

The first has a lighter green foliage and light straw-colored seed, while the latter has a purple-tinged foliage and a brown seed tinged with purple. These forms were found near Chinchou and seed of both has been collected. Professor Matsushima, of the South Manchuria railway agricultural bureau, has advised us that there are several strains of *Zoysia pungens* var. *Japonica* in South Manchuria. We have been collecting seed at various places and shall try to obtain seed from as many sources as possible.

"To sum up briefly our general and specific observations on the grass, we have seen it in northern Korea and in southern Manchuria, and we find it a hardy grass, forming a compact sod and of possible value in the United States as a grass for airports, athletic fields, golf fairways, and embankments requiring a binder. In nearly all cases the grass has been found on rather sandy soil; experimental work is therefore necessary to determine its adaptability to the heavier types of soil."

Plant Patents

One of the dreams of the late Luther Burbank has finally come true with the passage of an act to provide for plant patents, passed by the 71st Congress and approved May 23, 1930. Many are familiar with Burbank's extensive work in obtaining new varieties of plants, but remunerations for such contributions were comparatively small. Other than what personal interest an individual had in regard to breeding new types and varieties of plants there was little stimulus, especially of a monetary nature, for intensive or extensive investigation; consequently "plant inventors" were comparatively few. This directly affected the number of desirable plant varieties introduced on the market, because there was no incentive to procure new varieties and even if they were procured there was no protection or rights guaranteed to those responsible for the breeding or propagation of these new varieties.

Congress has at last recognized that discoveries in the plant world justify as much protection to the plant inventor as discoveries in the industrial world justify protection to the mechanical inventor. This recognition is clearly set forth in Section 4886, which reads, "Any person who has invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvements thereof, or who has invented or discovered and asexually reproduced any distinct and new variety of plant, other than a tuber-propagated plant, not known or used by others in this country, before his invention or discovery thereof, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, or more than two years prior to his application, and not in public use or on sale in this country for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceeding had, obtain a patent therefor."

The protection afforded by this act should stimulate a greater interest in the reproduction of newer and finer varieties of plants. The procedure of having new plants patented promises to be rather complicated at first because of the necessity of differentiating between the established varieties and the new varieties. In the botan-

ical classification of plants there are frequently no definite dividing lines between varieties, and considerable overlapping of their characteristics occurs. Just how these obstacles are to be overcome seems to be a problem for the United States Department of Agriculture to solve, since the act also provides that "The President may by Executive order direct the Secretary of Agriculture (1) to furnish the Commissioner of Patents such available information of the Department of Agriculture, or (2) to conduct through the appropriate bureau or division of the Department such research upon special problems, or (3) to detail to the Commissioner of Patents such officers and employees of the Department, as the Commissioner may request for the purposes of carrying this act into effect."

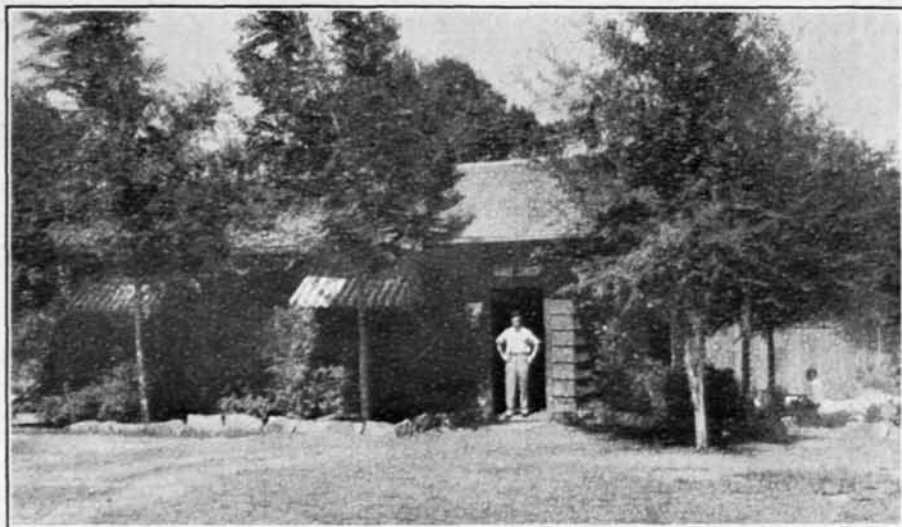
Despite the many complications that are certain to arise from the practical application of such an act, there is little doubt that it will have a valuable influence in the field of plant industry. Apparently this act would make it possible for one to patent a strain of bent grass for golf course use.

A New Elm for the Plains States

By Jay C. Painter

Oklahoma State Golf Association

Late in the winter of 1925 information reached me concerning a superior variety of elm tree that had recently been introduced into the United States from China. This is the Chinese elm (*Ulmus pumila*). The trees were scarce at that time, but after some corre-



Oklahoma's fastest growing tree, the new Chinese elm. These trees, which were raised from seed, are only four years old. Some of them are 6 inches in diameter and 20 to 30 feet tall.

spondence I succeeded in obtaining 24 of the trees from the United States Department of Agriculture. Since that time I have received seed imported from China, from which I have raised several thousand trees. During the last couple of years I have obtained seeds of