

RECENT DECISIONS RELATING TO PATENTS.

U. S. Circuit Court.—Northern District of Illinois.
HUTCHINSON v. EVERETT *et al.* EVERETT *et al.* v.
HUTCHINSON.

BOTTLE STOPPER PATENT.

Blodgett, J.

Where one made, in 1874, a device which was claimed to embody an invention patented to another in 1879, which earlier device never went into practical use, held that the 1874 device was an abandoned experiment, and was not sufficient to defeat the patent.

It is hardly conceivable that one who was in fact the prior inventor of a device, on seeing it in use, and knowing that another claimed to be the inventor, would have uttered no protest and laid no claim to the invention.

A claimed to have invented a device in 1874. B obtained a patent for the device in 1879. Subsequently A applied for a patent for an improvement on the device patented to B. Held that the inference was that if A had been in fact the inventor of the device patented to B, he would have shown and claimed it in his application, instead of applying for a patent on what was at most only an improvement on such device.

The fact that a person claiming to have invented a device in 1874 or 1875 knew that another had put it into public use in 1878 is sufficient to defeat his claims to take out a patent in 1883, even if he had been the inventor.

Patent No. 289,928, issued December 11, 1883, to Amos F. Parkhurst, assignor to Edward H. Everett, for a bottle stopper, canceled because it interferes with patent No. 213,992, issued April 8, 1879, reissued June 17, 1879, as reissue No. 8,755, to Charles G. Hutchinson, for an improvement in bottle stoppers.

United States Circuit Court.—District of New Jersey.

WATSON v. BELFIELD *et al.*

CLAY PRESS PATENT.

The true test to determine whether suggestions made to an inventor should deprive him of the claim to originality in the invention is to inquire whether enough has been communicated to enable him to apply it without the exercise of more invention.

A general knowledge of the substance of the invention covered by letters patent No. 169,871, of November 9, 1875, to John Watson, for improvements in clay presses, was communicated to the inventor before he attempted to embody it in a practical apparatus, and hence his patent is void for want of novelty in the invention.

U. S. Circuit Court.—Southern District of New York.

BOLAND v. THOMPSON.

GLOVE SEWING MACHINE.

The first claim of reissued letters patent No. 9,586, granted to Claude N. Boland, February 22, 1881, for an improvement in glove sewing machines, is void, such claim not being found in the original, the application having been filed two years, two months, and eight days from the date of the original, and the rights of the public having intervened.

The patentee was a foreigner, unfamiliar with the English language, and was ignorant that the claim in controversy had been omitted from the original patent until a fortnight before the application for the reissue. Held that these facts were not sufficient to excuse the delay.

To every patent the public is an indirect party. It is for the advantage of the whole people that all meritorious inventions shall be protected; but it is clearly the duty of the courts to see to it that the public is not required to pay tribute for that which may be fairly considered as abandoned by the inventor.

The claim in controversy was presented in the original application, and twice rejected. The applicant knew of the rejection, and his solicitor acquiesced in such ruling. Held that the proper course to secure the claim was to appeal, and that there was no such inadvertence, accident, or mistake as entitled the patentee to a reissue.

The Hygiene of Old Age.

Speaking of the conservation of life in the aged, Dr. H. C. Wood, of Philadelphia, mentions the case of a prominent citizen, who, having died at the age of 81, was quoted by his neighbors and associates as being gathered like a ripened sheaf. But Dr. Wood objects to the simile as being inappropriate, for the gentleman in question was full of physical and mental vigor up to within a week of his death, and there was no more reason that his life should terminate so suddenly than if he had been but threescore.

The eminent practitioner believes that, aside from deaths from accidents and preventable causes, the duration of life is frequently influenced by success and failure. The man who has succeeded—and by this we mean one who has so spent his years that they form a gratifying subject for self-review—can, by proper care, prolong his life much beyond the traditional threescore and ten. But a sense of failure in life is apt to become the indirect cause of premature death, for it exhausts

the vitality and detracts from the recuperative power of the system.

