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THE WEDDERBURN DISBARMENT.

The full text of the decision of the Commissioner of Patents against Wedderburn & Company is at hand, together with the final act of the Secretary of the Interior, whereby the disbarment of this firm is officially sanctioned.

"This valuation scheme as carried out by the respondents through Hughes is in and of itself fraudulent and deceptive, and clearly amounts to gross misconduct on their part.

"The sending of a false valuation in a single case known to be or which should be known to be without value, where by reason of such valuation the inventor might be induced to part with a sum of money, indicates at least gross negligence.

"By these methods the respondents have induced inventors to send to them their efforts at invention, together with sums of money, for the purpose of having preliminary searches made in each case to determine the probable patentability of the invention.

It is shown by the report that the average number of searchers employed by the firm in 1896 to 1897 varied from three to thirteen; yet—

"These searchers, it is stated on behalf of respondents, in two years reported on 33,000 inventions. Of these the searchers reported unfavorably on 60 per cent or more, or 20,000 in round numbers.

"This raising of false hopes is demoralizing to these persons. It has no other purpose than to secure from them money for searches, money, if possible, for applications for patent, money for foreign patents, money for advertising, money for 'write-ups' in the National Recorder, and money for appeals.

"This failure to revise the favorable reports of inexperienced and incompetent searchers or to have searches made upon the cases favorably reported by them, when by such revision or research an anticipating reference might have been disclosed and the inventor thereby prevented from paying further fees, indicates not only reckless disregard of the rights of the client and indifference to the agreement entered into with respect to the search, but deliberate and intended fraud."

Referring to the statement of the defendants that the sending of a favorable report where no proper search had been made was a "mistake," the report says:

"I cannot agree with the respondents that they should not be held responsible for these reports. The respondents must be held fully responsible for the acts of their employes, and were bound by their agreement with their clients to have these searches made properly.

The defendants, in the cases in which they made an "unfavorable report," did so in a particular form of letter, of which the Assistant Commissioner has this to say:

"It is upon its face a deceptive and fraudulent report. Its deliberate and continued use by the respondents was in violation of the trust reposed in them by their clients, in violation of the express agreement entered into with their clients, in violation of honesty and common decency.

It is further stated that the attorney in filing a certain application "is false not only to his client, but is false in his duty toward this office. That the attorney has a duty toward this office as well as toward his client cannot be questioned.

the public. He cannot be a party to an attempt to secure a patent for what he knows to be old, an attempt to take from the public what has become public property, any more than he can permit the office to refuse to his client the protection to which that client is under the law entitled."

Regarding the sending of medals, the report says in certain cases "the medals and letters were sent to the clients with the full knowledge and approval of the respondents, for the purpose of inducing the payment of further fees in cases in which the so-called unfavorable report citing a reference had not secured a response from the client as quickly as was deemed desirable by the respondents."

Again, we read: "There can be no reasonable doubt that the silver medal scheme was fraudulent in its conception and fraudulent in its execution. It was intended to mean one thing to the inventor who received the medal and quite another thing to the respondents. It was intended that the inventor should believe the medal and certificate to be what on its face it purported to be—a reward of genius, a certificate that his invention has been selected by some competent and disinterested board of awards for its remarkable importance.

"Such a scheme has no place in the legitimate business of an attorney."

However, "Having by false and misleading advertisements attracted the attention of the would-be inventor and secured his address; having sent him the various pamphlets and papers before referred to, which are deceptive and misleading as to the value of simple inventions; having stirred the inventor to activity by the offer of free advice as to patentability and salability, and having in response to his inquiry given him a recklessly false and misleading estimate of the value of the invention; having by these means induced the inventor to pay for having a search made; having reported the result of the search favorably, whether properly made or not, or having sent the inventor the false and misleading unfavorable report letter, as the case may be; having, if deemed necessary to secure an early response, sent the inventor a silver medal and its accompanying letter; having by the use of any or all of these means secured from the inventor the first installment of fees for the preparation of application papers, the respondents proceeded to prepare the necessary papers."

The report says in conclusion:

"In my judgment the respondents, John Wedderburn and John Wedderburn & Company, have been guilty, not only of gross misconduct in particular cases, but of a long-continued, systematic and deliberate course of gross misconduct. In justice to this office and in justice to the public, these respondents should be refused further recognition as patent agents or attorneys, and the facts disclosed should be reported to the district attorney for such action as the delinquency of the respondents and the safety of the community demands. [The italics are ours.] The fact that the United States mail was being used by these respondents to promote schemes of fraud was called to the attention of the Post Office Department many months ago, but the matter was, I understand, placed in the hands of an official of that department, who, for some reason, failed to do his duty. He has since, I am informed, been dismissed and criminal proceedings against him for misconduct in office are pending."

