NARCOTIC CONVICTIONS ARE UPHELD BY CIRCUIT COURT.

The United States Circuit Court of Appeals has affirmed the conviction by the district court of William Vachuda, Charles Webber and John C. Weller for the illegal importation of narcotics. The opinion by Judge Manton holds that the testimony was sufficient to present a question for the jury as to the connection of the defendants with the crimes for which they were convicted. The finding of the jury was supported by the trial judge's denial of the motion to set the verdict aside at its rendition. The judgment of conviction was accordingly affirmed.

GUATEMALANS HOLD AMERICAN PREPARED MEDICINES IN HIGH REGARD.

Guatemalan prepared medicines are manufactured by retail dealers in drugs, handling both their own and imported preparations. Some of these manufacturing chemists have been operating more than 50 years. Through systematic advertising they have kept their preparations before the public. A number of these preparations are duplications of American and European products for which a demand has been created, the formulas of which permit of slight changes without altering the remedial effects. These are sold much cheaper than the imported preparations.

Almost all well-known American prepared medicines are carried in stock by the druggists. The Guatemalans of the better class hold almost all American curative products in high regard.—*Consul General P. Holland.*

The Department of Commerce, Bureau of Standards, has issued a "Directory of Commercial Testing and College Research Laboratories."—Miscellaneous Publication No. 90—it may be had for 15 cents from the Superintendent of Documents, Government Printing Office, Washington, D. C.

BOOK NOTICES AND REVIEWS.

The Law of Chemical Patents. By Edward Thomas, of the New York and District of Columbia Bars; Member, New York Patent Law Association, American Chemical Society; Associate Member, American Institute of Mining and Metallurgical Engineers. New York. D. Van Nostrand Company, 8 Warren St. 1927.

This valuable treatise will be found of great interest to readers, laymen as well as lawyers, who begin at the beginning and read the book through. Its 358 pages, 6 x 9, are printed in large type on excellent paper and the contents are well classified for reference and study.

The book consists of a selection from the author's digests of patent law. It is, of course, impossible in a book of this size to quote all decisions of the Courts on every point. Some points, in fact, are clearly grasped by the reader after perusing two or three quoted rulings. Others, especially those involving questions of equivalency, must be viewed in many phases. In a few instances, where the cases seem to be squarely contradictory, the author has deemed it advisable to include all the quotable cases bearing on the point at issue. The chapters, therefore, vary greatly in length. Those who desire to study more cases on many of the points taken up in the present book, are referred by the author to his *Chemical Patents*, published by John Byrne and Co. in 1917, where, in the appropriate headings in the notes they are cited.

The value of the book is greatly enhanced by a table at the beginning of approximately parallel volumes of law reports thus avoiding the overloading the quotations and the table of cases with parallel citations. Also included are every decision of the Supreme Court and many other decisions cited, which have been published weekly since January 1, 1872, in the Official Gazette of the Patent Office and the Commissioners Decisions, beginning with 1876.

The common belief is that inventors of all kinds possess a natural or common law right to the exclusive use of their inventions irrespective of the patent laws. This, however, is not the case. This fact is clearly brought out by the author in Chapter I, which deals with the nature of a patent. He illustrates the nature of the patent privilege very clearly by the following quotations from accepted authority:

"An American patent is a written contract between an inventor and the Government.... The consideration given on the part of the inventor to the Government is the disclosure of his invention in such plain and full terms that any one skilled in the art to which it appertains may practice it. The consideration

on the part of the Government given to the patentee for such disclosure is a monoply for seventeen years of the invention to the extent of the claims allowed in the patent." Fried, Krupp Aktien-Gesellschaft *v.* Midvale Steel Co., 191 Fed. at 594.

"The inventor gets the privilege to exclude the public from its common-law rights for a definite term. The public gets the advantage of a disclosure of something new, which the inventor might otherwise have kept secret." Waterbury, Buckle Co. *vs.* G. E. Prentice Mfg. Co., 294 Fed. Rep. at 938.

"The object of the patent law is to protect the inventor, not in some paper ideal, but in his actual contribution to the useful arts." Los Angeles Lime Co. *vs.* Nye, quoting Asbestos Shingle, Slate & S. Co. *vs.* Rock Fibre Mfg. Co., 217 Fed. 66.

The invention of pottery, suggested by Morgan as a criterion between savagery and barbarism is useful, also, in this connection, as a means of bringing out clearly the principles underlying the patent grant. Knowing this principle the theory of the copyright and patent laws in their relation to civilization becomes apparent. He who reads Mr. Thomas' book with this knowledge in mind will find it of great interest in showing why the laws read as they do and the way they are construed by the courts in the manner characterizing the decisions cited in this valuable volume.

As just stated, Mr. Morgan's criterion for distinguishing the time of evolution of the human species from savagery to barbarism—a distinction long since recognized by scientific writers—is the making of pottery. See his great work on *Ancient Society*, New York, 1887. The earlier methods of boiling food were either putting it into holes in the ground lined with skins and then using heated stones, or else putting it into baskets coated with clay to be supported over a fire. The clay served the double purpose of preventing liquids from escaping and protecting the basket against the flame. It was probably observed that the clay would answer the purpose without the basket. Whoever first made this ingenious discovery led the way from savagery to barbarism. Did this discovery confer upon the discoverer the right to prevent his neighbor from imitating and using this invention? Assume, for sake of argument, it did so. His every neighbor was as strong as he and unitedly they were stronger. How, then, could the discoverer enforce his right? Assume that he could enforce it; if he could, advance in evolution of the human species would have been proportionately hindered.

Civilization is founded upon imitation and improvement of the inventions and discoveries of others. Without imitation, therefore, there could have been no civilization. The theory upon which the copyright and patent laws is founded is tersely stated by Terrill in his treatise on patent laws:

"The theory upon which these laws rest is that it is to the interest of the community that persons should be induced to devote their time, energies and resources to original investigation for the furtherance of science, the arts and manufactures. This was recognized from the earliest periods which can pretend to be described as civilized. It is to the advantage of the whole community that authors and inventors should be rewarded, and no measure of reward can be conceived more just and equitable and bearing a closer relation to the benefit conferred by the particular individual than to grant him the sole right to his writing or discovery for a limited period of time."

But it must be always remembered that the object of the copyright and patent laws, as set forth in Article I, Section 8 and clause 8, of the Constitution of the United States, is to promote progress in science and useful arts not to create and perpetuate monopolies. The invention must be "new and useful." It must show in its inception greater amount of skill than naturally to be expected from one skilled in the art to which the invention pertains. The patent law requires that the Commissioner, in granting the patent, shall give it a name by which it may be recognized and conveniently dealt in, and that name belongs to the invention as a noun of the language and passes as such to the public when the patent expires.

Provided with this knowledge in advance the reader will find Mr. Thomas' book a fascinating study even though not seeking information for guidance in obtaining a patent for his own invention if that be his object in reading or referring to its pages.—F. E. STEWART.

Pharmaceutical and Medical Chemistry. By Samuel P. Sadtler Ph.D., LL.D., Virgil Coblentz, Ph.D., F.C.S., and Jeannot Hostmann, Ph.G. Sixth Edition, Revised and Rewritten by Freeman P. Stroup, Ph.M. XV + 711 pages.