unknown region in its neighborhood. Upon the conclusion of the lecture, the Prince of Wales presented to Dr. Nansen a special gold medal voted to him by the Geographical Society. The recipient, in a few well chosen words, expressed his thanks for the honor accorded him.

The audience was a most exclusive one. Despite the enormous capacity of the building, the members of the press were ill provided with facilities for reporting the lecture.

## STRENGTH OF WELDS.

Some experiments made at the engineering laboratory of the University of Michigan to determine the strength of welded joints are especially interesting, says the Digest of Physical Tests. Of a number of the specimens tested not one broke in the weld; as some of these were slightly larger at the weld, a new set of specimens was prepared and a cut taken from each in the lathe to reduce the piece to a uniform diameter throughout its length between the jaws of the testing machine. Common round iron was used. Three bars were taken at random; 1¼ inches, 1 inch, and ¾ inch in diameter. From each bar four specimens were prepared, one solid, one lap welded, one butt welded, and one split welded. The results show that only two specimens, both lap welded, broke at or near the weld; the fracture in one case was slightly crystalline and in the other fibrous. The strength in no case departed widely from the strength of the solid parts. It would seem from these tests that with skillfully made welds we may expect to realize nearly the full strength of the original bar.

## ARCHÆOLOGICAL NEWS.

Lord Leighton's house in London is to become a museum.

Orange's Roman Theater has been completely restored and is now the finest ancient theater in Europe. Next summer performances of the Antigone and Erinnyes will be given and President Faure will be present.

The Italian government has recognized the impracticability of raising from the bottom of the Lake Nemi the two huge ships which Tiberius used as floating palaces. The government is now considering a scheme recommended by engineering experts for the draining of the lake in question, in which its waters shall have to be lowered sufficiently to bring these ships to the surface. It is estimated that the cost of the operation will not exceed $50,000.

Mr. Charles Edwin Wilbour died in Paris in December, 1896. For many years Mr. Wilbour was in the habit of passing his winters on his own boat upon the Nile, and he made many discoveries of importance, though, owing to his extreme modesty, he was prone to give the results of his investigations to other students. He was regarded by prominent explorers as one of the greatest Egyptologists. He possessed a fine library of works on ancient Egypt.

The Norwegian traveler, Sven Hedin, has contributed to a German journal, Globus, an interesting account of his journeyings in Central Asia in the district north of the Kwenlung Mountains. Ruins of large towns were discovered which had been buried by successive sandstorms spreading over a thousand years, hence very modern from a Petrie point of view. Separate houses were uncovered of very fragile construction, consisting of wooden pillars, while the walls were put together of plaited reeds covered with mud. The latter were rendered at once impervious and suitable for decoration by being coated with white plaster. Drawings were discovered on these walls, and well executed, of human figures, horses, dogs and flowers, and judging by the copies which have been brought back, of no small artistic merit. Small figures of Buddha were also dug up, as well as various fruit trees which told a tale of the bygone days when this arid surface was once made fertile by the waters of the River Kerija.

Once morethere is a rumor that Signor Gianturco, the Italian Minister of Education and the Arts, has been able to negotiate with Prince Paul Borghese for the acquisition of the pictures in the Palazzo Borghese by the Italian government, says the Architect and Contract Reporter. The Borghese family, it is said, were induced to expend enormous sums in building speculations which were not profitable, and it is necessary to find an equivalent for them. Some of the famous pictures had to be sold and others were destined to follow them out of Italy when the law against the exportation of such property was enforced. In Rome there is no collection that is comparable with the contents of the eleven galleries of the Borghese Palace, and the wealthiest connoisseurs of Europe and America would be glad to compete for pictures, one of which would be enough to gain position for its owner. To possess Titian's "Amor sacro et Amor profano," or Raphael's "Deposition," Correggio's "Danae," or Domenichino's "Nymphs," would be almost equal to gaining a knighthood, while Rome itself would be poorer if they were dispersed.

Dissatisfaction has arisen among the six hundred American members of the Egypt Exploration Fund over the recent reorganization of the American branch by the English officers, who have abolished the office of honorary secretary, held by the Rev. William C. Winslow, of 525 Beacon Street, Boston, and substituted for it an executive committee consisting of Prof. John C. Gray, Charles L. Hutchinson, Gardiner M. Lane, Charles G. Loring, Charles Dudley Warner, Sarah W. Whitman and the Rev. Mr. Winslow. The American members think that Mr. Winslow should be kept at the head of the American branch, in view of his earnest work for the Fund in years past and his general fitness for the place of leader, says the New York Sun. Then, too, they object to the manner in which the reorganization was effected, inasmuch as the action of the English members was taken without consulting the American interests as to the advisability of an executive committee to rule in place of Mr. Winslow.

The Egypt Exploration Fund was founded in 1883. It has for its purpose the promotion of historical investigation in Egypt by means of systematically conducted explorations. Particular attention is given to places where the explorations may be expected to throw light upon obscure questions of history. Much attention is given to details, and all objects discovered are carefully preserved for examination and study. Explorers are sent out in all seasons of the year to make excavations in different parts of Egypt, and so far they have obtained a great deal of valuable historical data.

The local honorary secretaries in New York are Clarence M. Hyde, of 206 Madison Avenue, Albert A. Aub, of 43 East Eighty-third Street, Mrs. E. A. Hoffman, Chelsea Square, Charles W. Sloane, 60 Park Avenue, and Mrs. Howard Crosby.

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