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THE WOODBURY PATENT.

In our number for January 9, 1875, we gave an account of the strange proceedings before the Patent Office, conducted under the immediate auspices of the then Commissioner of Patents, Leggett, by which that officer granted a patent for an old device that had been in common use for about a generation. This is now known as the Woodbury planing machine patent: the particular claim allowed by Leggett being for a device to press down or hold the lumber while passing through the machine. The patent as granted by Leggett is so drawn as to render every form of planing machine or lumber-dressing machine an infringement of the patent; consequently, if the patent can be sustained, it will be a "Big Bonanza" for its owners; every person who builds a house, or puts up a picket fence, or walks upon a wooden floor, must pay tribute to this patent. A large amount of money was spent in obtaining the patent; and as soon as it was granted, a still larger sum was subscribed, and a joint stock company was organized to endeavor to sustain it. Leading lawyers were retained, and intimations circulated expressive of the determination of the company to exhaust every possible resource which money could command to enforce the patent. Users of planing machines were given to understand that their interests would lie in supporting, not in opposing the patent. By quietly submitting, they were promised the enjoyment of licenses under the patent for a small sum; but in case of opposition, they were liable to loss both of business and property. Some of the users succumbed to this pressure, and took licenses. But the great mass of lumber dealers resisted, and joined in a united effort to test the validity of the patent, in a legal manner, before the courts, forming, for this purpose, a National Committee of Defense. It is now alleged that certain members of the executive committee of this association have turned traitors, have accepted bribes from the Woodbury Company, and are now working, not to defeat, but to uphold the patent.

The following letter, published in the *Northwestern Lumberman*, gives a résumé of the situation:

THE CASE OF WOODBURY VERSUS THE PLANING-MILL MEN.
BOSTON, July 26, 1875.

This case, one of the greatest in the whole annals of patent litigation, is still undecided, and, as the months roll on, even gains in interest.

In 1874, Joseph Page Woodbury invented, or claimed to have done so, a flexible pressure bar as an attachment to planing machines, to supersede the heretofore commonly used roller. The advantages claimed for it were that, owing to the close proximity in which it could be placed to the rotary cutter, it prevented any tendency in the board to split or crack, and, from its ready and varied adjustment, admitted of the speedy insertion of any thickness of board or plank.

On April 29, 1873, some twenty-five or more years after his invention, Mr. Woodbury secured a patent in which he claims for his invention four points embodying the principles set forth above. Since the time of securing this patent the Woodbury Patent Planing Machine Company (Mr. Woodbury himself died some months since) have demanded from

all users of the aforesaid pressure bars the following royalty:

"The company has determined to charge a preliminary fee of \$1.00 on each machine using said invention, and that all planing, tonguing, and grooving machines, and all molding machines, which cost \$300 and upwards, using said invention, shall be considered first class machines, and to pay a royalty of \$200 per annum, payable quarterly; and if said quarterly license fees are paid within the first fifteen days from and after the first day of January, April, July, and October, respectively, a discount of twenty per cent shall be made. All other planing machines and molding machines to be considered second class machines, and to pay a royalty of \$100 per annum, payable quarterly, subject to the same terms of discount as the machines of the first class; and the company has determined to grant no licenses until the damages and royalty from the date of patent, April 29, 1873, to March 2, 1874, have been fully settled and paid."—*Extract from pamphlet of Woodbury Patent Planing Machine Company.*

"So much for Buckingham!" Immediately on the issue of the Woodbury demands, the leading lumbermen, who were users of these pressure bars, and which they had been using unquestioned for the past twenty-five years (and they claim that similar bars had been in use before the invention of said Woodbury), formed themselves into a National Executive Committee of Defense, with W. N. Greene, of Bronsons, Weston & Greene, Burlington, Vt., as chairman, N. M. Jewett, of Jewett & Pitcher, Boston, Mass., as treasurer, and W. W. Crapo, of Crapo & Co., Flint, Mich., these being the general officers. This association, to defend the manufacturers and users of planing machines against the claims to royalty demanded by the Woodbury Company, soon grew to vast proportions, and now includes the leading lumber and planing mill men in all the principal lumber cities of the Union, numbering in all some six hundred and fifty firms. Then the Woodbury Company endeavored to compromise with the executive committee, hoping thereby to get injunctions against all other users of planing and molding machines, as they would not be strong enough to make a defence; whereas the manufacturers of planing and molding machines, foreseeing the danger and loss to their customers, pledged themselves to support the association, and urged its continuance in the courts. All of which Mr. H. B. Smith, of Smithville, N. J., treasurer of the Manufacturers' Defense Association, most concisely sets forth and ably advocates in his journal, *The New Jersey Mechanic*, of July 1, 1875.

