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A PATENT ATTORNEY FIRM TO BE DISBARRED.

As the result of his investigation into the charges against Wedderburn & Company, of Washington, D. C., the Commissioner of Patents has recommended that the firm be disbarred. The case has had a lengthy hearing before Assistant Commissioner Greeley, who has decided that Wedderburn & Company are guilty of irregular practices, and recommended them for disbarment. The decision has been approved by Commissioner Butterworth and is now before the Secretary of the Interior, Cornelius N. Bliss, for review and approval. Briefly summarized, the charges which have brought this firm under the ban of the Commissioner were as follows: Unprofessional conduct in soliciting business by giving away medals for inventions; taking applications when there was no chance of a patent being granted; and making incomplete searches for patents.

The following extracts from part of Assistant Commissioner's Greeley's decision will serve to show some of the grounds on which the disbarment is based:

"The various papers sent by the respondents (Wedderburn & Company) with their first letter to a correspondent—the 'How to Get a Patent,' 'One Thousand Inventions Wanted,' etc.—were calculated and intended to encourage would-be patentees to believe that there was a great demand for the most simple inventions; that in many fields of invention there were no satisfactory devices; that the public was eagerly awaiting inventions in lines in which, as a matter of fact, there are hundreds of devices already patented. The 'One Thousand Inventions Wanted,' as is evident to any one experienced in the arts, is little more than a list of old inventions. Certainly very many of the inventions therein stated to be 'wanted' are inventions for which many patents have been granted. Throughout their advertisements and the pamphlets and papers sent out by them, these respondents endeavor to impress upon the public the value of simple inventions. They state in 'How to Get a Patent' that small things are most valuable. In 'Prizes on Patents' they state that 'it is not the great, complex and expensive inventions that bring the best returns to their authors, but the little, simple and cheap ones.' In the advertisement, 'Wanted, an Idea,' they ask 'Who can think of some simple thing to patent?' In all this there is that half truth that is in its effect worse than a falsehood.

It is true that some small inventions, simple inventions, which have required little thought and little knowledge of the prior art on the part of the inventor, have proved of value. It is equally true, no doubt, that in lotteries some one for a trifling outlay has won a large prize. Yet the effect of lotteries is recognized as demoralizing to a degree. To endeavor to impress upon the public the idea that any one without experience in the art, without knowledge of what is claimed in the art, without study, and thought, and experiment, can evolve inventions of value, is as demoralizing as the idea so strenuously insisted on by lottery agents that any one who buys a ticket may win the great prize. It is as true in inventions as in everything else, that what costs nothing is worth nothing. The valuable inventions are those which are the result of hard work, careful study, and experiment, by those who have familiarized themselves with what others have done and with the real needs in the art. The careful student does not always produce inventions of value, but he is at least not likely to merely reinvent what is already known, what is already before the public, either adopted by the public or tested and thrown aside as worthless. The tyro, ignorant of what has already been done, ignorant of what is practical, what is needed in the art, having before him such meager and misleading information as that contained in the 'One Thousand Inventions Wanted,' works in the dark, and it is not surprising that he at most merely reinvents what is old. Out of thirty-three thousand inventions on which searches were made by the respondents in two years, over twenty thousand were, even by their searchers, incompetent and inexperienced as many of them were found to be, at most reinventions of what was already old.

From the exhibits in the case, it is apparent that a large proportion of those reached by the respondents' advertisements are country people, many of them, as shown by their letters, possessed of little education and small knowledge of the arts. To induce such people to believe that these old and well worked fields of invention are new and untried fields in which inventions of value could be readily made by them is grossly deceptive; is demoralizing to the same extent and in the same way as the alluring prospects held out by the lottery agent. It has not always been the case that inventors sent on their inventions at once upon receipt of the respondents' first letter with its accompanying pamphlets and papers. When the supposed inventor failed to reply promptly, the respondents have in many instances, as shown by the evidence and as admitted in the stipulation signed by counsel, sent him an undated circular offering to advise him free of charge as to the patentability and salability of any device he might have. Those who took advantage of this apparently liberal offer (as, for instance, Nagaye, letter of August 3,

