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NEW YORK, SATURDAY, DECEMBER 8, 1900.

## THE PATENT AND TRADE MARK COMMISSION AGREE ON A BILL.

Some two years ago a commission was appointed by the President, under an act of Congress, to revise and amend the laws of the United States concerning patents and trade marks. The commission held public sessions in New York, Chicago, and Washington, at which inventors, attorneys, and others interested had an opportunity of presenting their views as to such changes as they deemed necessary. The responses to a large number of circular letters were also considered. Since this time Mr. Francis Forbes, the chairman, Judge P. S. Grosscup, and Ex-Assistant Commissioner of Patents Arthur P. Greeley have been giving the subject their attention, and are now prepared to report at the coming session of Congress amendments of the patent laws, the object of which is to make them conform with the practice under the Convention for the Protection of Industrial Property concluded at Paris, March 20, 1883. The commission will report a new trade mark law.

This will be an epoch-making statute, and it will create much discussion between those who favor a "declaratory" trade mark law, making the registration a recognition of ownership, and an "attributive" trade mark law, which creates and may create ownership by registration even though the trade mark itself is not used immediately. The bill will be considered in a subsequent issue. The commission will also report several bills to amend the patent laws in minor details, relating especially to the filing of caveats and the appointment of foreign administrators.

Mr. Forbes and Assistant Commissioner of Patents W. H. Chamberlin sailed November 20 as delegates to the Convention for the Protection of Industrial Property, which will be convened at Brussels, Belgium, on December 11, being an adjourned meeting from that held in Brussels in December, 1897.

The above bills, especially that which relates to reforming and remodeling trade mark practice, will be watched with the greatest interest, not only by the profession at large, but by all those members of the community who have any property rights in trade marks as such. The present practice of allowing the owners of trade marks to use their own judgment as to whether they shall or shall not register their mark is the one feature of our trade mark laws which is not up-to-date, or in harmony with the progressive spirit of the time. Many of our readers may be surprised to know that there is no way by which the originator of a new trade mark can ascertain whether or not the device or name which he has conceived and adopted is original with him. He may go to some expense in having a search made in the Patent Office; his attorney may correctly advise him that as far as the Patent Office is concerned, nothing stands in the way of his using the trade mark he has adopted; and having taken the only precaution open to him in advance of actually putting the mark in use, he, perhaps, spends a considerable amount of money in having labels and imprints made bearing his trade mark. He puts his goods on the market, and perhaps expends large sums in advertising those goods. Some months or years may elapse before he receives a notification from some petty manufacturer that he must discontinue using the mark, and that he must be answerable for damages, as he, the petty manufacturer, had placed goods bearing the same mark upon the market ten or perhaps twenty years before. A case of this kind seems exceptional, but those attorneys who are actively engaged in practice are aware that this is an every-day occurrence. Prominent attorneys, know of cases where thousands and hundreds of thousands of dollars have been spent in advertising before it is discovered that the mark which had been so prominently put before the public is an infringement of a mark which is the property of some rival manufacturer. No recourse is open to the merchant under these circumstances. He is obliged to submit, perhaps, to the rather cruel terms of a rival, or he is obliged to discontinue the use of

the mark and lose the benefit of his advertisements, and perhaps, in addition, to pay heavy damages for his innocent act.

How may evils of this character be corrected? It rests with the able body of commissioners appointed by the President to solve this problem, for certainly no greater evil exists to-day in our trade mark practice. It would seem that a law could be mapped out without any great difficulty which would correct these abuses and give the industrial classes relief from the present chaotic conditions. Probably the simplest method to correct the abuse is to frame a law extending trade mark protection only to those who shall register their trade marks in the Patent Office within a reasonable time. Many substantial property rights are protected alone by trade marks, and there is no reason why the title to such property should not be recorded in the same way as the ownership of a piece of real estate is now recorded. It will then be possible for anyone seeking trade mark protection to ascertain in advance of applying for registration what his rights are, what the probabilities of allowance will be, and whether he is likely or not to infringe the rights of some other merchant. In carrying out such a provision it would be necessary, of course, to modify the present exorbitant fees of the Patent Office for filing trade marks. The government fee for registering a trade mark is now \$25. This is far in excess of the needs of the case, where, with proper classification, the matter of examination is simple, and the registration fee should not exceed \$5, or at the outside \$10. This will render it possible for merchants to freely register trade marks for all their brands of goods. We have every reason to believe that the Commission will have some plan to lay before Congress which will prove of great relief to the business community.

## FIREPROOF DOCK CONSTRUCTION.

Evidently the lessons of the fire which swept out of existence the North German Lloyd docks at Hoboken have been laid well to heart by the company. The plans for the new docks show that pretty well everything that can be done to make the construction fireproof will be incorporated in the piers, pier sheds and terminals. The fundamental feature of the new plans is the erection of a granite and concrete sea-wall along the 900 feet of water front which comprises the property of the company, and the erection on this of a two story building, 130 feet in width by 850 feet in length, which will be of fireproof construction, the columns being filled and covered with concrete and both floors consisting of steel girders with brick arches turned in between. The lower floor will be devoted to cargo, and on the upper floor the passenger traffic of the arriving and departing steamers will be handled.