In the decision of Commissioner Butterworth approving the report of Assistant Commissioner Greeley, and recommending to the Secretary of the Interior that Wedderburn & Company be disbarred, the charges are summarized as follows:

"In a nut shell, the charges are that the respondents, as solicitors practicing before the office, concocted a scheme and plans to impose on, deceive, and defraud unsuspecting and unwary persons throughout the country by a system of advertising and correspondence which was false in suggestion, misleading in fact, and fraudulent in tendency and purpose; that the effect of their scheme and plans was to induce thousands, in fact tens of thousands, of persons to believe that the government of the United States would readily grant a patent on any improvement on articles or utensils in common use; that there was and is just now an active demand among capitalists and manufacturers for such inventions, and that they stood ready to purchase any one of a thousand of such inventions; the suggestion being that John Wedderburn & Company had knowledge of this great demand and could successfully avail themselves of it to sell the patents of their clients, and that a fortune may be made out of some simple little thing; that the respondents, while calling attention to these alleged rare opportunities, felt anxious lest inventors and those who are struggling to be inventors may fall into the hands of unscrupulous patent sharks, or ignorant and dishonest solicitors, who are seeking employment; and the impression is created by the literature of respondents that while in soliciting employment they accept compensation for services, yet one of the motives, if not a controlling motive, with them was to protect and aid struggling inventors, and save them from being entrapped by captivating and

alluring advertisements which inspire delusive hopes and suggest promises of gain that can never be realized; and that while evincing in their publications this tearful solicitude for the honest, well-meaning, and wholly unsuspecting person who is so liable to be wronged by sharpers, the respondents themselves were in fact doing the very thing they so feelingly deprecate and condemn; and indeed issued the very character of literature and published the kind of advertisement they criticize and denounce; and have so successfully employed these means and agencies that more than 32,000 persons have been induced to establish the relation of clients of John Wedderburn & Company, and that of the 33,000 clients, less than 1,600 applications have been allowed."

Prior to his conclusion, the Commissioner lays stress upon the fact that "if the business and the methods and practices of the respondents had been tolerable and of a character that could be defended, the respondents and their backers and indorsers would have made all haste to make known, not only to the Commissioner and to the Secretary, but to the public that was interested to know, that they were carrying on a legitimate business in a legitimate way; but instead of that they have made substantially no showing at all, either in extenuation or defense of their offenses or in answer to the questions propounded, which were rendered necessary by reason of the facts hereinbefore recited, and which were not answered, nor was one of them answered."

The final clause of the decision is as follows:

"My conclusion is, and I so decide, that John Wedderburn and John Wedderburn & Company have, as solicitors before this office, been guilty of gross misconduct, and that they should be disbarred from practicing before the Department of the Interior, and I recommend that the honorable Secretary so order."

The following is the letter of the Secretary of the Interior confirming the decision of the Commissioner of Patents:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, September 30, 1897.

THE COMMISSIONER OF PATENTS:

Sir: I have examined with great care your report on the John Wedderburn and John Wedderburn & Company cases, together with the report of Assistant Commissioner Greeley, and herewith return both reports, expressing my full approval of the reports of your office. I request that when the reports are printed you will transmit a copy to the Postmaster-General and that his attention be especially directed to the use that has been made of the United States mails by the John Wedderburn Company.

Very respectfully,
C. N. Bliss, Secretary.

NOTE.—Under the regulations of the Patent Office, the disbarred firm cannot prosecute pending applications or file new ones. The only remedy available to their clients for the recovery of fees wrongfully or fraudulently obtained, as suggested by the Assistant Commissioner, is to bring the facts to the attention of the District Attorney of Washington, who can bring an action against the disbarred firm to recover. Those who do not desire to take this step have the right to transfer their business for further prosecution to registered and approved attorneys.

IMPENDING CHANGES IN UNITED STATES PATENT LAW.