The association have secured for their counsel the Hon. Caleb Cushing, Hon. Wm. M. Evarts, Hon. E. Pierpont, Hon. B. K. Curtis, and John T. Drew, Esq. The Woodbury Company have Benj. F. Butler, with some others of note.

The association have published pamphlets and papers pithily presenting their position in the case, one of the most witty and concise of which is quoted: "If a man can file a claim to an invention in 1848, have it rejected in 1849, and withdraw his fee and papers in 1852, and then obtain a patent in 1873 under one clause of a law, while he violates another clause, and enlarges his claims and increases his combinations, we certainly think Noah might, through some descendant, get a patent on steamships on a claim of having been the inventor of the ark."

So the case now stands, having developed itself into a very pretty controversy, in which we must confess our sympathies are wholly with the manufacturers and users of planing machines. "But with the strong rests the victory."

One of the later developments of the case here is the withdrawal of two of the prominent lumber firms from the association, to form a combination with Almy and some other inventor of a bar similar to Woodbury's, they to work in unison against the association of which they were former members. In consideration, it is reported, of receiving a liberal share of the stock.

It appears, further, that the Attorney General of the United States has issued an order for *scire facias* proceedings against the Woodbury Patent Planing Machine Company on account of fraud in its procurement. It is suspended until October 15, 1875, to enable the Woodbury Company to file rebutting evidence.

The Woodbury Company has brought suit against several parties using machines. The first case is that of Hancock & Greeley, Cambridgeport, Mass., the trial of which is likely to come on in the course of a year.

SHALL WE EAT THE HORSE?

We have spoken from time to time of the progress of hippophagy in Paris, regarding the same as an experiment which there was no particular need of putting into practice here. It may nevertheless be demonstrated that, in not utilizing horse flesh as food, we are throwing away a valuable and palatable meat, of which there is sufficient quantity largely to augment our existing aggregate food supply. Supposing that the horse came into use here as food, it can be easily shown that the absolute wealth in the country would thereby be materially increased. In France the average price for horse meat, as compared with similar cuts from the steer, is about two fifths less. A horse is there sold to the slaughterer for from \$10 to \$15.

Estimating from this that \$10 is the gross value of every horse in the United States, over and above his worth for working purposes, it remains to be seen how much of that sum may be set apart as to be derived from his utilization for food alone. As will be seen further on, the French butchers derive a revenue from hide, hoofs, hair, etc., and, as is well known, the same portions of the animal find industrial uses here. Placing the value of these parts of the carcass at \$7, we find that \$3 is the net value of each horse for alimentary purposes. In round numbers there are about ten million horses in the country. According to the above showing, we must add three dollars to the value of each horse, since, in addition to his value as a worker or as a raw material for manufacturing, he now has a new one as food. Consequently the aggregate value of all the horses is increased by \$30,000,000. But this accretion to the wealth in the country is of course not convertible into actual money, for, so long as the working value exists, the food value as well as the manufacturing value are practically at zero; neither could be realized without great loss, and hence both are negated. But there is a certain easily ascertained an-

nual proportion of the horses of which the working value becomes less than the sum of their food and manufacturing values, and this proportion includes the class of which the working value is more than their manufacturing value, but less than the above sum. We may estimate roughly that one tenth of all the horses reach this condition yearly. Then, on this million animals, the food value is directly realizable, and therefore the wealth of the country may be considered as actually increased by the \$30,000,000 derivable therefrom.