1896,) received in reply a letter containing information which, in so far as it was not positively false and misleading, was such advice as could very well have been given for nothing, for it was worth nothing. Instead of giving substantial advice as to patentability, it merely stated that the invention was of a patentable nature, but stated that to determine its patentability, a search at a cost of \$5 would have to be made. The respondents, in sending out the letter promising advice free of charge as to patentability, were well aware that novelty is an essential, the primary essential, of patentability, and no advice as to patentability that would be of any value could be given without determination of the novelty."

We reserve any comments upon the decision until a later issue.

PROPOSED AMENDMENTS TO OUR PATENT LAWS.

It is characteristic of the times that there should be a growing disposition, just now, to inquire into the working of the patent laws of the country. The progressive spirit which prompts the inquiry is, on general principles, commendable. At the same time it should be borne in mind that the question of a change in existing laws should always be approached in a guarded and conservative spirit, especially when it affects a branch of our laws like that relating to patents, under which such splendid results have been achieved.

We are in receipt of a circular from the National Association of Manufacturers of America, which is being issued with a view of obtaining an expression of opinion on the advisability of certain proposed reforms in our patent laws. The first suggestion is that the government should charge an annuity on patents, in order to invalidate such patents as are not considered by the owners of sufficient value to warrant the payment of the annuity, but which interfere with the working of later and dependent patents. It is suggested that the annuity would clear the field of worthless patents and furnish an income to the government which "might be used to advantage in the Patent Office."

The chief objection to this proposal is that it is not possible for any one to foretell what is or is not going to become a valuable patent. It sometimes happens that a patent may lie dormant for years and may suddenly become invested with importance owing to some later discovery or invention. Furthermore, it may take some years of experimentation in order to get the invention in such a condition that it possesses commercial value. In the meantime, and while the inventor, who is generally impecunious, is harassed by adversity and the depression consequent upon his failure to perfect his invention, he is met with the necessity of raising funds to pay a harsh and unnecessary tax into an already overflowing treasury. To the poor inventor it would be an exceptional hardship.

As to the increased income which could be realized by the Patent Office, this institution already has more money than it can use; the surplus for the past year being over \$300,000, and the total surplus to its account in the treasury amounting to over \$5,000,000.

The second suggestion is that, in view of the fact that foreigners are allowed to procure patents in this country and hold the same without further expense or trouble than the first cost, while our citizens are obliged to pay annuities in many foreign countries, often amounting to hundreds of dollars, and also are in many cases obliged to work their devices at intervals, laws should be passed making annuities and working obligatory on all patents granted to foreigners in this country. In some countries it costs from \$600 to \$700 to secure and maintain a patent, as against \$35 government fees in the United States. It is proposed that if a native of such a country applies for a patent in the United States, he shall be made to pay initial fees and subsequent annuities of the same amounts as he would have to pay at home. That is to say, the price for a United States patent shall be no longer \$35 to all the world, but an amount varying according to the nationality of the applicant.

To this absurd proposal we feel it our duty to give our unqualified dissent. It is wrong in principle, and we fail to see that it can be productive of any good results should it be put into effect. Whether it is intended as such or not, it will carry the appearance of an act of retaliation against the foreign countries affected, and unless some good practical results can be shown as likely to follow from such a measure, we shall be open to a charge of a lack of international fairness and good feeling.

It does not properly concern us what the patent fees or requirements of other countries may be provided our citizens are afforded the same privileges as natives. This is the only question which concerns us and we believe that there is no nation which, in regard to these matters, has any discriminating laws against foreigners. Such a course as proposed would therefore be wrong in principle and foolish in policy, and would be distinctly retrogressive in spirit.

Additional importance is lent to this circular by a rumor from Washington that there is a movement on foot in that city to draw up amendments to the exist-

ing international treaties which will embody similar suggestions, and that these amendments will be presented at the forthcoming meeting of the representatives of the nations concerned, to be held at Brussels next December. One of these amendments would restrict the articles which are patentable in this country, so that no foreigner can patent an article in the United States which he cannot patent in his own country, and all the amendments appear to have more or less of the retaliatory flavor to which we have already referred.