On January 1, 1898, important changes in the patent laws of the United States will take effect. These changes will bear principally upon the relation of applications for United States patents and grants made upon such applications to foreign patents for the same invention. In a former number (issue of March 20, 1897) we have commented at length upon the latest amendments to the patent law. We would now draw the attention of our readers, especially those residing abroad and holding foreign patents for inventions not protected in this country, to the necessity of filing United States applications covering such inventions before January 1, 1898. After that date, applications for United States patents may be rejected if filed more than seven months after the date of filing the earliest foreign application. Under the present law, however, valid United States patents may be obtained for inventions patented abroad several years ago, provided the foreign patent is in force at the time the application for the United States patent is filed. This provision is of interest and advantage, not only to the holder of the foreign patent, but to the American manufacturer or capitalist who desires to secure in this country the monopoly for an invention patented abroad and not so protected here.

PRESERVATION OF THE PALISADES OF THE HUDSON.

Perhaps in all America, if we except Niagara Falls, there is no object of natural beauty and grandeur that enjoys a wider reputation than the majestic Palisades of the Hudson. This extended line of natural ramparts, which looks down on one side upon the fertile valleys of New Jersey and on the other watches the swift encroachment of New York City upon the wooded heights of Manhattan Island and the rolling country to the north, would be noted for its natural beauty even if it were far removed from the haunts of civilization. Standing, as it does, at the very gates of the

second greatest city of the world, it has acquired a reputation which is world wide and grows with the passing years.

Everyone who has had occasion of late years to pass up or down the Hudson River must have noticed that the aspect of the Palisades is being rapidly changed by the numerous quarries which have been opened along its face. Where this has been done, the soft brown and gray tints of the cliffs have been defaced by the dirty gray patch which indicates a quarry, and the many-tinted foliage which clothes the base of the cliffs has given place to unsightly stone heaps, wharves and hoisting derricks.

It has been suggested that on account of its commanding height this ridge of rock would be a menace to the safety of New York if it should fall into the hands of an enemy, and steps have been taken to interest the government in the question of its reservation for the emplacement of guns and for general military purposes. Another scheme suggests that the government purchase a strip of land along the river from Fort Lee to Piermont, wide enough to include all the natural features which are threatened, and preserve them from future depredations. A third proposition contemplates a joint purchase by the States of New York and New Jersey. Of these propositions the first is opposed by military men, on the ground that the heights have no such strategic value as would justify their fortification. An attack on New York is never likely to be made by land and by way of the Hudson Valley; the city is most vulnerable on its seaward side, and the proper place for defensive works is at Sandy Hook and on the Sound. Nor is it within the province of the government to undertake the work of preservation as such. The case of the Yellowstone and Yosemite Parks is not in point, inasmuch as these lands were already in the possession of the government.

It remains then for the two States affected to undertake the work. They are about equally interested; for although the larger part of the Palisades is in New Jersey, its natural beauties are only visible from the New York side of the river.

The agitation of this important question, which, although technically a State matter, has sentimental grounds which make it of national importance, is being taken up by the women's clubs of New Jersey. It has been proposed to build a continuous drive at the foot of the cliffs from Fort Lee to Piermont, a distance of thirteen miles, thus affording, with the present Hudson County Boulevard, a continuous driveway nearly thirty miles in extent. The idea is attractive, though we fear that the cost would be prohibitive. Whether the drive be built or not, the purchase and care of this truly magnificent wall of rock could certainly be carried out for a sum which would be moderate in proportion to the good work achieved.

THE NAVAL DRY DOCK PROBLEM.

There is no problem connected with the naval affairs of the United States of such paramount importance as the construction of adequate dry docks. Unfortunately there is no naval problem regarding which the public is so ignorant and apathetic. To awaken an intelligent interest in the matter has been the endeavor of every writer and journal of importance in the country; but the effort proved futile until the country was subjected to the humiliation of having to send its finest battleship to a British dockyard to have its bottom scraped and painted.

Ridiculous as the situation was, it served to teach the country the absolute necessity of providing dry docks for our navy if that navy is to be available in time of war. The dry dock is as much a concomitant of the modern warship as her engines or fuel. In time of peace the fouling of the steel hulls necessitates docking and cleaning at intervals of a few months, and what little experience has been gained of the behavior of modern warships in action shows that an engagement of any importance will almost certainly necessitate the subsequent docking of many of the ships engaged.

The board of experts which was recently appointed by Admiral Bunce to inquire into the docking requirements of the present and prospective navy has reported that ten new docks should be constructed at a total cost of \$11,075,000. We have at present eleven such docks, of which only three can accommodate the largest battleships. With the construction of the new docks we would possess twenty-one altogether, none too many, if we consider the probable increase of the navy in the near future.