Moreover, in order that the horses should be available to the butcher, they must not be diseased or worn out. By this the owners are directly benefited, since, while on one hand they are obliged to sell their horses in fair condition, they are saved the expense of keeping the animals when the latter become used up and are unable to do but light work, though requiring more attention and more feed. So also with colts, which, whether they become good or bad horses, cost about the same to raise. If the animal bids fair to turn out poorly, he can be disposed of at once and at a remunerative price. The result of this weeding out in youth and destroying when old, coupled with the facilities which the former affords of selection of the best types, will naturally conduce to the improvement of breeds and a general benefit to the entire equine population of the country.

We can adduce no more striking example of the art of utilization than the mode in which the French deal with their superannuated chargers. On the 1st of January last, France contained fifty horse abattoirs, and during last year consumed 2,850,144 lbs. of horse, mule, and ass meat. The flesh of each horse weighs about 350 lbs. The skin is sold to the tanner for \$2.50. The hair of the mane and tail fetches three cents. The hoofs are bought by comb, or toy, or sal ammoniac, or Prussian blue, makers. The tendons are taken to glue factories. There are about ninety pounds of bone, worth sixty cents. The intestines, for purposes of manure, or as food for dogs, cats, and pigs, bring five cents. The blood is purchased principally by the sugar refiners, but also by fatteners of poultry and fertilizer manufacturers. Twenty pounds of dried blood, which is the average, are worth forty-five cents. The fat goes to the soap kettle, or is transformed into genuine "bear's grease," which, delicately perfumed and elegantly put up, fetches some exorbitant prices in the apothecary stores of the United States; or else it is used as harness grease or as lamp oil. The yield is from twelve to eight pounds, at a value of ten cents a pound. Finally, it is said that even the waste flesh is allowed to decompose, and the maggots gathered as pheasant food, but this seems rather apocryphal. These utilizations are of course entirely outside the food supply.

MR. DAWSON'S IDEA OF EVOLUTION.

According to the reporters, the mantle of Agassiz has fallen upon Principal Dawson of Montreal: Agassiz dead, Dawson remains the great American opponent of Darwinism. The honor may be thrust upon him unsought; nevertheless it is not wholly undeserved. At least, in his zealous opposition to the drift of the scientific thought of the day, he has no American rival—that is, in the scientific field.

We do not think the less of him for that. Next to the man who suggests a new and better way of interpreting the facts and phenomena of Nature, the most useful man is he who most intelligently opposes it. It is through such opposition that errors are weeded out, and exact truth ultimately prevails. Occasionally the victory of a good theory, like the undulatory theory of light, may be delayed, and a bad theory kept in power by too strong an opposition; but the damage done thereby is more than offset by the good effected through the criticisms which innovating theories meet at the hands of those who stand by the old. It is for this reason that we rate the opposition of a man like Agassiz next in usefulness to the constructive work of men like Spencer and Darwin. When such opposition fails to shake a new theory, we may rest assured that it is not based upon a delusion.

But the opposition must be genuine to be useful. It must not call something else by the name, and expect the crown of victory for demolishing the substitute. That is a trick of the theologians, rarely resorted to by men of Science; but, we fear, it is precisely what Principal Dawson has, consciously or unconsciously, been indulging in. We may be wrong, but to our mind his faculty for misapprehending the position and arguments of intelligent evolutionists is something marvelous in a man of his acknowledged scientific ability. In Dr. McCosh it would not be so surprising.

We refer to his address at Detroit, in which he reviews at great length the geological record of life's origin, and insists that the facts are overwhelmingly against the theory of specific evolution through natural causes. What he understands by evolution is nowhere distinctly affirmed, though it is clearly indicated in numerous passages. That it is very different from the understanding of the living disciples of evolution is plain enough from assertions like the following:

Discussing the insufficiency of evolutionary hypotheses, he says: "We have all no doubt read those ingenious, not to say amusing, speculations in which some entomologists and botanists have indulged with reference to the mutual relations of flowers and haustellate insects. Geologically, the facts oblige us to begin with cryptogamous plants and mandibulate insects; and out of the desire of insects for non-existent honey and the adaptations of plants to the requirements of non-existent suctorial apparatus, we have to evolve the marvelous complexity of floral form and coloring, and the exquisitely delicate apparatus of the mouths of haustellate insects."