It is to be hoped that the rumor is not well founded, or at least that the subject matter of the amendments is not as reported. There was a time when international discrimination existed in the matter of fees and taxes; but, fortunately, all such agreements were subsequently revoked, and the tendency of later negotiations has been in the direction of throwing open the several patent courts in the most liberal international spirit. It seems to us that the proposed amendments would be a decidedly retrograde step and one entirely at variance with the generous policy which has characterized our Patent Office in the past and has contributed so largely to its success.

We are in thorough accord with the third suggestion of the circular that we should have separate courts for adjudication of patents, with the object of expediting patent litigation.

If amendments are to be offered at the forthcoming conference, they cannot be too seriously considered, and no resolution should be placed on the table that has not received the most widespread and thorough discussion. We are glad to note in this connection that at the meeting of the American Bar Association, at Cleveland, the committee of fifteen was requested to consider such proposed amendments as are intended to be made at Brussels, and make recommendations to the Secretary of State, or head of other proper government department, as to the instructions to be given to the delegates from the United States to this conference.

THE SEVENTH INTERNATIONAL GEOLOGICAL CONGRESS.

BY HORACE C. HOVEY.

About a thousand geologists were in session recently for eight days at St. Petersburg, Russia. They adjourned on September 5. The printed official list, in which some changes were afterward made by reason of additions and absences, may be taken as fairly representing the make-up of the congress. Russia, of course, furnished the largest number of members, 271 in all. Germany stood next with 187 delegates. Then came the United States of America with 113 names. From France came 89; from Great Britain, 72; from Italy, 51; from Austria, 76; from Switzerland, 23; from Belgium, 24; from Sweden and Norway, 14; and the remainder from Spain, Holland, Servia, Denmark, Portugal, Roumania, Australia, India, Japan, Transvaal, New Zealand, Canada, Mexico and the Argentine Republic—twenty-four nations in all, and probably more when the final list appears. Amid so many languages some one had to be selected as the official medium of communication and record, and that distinction was unanimously accorded to the French tongue. Yet as not a few who are eminent in science are not equally so as linguists, much liberty was allowed in the discussion, and a few papers were read in English or German. Unfortunately for most of us, the daily reports by the press were in Russian, a language whose intricacies we have not mastered beyond the requirements of the hotel, the railroad and the street. The immense treasures of knowledge, especially in the various sciences, that are now locked up in the Russian language ought, by translation or otherwise, to be made accessible to the remainder of the civilized world. As we explored the mazes of the great museums of St. Petersburg, Moscow, Kazan, Ekaterineburg and other Russian cities, and found most of the specimens labeled and described in Russian, we felt regret that, besides the vernacular, they could not also have given us in French or in Latin the knowledge that we so much desired and generally found it hard to obtain. It should be added, however, that the committee of arrangements generously distributed for our benefit guide books (in French) and other helpful literature, as well as numerous maps and other aids, besides the verbal information so freely and patiently given in answer to our myriad questions on every imaginable topic. Especial mention should be made of the voluminous guide book prepared expressly for the excursions before and after the session of the congress, a thick octavo in thirty-four parts, self-bound, so that any one part or more could be extracted for use and easily returned to its place again. We found many citizens in the large places who could speak French or German, and here and there one familiar with English. But in exploring more rural regions, like those along the Volga and amid the Ural Mountains, we found the mass of the people speaking no other than their native tongue, and wondering in their simplicity why we could not speak it as well as they, or at least well enough to answer their civil and perfectly natural inquiries as to our welfare and our wants. Much of our intercourse with the natives had

to be by pantomime, and it is wonderful how many ideas can be exchanged by that primitive means of communication.