Of the total 622 dry docks in the world, about 348 are owned by Great Britain, and of these 266 are situated in England, Ireland, and Scotland. So essential does that country consider the dry docks to her commercial and naval supremacy that she possesses as many as 10 in Australia, 15 in China, 30 in India and the East Indies, and in Canada and British Columbia there are 12. At the great naval station at Portsmouth there are nine dry docks with 33½ to 41½ feet of water on the sills, and the other great dockyards are all liberally supplied. Now, although our needs do not call for any such provision as this, it is nevertheless certain

that our recent naval activity has greatly outstripped our dry dock accommodation.

The report states that while an outlay of \$11,075,000 is recommended, there is no urgent necessity for constructing more than five of the docks at present. It is suggested that the amount — \$5,775,000 — needed for these should be voted in annual installments, as is now done in the construction of the new battleships and cruisers. The list of the proposed docks is as follows: At Boston, one concrete dock 700 feet long, \$1,500,000; at New York, one concrete dock 500 feet long, \$1,200,000; at Norfolk, one concrete dock 500 feet long, \$1,100,000; at Port Royal, improvements, \$25,000; at New Orleans, floating graving dock, \$750,000; at Mare Island, one concrete dock, 500 feet long, \$1,100,000. Total, \$5,675,000. In addition to the docks urgently needed, the board recommends that structures be built at these places: At New London, fresh water basin, with dock, \$1,000,000; at Newport News, a steel floating graving dock, \$650,000; at Tortugas, a steel floating graving dock, \$650,000; at San Francisco, concrete dock at Yerba Buena, \$1,500,000; at San Pedro, concrete dock 700 feet in length, \$1,500,000. The report also states that ultimately dry docks should be constructed at Pensacola, Florida, and Galveston, Texas.

It will be noticed that the materials of which our existing dry docks have been built, viz., stone and wood, is not recommended for the new structures, steel and concrete taking their place. As regards concrete, it may be said that if the work is well carried out a dry dock of this material has all the advantages of solidity and permanence offered by one of granite without the drawback of excessive cost. The difference in cost is great; the proposed concrete dock at Mare Island is to cost but \$1,100,000 against the reputed cost of \$4,000,000 for the present stone dock. Moreover, a concrete dock can be built in considerably less time.

There will be objections raised against the complete abandonment of the timber construction by those who have faith in this system. But while it is true that there are timber docks that have been giving good service for from 30 to 40 years, there have been failures, or partial failures, like that at the Brooklyn navy yard, which render the system hazardous in a work of such pressing necessity as the speedy provision of docks for a nation's navy.

An even greater innovation would be the construction of steel floating and graving docks, as proposed. The docks would compare favorably in cost with the discarded timber docks, the estimate of \$650,000 being about equal to the cost of the Brooklyn dry dock No. 3, and probably less than the latter structure will have cost by the time it is put in serviceable shape. It also has the advantage of being movable, at least within sheltered waters.

The policy is a liberal one; but not more liberal than the situation demands, and it is sincerely to be hoped that Congress will act promptly in placing the new construction under way.

CLIMATE AND CRIME.

The public press has lately given much attention to the subject of the relation between weather and crime, says the Monthly Weather Review. This seems to have started with a private communication from some Weather Bureau observer and has greatly interested every one. A preliminary collection of statistics seems to indicate that crime is more prevalent in hot weather.

The Chief of the Weather Bureau has expressed his opinion that it is utterly wild to contemplate at present the possibility of issuing predictions of prevalence of crime, and he has no intention of attempting it. In fact, there is no official investigation of the subject being made or contemplated in the Weather Bureau and no legal authority for doing so, even if it were considered desirable, which it is not. The statistics of disease have generally shown a very broad connection between climate and disease and the investigation of that subject is ordered by Congress, but that has no official connection with crime. The discussion of such difficult subjects is a matter for the careful study of statistics by physicians, and any conclusions that may at first seem to be justified need to be checked by later investigations before they can be practically applied to the public welfare.

PLATINUM AND GOLD TONING.

Kastner suggests the following treatment for matt solio paper, and states that it gives pure black tones. The prints are first toned in:

Solution of chloro-platinite of potash (1:100).....	30 parts.
Potassium chloride.....	2 "
Water.....	1000 "

till they assume a bluish violet color, and they are then further toned in a bath of:

Ammonium sulphocyanide.....	20 parts.
Citric acid.....	20 "
Chloride of gold.....	2 "
Water.....	1000 "

After washing, the prints are fixed.—The British Journal of Photography.