Patent Rights For Scientific Discoveries, by C. J. Hamsom

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ized to exercise that power, if he is intelligent enough to make a decision on that question and if he is interested enough to attend the meeting, may vote as it is theoretically contemplated that he should. The "control" will remain unruffled.

The growth of independent corporate "control" was undoubtedly a natural concomitant of the growth of large corporate units. It was inevitable that the power to make quickly important decisions would have to be lodged in the management or in some unified small group back of the management, for the shareholders' voting machinery is too cumbersome and the shareholders are too greatly dispersed both geographically and mentally. But the fact that independent "control" has developed has never been emphasized sufficiently. The concept of "control" as such must be made an important element of legal thought. One has but to compare the picture of actual corporate activity disclosed in this book with the conventional orthodox legal picture to realize to what an extent the actual government and the paper government have become separated. The utmost postulates of corporation thinking must be retested. If the shareholders have virtually surrendered their power and "control" is unregulated we have fundamental questions to answer as to whose interests we are to recognize in attempting some form of regulation. Shall we recognize the interests of the millions whose jobs and livelihood depend upon corporate employers? Shall we recognize the interests of the public at large, the consumers whom every hour finds dependent upon some corporate product or service? To what extent shall we try to protect the corporate creditor and the holder of bonds and notes? Shall we attempt to recover for the shareholding owner some of the powers he has lost? Shall we (and can we) reestablish him as the sovereign of corporate government? How much are we to emphasize each of these interests, and how are we to provide them with practical legal sanctions? These questions lie stretched across the fields of almost all social sciences, but the main burden of them rests squarely on the law. To the extent that the lawyer is bigger than a pleader in a particular dispute he must be aware of their responsibility and conscious of his duty to lead in their solution.

To say that *The Modern Corporation and Private Property* illuminates these important problems is sufficient high praise for the book.  

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Property rights for scientific discoveries furnish a unique novel and fertile question in United States law. The question has founded extensive controversy in both European countries and in England; but has been only meagerly discussed here.
Anglo-American law has never recognized a definite property right in a wholly scientific discovery. Heretofore a scientific discovery, which did not fall within the category of rights protected by patent and copyright laws, have been common property; and the discoverer could exact no compensation, legally, for the later use of such discovery, even tho it became the source of great profit to another.

The author has seen fit to approach the subject by first discussing the meaning and purpose of the term "scientific property," and then lay the historical foundation by referring to the discussions of the problem in the different nations, the League of Nations, quasi-intranational groups, and in books, including the original draft by the Experts Convention and the Debate in the League.

The second part of the work may be classed as the author's treatment of the topic including his solution. Here are set out the proposed principles of the proposition: the foundation and theoretic possibility of such a property right; definition of a discovery as here used; designation of the owner of the right (discoverer); person responsible to the owner; extent, nature and amount of the responsibility; a model procedure for the acquisition and control of the right. The latter is interesting in that it proposes a corporation to be maintained entirely for the purpose of acting as a go-between to the owner and the person responsible for the use of the discovery in affecting proper settlements as to the compensation. The discoverer's entire property right is based on the proper registration with the corporation, after publication. There is included also a discussion on the validity of the many objections that have been proffered by those opposing the recognition of property right in a discovery, and the elements of an international convention for the purpose of establishing this right.

There are three appendices devoted to articles and reports, by individuals and committees, on the problem.

The author, a member of Gray's Inn, London, has made an extensive study of the topic in the United States, England and on the Continent in producing this work, for which he was awarded the Charles C. Linthicum Foundation Prize by Northwestern University.

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For a lawyer or scholar desirous of studying the statute law of persons or family law, outside of that of his own jurisdiction, there was little help except by a search through the codes of each state. For the subjects treated in his first volume, Mr. Vernier has largely eliminated the necessity of extended search.