The president of the Geological Congress, His Imperial Highness the Grand Duke Constantine, who is also the president of the Imperial Academy of Sciences, opened the sessions by a graceful address of welcome, speaking of the attractions and resources of the great country whose honored guests we were, but also recognizing fully the international character of our organization. The display of gold and scarlet and the brilliant uniforms of military officers present at the opening dazzled our republican eyes. The best we could do was to wear our dress suits and make the most of the silver medal with red, white and blue ribbons attached to it, the simple insignia of the Geological Congress;



its heraldry a hammer and mallet crossed in a wreath of oak leaves, and its motto the Latin words, "Mente et Mallo;" and on its obverse another wreath, encircling the legend, "Rossia, 1897." The acting president was Dr. A. D. Karpinsky, the director of the geological survey; and the general secretary, Dr. Th. N. Tschernyschew, geologist in chief. Dr. James Hall, of Albany, N. Y., was named as the first of the three honorary presidents, the other two being Prof. Capellini, of Bologna, and Prof. Renevier, of Lausanne. Vice presidents from the various nationalities represented were also appointed, forty in all, some one of whom usually presided at the daily sittings of the Congress. Those from the United States were Profs. Marsh, Emerson, Frazer and Emmons. Seven assistant secretaries were appointed, who found the office no sinecure. Mention must also be made of the diligence of the young men from the university, who served on the bureau of information, and whose patience we taxed in many ways, necessary and sometimes unnecessary.

Early in the meetings of the council Prof. Gaudry, of France, extended an invitation from that nation for the eighth meeting of the International Congress, to be held in Paris in A. D. 1900.

The invitation for the ninth meeting, in A. D. 1903, was brought by M. Tietze, on behalf of the Austrian geologists, to be held in Vienna.

Both these invitations were unanimously accepted with applause. While undoubtedly the great majority of those gaining membership in this International Congress are worthy of the distinction, it has been objected to that a few are enrolled who have either been noted in chemistry, engineering, or some other science not included under the general term "geological," and now and then some one not known in any branch of science. To meet this difficulty the American geologists offered, through Prof. Emmons, a resolution that, hereafter, membership shall be reserved for those who are approved by the principal geological societies or institutions of the countries to which they belong. Other ways of meeting the matter were also suggested.

The daily meetings were held in the large hall of the Zoological Museum of the Academy of Sciences, which was beautifully decorated for the occasion.

One of the important questions discussed was as to the best methods of the classification of geological strata. Every student of geology has found himself more or less confused as to the terms in which the formations of different parts of the globe are described. There is an imperative need of revising the nomenclature and much has recently been written on the subject. Among those who took part in this discussion were Profs. Renevier, Loewinson, Lessing, Frech, Zittel, Bertrand, Karpinsky and Pavlow. The conclusion was in the form of a resolution advising geologists to rest on the ground of the historic method of classification, with the endeavor to make it gradually "more and more natural." To this it was added that the council should name a special commission whose duty it should be "to study the principles of classification, in the spirit of this resolution." This same subject was more fully discussed in the general session, where highly important suggestions were offered, especially by some of the Russian geologists, growing out of their observations of the mineralogical composition and structure of the rocks found amid the Ural Mountains. Lengthy and valuable memoirs were presented to the Congress concerning various aspects of geological nomenclature, to which more full recognition may be given in some future communication. The conclusion reached seems to be perhaps the best that can be done at present, but there is a strong and growing demand for something better than the so-called "historical method," which, as was well remarked by Dr. Karpinsky, is wholly artificial. What is needed is a system natural, practical and uniform.