It is particularly in the construction of this building that the company have shown a wise appreciation of the awful extent of the fire risk which attends the crowding of a departure pier during the sailing of a steamer; for had the recent conflagration occurred when some 1,200 or 1,500 souls were scattered throughout the full length of the pier, it is probable that seventy-five per cent of the number would have been lost. To preclude the possibility of any such disaster, passengers will, for the future, be required to watch the departure of the steamers from the main building above described; and to provide them with a clear view of the vessel as she pulls out into midstream, a promenade with awnings has been arranged along the full length of the roof facing the river, an arrangement which will give a better view of the ship, and will place the passengers, in the event of a fire, in close proximity to the street. From the main shore bulkhead building there will extend into the river three piers, respectively 910 feet, 894 feet, and 874 feet in length, the first two being 80 feet, and the third 90 feet wide. Although these piers will be built upon wood piling, they will be protected against fire by a concrete floor covered by planking and by a sheathing of oak on the outside of the pier reaching from below the water line to the deck, this sheathing being designed to prevent fire from attacking the pier from underneath. The pier sheds will be protected from fire by filling and sheathing the steel columns with concrete, and by covering the wooden walls of the pier entirely with tin, which will be locked and fastened so as to give the wood a complete protection. This form of slow-burning construction is considered preferable to an all-metal construction, which, as the last fire showed, will warp and bend if exposed to a fierce heat. Protection against a rush of fire through the interior is provided by three transverse fire walls on each pier and five brick fire walls in the bulkhead building. To these will be added an arrangement of automatic fire sprinklers on all floors, a cable system of automatic fire alarms with loose coils of the same cable laid over stored merchandise, and an independent system of fire hose and hydrants extending through all the buildings.

We would suggest here that in view of the fact that some excellent systems of wood fireproofing have been perfected, the North German Lloyd Company, if they have not already determined to do so, would add enor-

mously to the security of the building by using only fireproofed wood, at least in the piers and pier sheds.

## CONGRESS AND THE ISTHMIAN CANAL.

One of the first questions to come before Congress will be that of the construction of the Isthmian Canal. As that important matter now stands, the Hay-Pauncefote treaty is still subject to negotiation, and is now in the hands of the Senate; the President's Commission has yet to make its report; and the Hepburn Canal bill, which passed the House of Representatives last May, has yet to be considered by the Senate. This bill authorizes the President to acquire the necessary territory to build the Nicaragua Canal; appropriates ten million dollars for commencing the construction; and authorizes the Secretary of War to proceed immediately with the work. It ignores both the President's Commission and the treaty above referred to. The President's Commission, which is the largest and most distinguished that has ever studied the canal question, was sent out for the purpose of determining which of all the possible routes across the Isthmus is the best from a purely commercial and engineering standpoint.

This Commission, we understand, is about to report. If expert testimony counts for anything in our legislative halls, its word as to the location of the canal will be practically final. If it should report in favor of Nicaragua, there is nothing to prevent the work of construction being pushed through immediately with all the power and resources of the nation behind it. Should the Commission report that the Panama is the better canal to construct, and what is far more important, to operate, there would then come up for consideration the question of the terms of purchase required by the French owners thereof. If the Commission should recommend the Nicaragua route, there would be no such preliminary negotiations with an existing company to delay construction; the necessary rights, moreover, have been secured from Nicaragua.

## THE CHIEF CONSTRUCTOR OF THE UNITED STATES NAVY.

The retirement of Rear-Admiral Philip Hichborn at the close of his second term as chief constructor of the United States navy, which will occur on March 4 next, leaves vacant one of the most important official positions in the administrative economy of this country; and we are much gratified to learn that the President will appoint from among our naval constructors one who, more closely than any other, has been responsible for the creation of our new navy and its maintenance in a state of thorough-going efficiency.

Naval Constructor Bowles, who, on and after the fourth of March, the distinction of his new office will add that of being the youngest rear-admiral in the American navy, was born in Springfield, Mass., on October 7, 1858. In 1875 he entered the Naval Academy as a cadet engineer, but early in the course decided to become an assistant naval constructor. At his own request, made during his last year at Annapolis, he was sent for a course of study to the School of Naval Architecture at the Royal Naval College, Greenwich, England, and the system of instruction thus inaugurated has since come to be recognized as the highest prize attainable by the graduates of the Naval Academy.

On his return, in October, 1882, he was detailed as Secretary of the Naval Advisory Board, which was then charged with the control of the design and construction of the first ships of the new navy; and it was mainly due to his efforts that several ships of extremely questionable value and antiquated design, which had already been recommended for construction, were sufficiently modified to bring them up to the standard represented in the "Chicago," "Boston," and "Atlanta," the pioneer vessels of our modern fleets. With a thorough knowledge of the principles of his profession, Mr. Bowles combines a large amount of reorganizing and administrative ability, which made itself felt conspicuously in the thorough reorganization in 1886 of the Norfolk Navy Yard, and later in the reconstruction and equipment of the New York Navy Yard, Brooklyn, to which he was detailed in 1895. His general popularity has suffered only when he has come in direct contact with the political office-seeker, whose special qualifications have never found any harmonious setting under the system of administration instituted and rigorously carried out wherever Mr. Bowles has been in charge.

Unlike his successor, the retiring incumbent of the office, Rear-Admiral Philip Hichborn, is identified not merely with the new, but with the old navy. He received his commission as Assistant Naval Constructor in 1869 and his commission as Naval Constructor in 1875. In 1880 he was selected as a member of the first Advisory Board, from which, as we have seen, proceeded the early vessels of the new navy. In 1884 he was detailed to make a special tour of the dockyards of Europe, and his valuable report to the Department is considered a standard work upon the subject. In November of the same year he was ordered to Washington as Assistant to the Chief of the Bureau of Construction and Repair, and also as Naval Constructor at the Navy Yard, Washington. Mr. Hichborn was ap-