To make old age possible, however, the several vital organs must be approximately equal in strength. The man of ordinary physique, who possesses this fortunate balance of power, will in all probability outlive an athlete whose development has been unequal. Excessive strength in one part is in fact a source of danger. An overdeveloped muscular system invites dissolution, because it is a constant strain upon the less powerful organs, and finally wears them out. Death in the majority of cases is the result of local weakness. It often happens that a vital organ has been endowed with an original longevity less than that of the rest of the organism, and its failure to act brings death to other portions of the system, which in themselves possessed the capabilities of long life.

As old age creeps over a person, the conditions of the animal organism change, and they possess less elasticity to meet and overcome such strains as can be invited with impunity in youth. Exposure to inclement weather, the sudden shock of good or bad news, are frequently sufficient to terminate a life which with care would be able to endure many more years of active usefulness. It is therefore highly desirable that persons of advancing years should make their personal habits the subject of careful study, and with the help of some wise counselor regulate their daily living in accordance with the changed conditions of their animal economy. Of all the questions which must thus be decided, few are more important than that of diet. The loss of the teeth in old age should be replaced when possible by artificial substitutes. But even with the best product of the dentist's skill, mastication is apt to be imperfectly performed, and the food of old people therefore should be easily digestible, and at the same time comparatively soft and readily comminuted. In its nature, the food should not be too stimulating. Many are injured by an excess of nitrogenous food. The kidneys, being weakened by age, are unduly strained if meats and other rich foods are eaten in excess. Milk and its products or cereal preparations cooked with milk are among the most suitable and perfect foods. In many cases, too much food is taken, under the impression that the lessened vitality requires increased fuel to maintain the vital warmth. But this is a great mistake, for it must be remembered that growth has now ceased entirely, that but little exercise is taken, and that the function of food is reduced almost solely to supplying the comparatively small waste of a quiet existence.

Dr. Wood believes quite strongly in the use of wine for aged persons, as it assists digestion and quiets the nervous irritation which is apt to be the result of feeble health. The danger of the formation of any evil habit when a patient has reached the age of seventy is so small that the most temperate and conscientious physician need not hesitate to recommend the use of such a tonic. The question of temperature is another, demanding more consideration than is usually bestowed upon it. When the vital fires are losing their energy, and the force of life is waning, it becomes imperative that artificial heat shall supplement as far as possible their deficiencies. Careful heating arrangements and warm clothing are necessary not only for the comfort of old people, but for their very existence. And so, in all the details of their living, the altered conditions of the organism must be considered, and their requirements satisfied. In our busy, hurried lives, the science of old age has been too little considered. The span of life, though lengthening, is still unnecessarily curtailed.

How They "Kill" Engines.

"Tell me how St. Louis strikers 'kill' so many engines and render them useless for service, will you?" asked a reporter for the *Denver Tribune* of an engineer who was busy oiling the links of his engine in one of the local round-house yards.

"How they 'kill' engines, hey? Well, the quickest and surest way is to take this away," the runner replied, laying his hand on the throttle lever. "Shut the throttle by pushing in the lever pin, disconnect the fulcrum connections with the boiler head, stick the lever under your coat and march off with it, and the engine is useless. Even if she is near the machinshop it will require a couple of days to replace the lever, at a cost of \$14, as it must be forged and turned, and the brake throttle ratchet must be cast, filed, and polished. That is much better than to carry off connecting rods, as I saw represented recently in an illustrated paper. It would take two men at least to cart away one connecting rod, which, you know, connects the crank pin of the forward driver with the crosshead, though that disables a locomotive, of course."

"Several Vandalia trains were 'killed' by the water gauges being knocked off, so the dispatches said."