The business meetings occupied the morning; but the afternoon of each day was given up to the reading of scientific papers and their discussion. The following are the titles of some of the most important: "On the Glacial Period in North America," by Prof. Upham,

of Minnesota, and "On the Direction of the Flow of Glaciers and the Origin of Moraines," by Prof. H. F. Reid, of Johns Hopkins University. These were followed by two papers by Mr. Lindonall, on "The Cause of the Ice Age," and "How is the Mammoth Frozen in North Siberia?" Mr. Marsden Monson, of California, offered a paper on "The Evolution of Climates." Papers on "Orography" (or mountain making) were read by Messrs. Meunier, Sacco, and Prinz. Prof. Meunier also gave the result of his studies concerning the platinum region of the Ural Mountains. Dr. Tillo gave his views as to the remarkable depression of the center of the Asiatic continent, and also on certain magnetic anomalies of the center of Russia in Europe. Dr. Makowsky spoke on the existence of the great mammalia, the mammoth and rhinoceros, the huge bones of which are found in such comparative abundance in Russia, using the superb materials collected to explain his paper. A communication on the fossil reptiles of Perm and Wologda was offered by Mr. Seeley. Other papers and addresses were presented, all of which, either in full or by abstract, will be published in the proceedings of the society. The writer is aware that this is an imperfect resumé of the proceedings and deliberations that absorbed the attention of some of the most noted geologists of the world, and it is his intention hereafter to review some of them more in detail. He will also give some account of the remarkable geological excursions made in connection with the Congress, occupying many weeks and covering many thousands of miles. They were planned with great care and managed with ability. They gave those who availed themselves of the privilege an opportunity to see practically the whole of Russia in Europe and a small portion of Russia in Asia, and to get some idea of the immense territory and vast resources of the empire of the Czar. Everywhere the citizens came out en masse to welcome us, and frequently with music and banners and sumptuous banquets. The respect with which they treated their national guests was uniform, whether shown by prince or peasant. The cities of St. Petersburg and Moscow led the van in their costly and regal hospitality, but did not really exceed what was done by some of the smaller cities less widely known. The doors of the Summer Palace at Peterhof were thrown wide open for our reception, and the banquet spread in our honor in these imperial halls, amid marvelous fountains and rare paintings and inspiring music, was a feast never to be forgotten. The mayor of St. Petersburg also received us in the City Hall; the Grand Duke gave a reception to a select number at the Marble Palace, and there were numerous more private manifestations of Russian hospitality.

The public buildings, the Winter Palace, the Ermitage, with its marvelous treasures of art, the Bergacademie, with its renowned collections of specimens in paleontology and mineralogy, and, indeed, every place of beauty and learning and historical interest, parted its doors for us at the sight of our simple silver badge. This also was a talisman permitting the use of the camera without interference or hindrance. As a result hundreds of photographs of rare, curious and interesting objects were taken, and it is safe to say that in no city, from St. Petersburg to Ekaterineburg, could any stray kodaker easily find a roll of films or box of plates remaining, unless the exhausted supply has been replenished during our stay. The market is swept clean. Pictorial fruits will be abundant as soon as they have had time to ripen.

Perhaps the reader may be interested to know how long it takes to go from New York to Moscow when one is in a hurry. A cablegram from Dr. Karpinsky decided me to join the excursion to the Ural Mountains that was made before the Congress met at St. Petersburg. I sailed by the next steamer, which happened to be the Campania, of the Cunard line; reached Liverpool in six days and London by midnight; took a morning train by the Flushing route, and arrived at Berlin on the morning of the eighth day, where I rested for twelve hours; crossed the Russian frontier at Alexandrowo with the usual delay for inspection of baggage and passport; and by noon of the tenth day the gilded domes of Moscow flashed into view. By the official tables the entire distance from New York to Moscow, by the route taken, extends 5,000 miles; thus making the average rate of daily travel 500 miles for the ten days, including stops for about twenty-four hours en route. Our flying glimpse of England in harvest time; of Holland's luxurious gardens and picturesque cottages and mansions; of Berlin's ripe yet modernized magnificence, prepared us by way of contrast for what we were to see in the proud and strong Russian empire, where the Occident and Orient so strangely and wonderfully commingle.

As France taxes bicycles and tricycles, the number of machines used in the country is known exactly. On January 1, 1897, there were 329,814 taxed, an increase of nearly 74,000 over 1895, which had shown an increase of 53,000 over the preceding year. The revenue obtained in 1896 was 3,272,339 francs. Paris department, the Seine, heads the list with 62,892 bicycles, paying a tax of 626,916 francs.