"If that is all the dispatches said, they didn't cover all the ground, because the water glasses would be left, and an engineer can run without the one if he has the other. If the gauges are knocked out, the holes can be readily plugged up, and new gauges only cost 75 cents each. But if gauges and the water glass with its fillings are bursted, the engine is no good."

"Any attempt to run will end in burning her flues and crown sheet. You see where these parts are covered everything is lovely, but with low water they burn out. I've seen a burnt crown sheet drop down from its braces almost into the grate. An explosion occurs at such times, which tears everything to pieces. But then the strikers on the Gould system have burned no engines, and any parts they have carried off will turn up all right after the strike."

"Are there other parts of the machinery that can be taken away to 'kill' a locomotive?"

"Oh, my, yes. Take down the eccentric links or take off the valve stems, and your engine is dead. The favorite way, when an engine is on the road, is to put out the fire, open the blow off cock, which you see standing out from the side of the firebox under the cab, and let out all the water. Then the engine must be hauled to the nearest tank and filled up before she can be fired up."

"As for 'killing' engines in the round-houses, the strikers remove such of the parts I have mentioned as will require the longest time to replace, and very likely at the same time let the water all out of the boilers."

Diphtheria.

Diphtheria is a terrible disease, and when it breaks out in a school, or in a family where there are several children, unless the very best precautions are observed it is likely to spread, for it is a disease that may be communicated from one person to another. It is contagious. Regarding the different measures employed to prevent the spread of this disease, we very greatly prefer the fumes of burning sulphur. We regard sulphur as the most effective disinfectant we can use for the purpose of preventing the spread of diphtheria in schools and in families where several children are exposed, and it has a salutary effect upon those already suffering from the disease. We have had the care of scores of diphtheria patients, and we can refer to quite a number of families of children where the disease was limited to one child, and we verily believe that the fumes of burning sulphur were instrumental in preventing the spread of the disease in these cases.

In all cases where diphtheria breaks out in a school, no children should be permitted to go to the school from houses where the disease exists. After school hours, in the evening, the school rooms should be thoroughly fumigated with sulphur. This should be done daily, but the house should be free from the sulphur fumes during school hours, for the coughing and sneezing that might result from the sulphur fumes would create great annoyance and confusion. Where diphtheria prevails in a family, the patient or patients, if there are two or three attacked at the same time, should be isolated, confined to one room, and all the children not affected should be kept in some remote part of the house, or removed from the house entirely if practicable. In either case, whether any of the children are removed from the house or not, every room, including the one occupied by the patient, should be fumigated with sulphur two or three times daily.

The most convenient method of fumigating is to drop a small pinch of sulphur upon a hot stove, if there is one in the room; if there be no stove in the room, a few coals on a shovel or other convenient utensil may be carried into the room, and the sulphur may be dropped on the coals. A little experience will soon enable any one to determine how much sulphur to burn in each room. It is not necessary to fill the room so full of these sulphur fumes as to suffocate us, and if we happen to burn a little too much sulphur in any given case, and the fumes become offensive, the doors and windows can be opened for a minute or two.

Other disinfectants may be employed, but these sulphur fumes will permeate every crevice in the house; they are breathed by us, our clothes are saturated with them, and, withal, we regard this as the most practical and effectual method of disinfection against the spread of diphtheria that can be adopted. And where diphtheria prevails in a neighborhood, and families fear its outbreak among their children, they should resort to sulphur fumigation daily, whether diphtheria has appeared in the house or not; this may prevent its outbreak in families that might otherwise suffer from it. At least this precaution does not cost much, and can do no harm. These sulphur fumes will do us no injury.—*American Med. Journal.*

Treatment of Whooping Cough with Illuminating Gas.

Dr. W. T. Greene (*Med. Press*, April 7, 1886) suggests an easily available improvement on the old plan of sending children on visits to gas works. His plan is to attach a piece of rubber tubing to a burner, the tubing being long enough to reach the floor. The gas is turned on just enough to make a perceptible odor, and the child is to inhale it for a few minutes at a time as often as convenient.