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Contents.

(Illustrated articles are marked with an asterisk.)

(211400111004 111110100 1110 1	mile with the territories,
Aconcagua. Mount, ascent of 76 Alabama, battleship* 65	Kentucky, battleship* 6 Lens, 90,000,000 candle power* 7.
Aluminum, acid resisting 70	Letters, the safe sealing of 7
Archæological news	
	Linoleum, underlays for
Arc lamp, 9,000 candle power* 75	London fire, the late
Battleships, our new*	Metals, world's consumption of 7
Bazin, M., death of	Microscopical examination of
Benin, curios from*	growing plants
Blacking, waterproof70	Moodus noises, the 6
Bridge swing, a curious 76	Natural science gift to Yale 7
Britannic, record of 68	Naval use of homing pigeons* 7
Bulkheads, watertight	Notes and receipts
Butterworth, death of Mr.* 67	Patent Office. business of the 7
Cabinet, Worthington's prescrip-	Patent Office needs 6
tion* 68	Patents granted, weeekly record
Catacombs lighted by electricity 76	of
Chimney and pole problem, the 71	Patent swindlers arrested 7
Commissioner of Patents, ap-	Pigeons, homing, in naval ser-
pointment	vice* 7
Crickets, the chirping of 68	Plaster casts, making 7
Cruiser, raising a stranded 71	Science notes
Electric light beacon, a great* 75	Scientific American offices, Wash-
Electric locomotives for London. 70	ington*
Fish, burrowing	Seismoscope, an electric 7
Gasoline motor, a new*	Sesame oil
Hawaiian expedition, Prof. Lib-	Tibet, Landor's expedition to 7
	Tire removing device, Robin-
bey's	son's*6
	Trade mork law Deliving 7
Inventors, and Manufacturers'	Trade mark law, Bolivian
Association 67	Wood oil, Chinese 6

TABLE OF CONTENTS OF

Scientific American Supplement

No. 1152.

For the Week Ending January 29, 1898.

Price 10 cents. For sale by all newsdealers.	
	AGE
I. BACTERIOLOGY.—Bacteriology in 1897	18416
II. BICYCLES.—The Pneumatic Tire.	
III DIOCDADIIV Theodor Mommon Octogramation A his	
III. BIOGRAPHY. — Theodor Mommsen, Octogenarian. — A biographical sketch by CHARLES DE KAY of the eminent historian, with a portrait. — I illustration.	18405
IV. BOTANY AND HORTICULTURE.—Castanopsis Chrysophylla.—1 illustration	18416
V. CHEMISTRY.—Chemistry in 1897.—An excellent review of the chemical progress in the year 1897, referring to researches on argon, liquefaction of fluorine, synthetic remedies, etc	18406
VI. ELECTRICITY.—A Review of American Electrical Progress During the Year 1897.—A resume of the interesting and important advances during 1897	18417
VII. FISHERIES.—The United States Fish Commission Salinometer.—Jillustrations	18417 18411
VIII. MARINE NAVIGATION.—Lambert's Gliding Boat.—An illus- trated description of a curious boat which propels itself by glid- ing over the waves.—2 illustrations	18408
1X. MARINE ENGINEERING.—Auxiliary Engines and Transmission of Power on Naval Vessels.—By George W. Dickie—A valuable paper dealing in a masterly manner with the various methods of transmitting power to various parts of the vessel.—4 illustrations.	18409
X. MECHANICAL ENGINEERING.—A Large Boring Mill.—I illustration.	18409
XI. METALLURGYThe Use of Aluminum in the Brass Foundry.	18419
XII. MISCELLANEOUS: Engineering Notes. Electrical Notes Selected Formulæ.	18418
XIII. PHOTOGRAPHY. — Photographic Formulas. — Formulas for pyrogallic acid, hydroquinone and eikonogen developers	18407
XIV. TECHNOLOGYA Lack of Whalebone	18411
XV. TRAVEL AND EXPLORATION.—Story of the Yukon.—Getting into the Yukon.—An exhaustive article, occupying more than four pages of the SUPPLEMENT, written by WILLIAM OGIL-VIE, F.R.G.S., who is almost the best known authority on the subject.—The paper is filled with valuable memoranda of personal experiences in the Yukon.—7 illustrations.	18412

THE APPOINTMENT OF A COMMISSIONER OF PATENTS.

The vacancy created by the decease of the late Commissioner of Patents imposes upon the executive the duty of selecting a properly qualified successor to this important office. In the whole range of offices which are filled by government appointment there is none that calls for so many special qualifications as this, and the selection should be made primarily with regard to the administrative and professional ability of the candidate—the question of mere political services and the recommendations of political friends being made strictly subordinate.

The Patent Office has suffered too severely in the past from the incompetence of political appointees. Men have been placed in charge who, whatever may have been their political qualifications, were altogether unfitted to fill a position which calls for a thorough knowledge of the patent system and an unusual political office seekers possessed of a certain versatility which enables them to fill acceptably a wide variety of positions; but we do say that there are certain offices, the duties of which can, in the very nature of things, be filled only by specially qualified men.

of Commissioner of Patents; and that its duties can of the United States and he is dependent entirely upon only be properly performed by a professional man, one the annual appropriations of Congress for means to practice, is proved by the record of the various gentle- years there has been a steady increase in the business men who have filled the position in the past. When a of the Patent Office without any commensurate innovice has been placed in charge, the results have crease in the staff or the annual appropriations. In been far from satisfactory. The attempted improve- 1886 the office received 35,968 applications; in 1896 ments and so-called reforms in the laws and working of there were 43,982. Up to 1870 the total number of pathe office have been fruitless or positively harmful, and tents issued by foreign countries was 358,000, whereas have had to be reversed or repealed by a later combetween 1871 and 1896, 1,282,000 patents were issued in missioner. Abuses have crept into the system of patent these countries. The increase in the transactions of practice, which the political appointee, controlled it the office has called for enlarged accommodations may be by political motives, has failed to eradicate.

office because he understands its duties, and is justified appointment of the late commissioner so acceptable, very first acts was to rid the patent practice of an previous administration of the affairs of the office. A patent lawyer himself of long experience, he unreference to its best interests.

It can safely be said that there is no department man will be chosen who, like him, is thoroughly conpossesses the necessary judicial qualities for this difficult and responsible position.

Judge A. P. Greeley has been the practical head of the department during the protracted illness of the late Commissioner, and his management has been characterized by excellent judgment and unusual adminiswhom his name is already well and honorably known. 'names:

APPROPRIATIONS.

We have more than once had occasion to call the attention of the public to the fact that, unless more the Patent Office staff to keep pace with the business of the office is not due to any want of capacity or zeal safe to say that there is no department whose staff is worked so hard-so completely overworked-as this, and that the business of the office is falling behind is to be attributed solely to the fact that the force employed is altogether inadequate.

This fact has long been recognized by the Patent Commissioner, and urgent requests have been made from time to time for increased appropriations to enable the necessary increase in the force to be made. interviews and by written communications. In the report of the late lamented Commissioner of Patents for the year ending June 30, 1897, the subject injustice is being done to one of the best administered

is referred to as follows: "I desire to call especial attention to the steady increase in the business of this office, and to say that, if the work is not to fall hopelessly in arrears, an increase of force must be provided during the ensuing fiscal year." One would naturally suppose that such urgent representations as these would meet with ready response from Congress; yet, as a matter of fact, the appropriations have been as steadily refused as they have been persistently requested.

Now the gross injustice of the course pursued by Congress will be evident when it is borne in mind that the money which the Patent Office requests is its own money, paid by inventors in the shape of patent fees, and set apart in a fund known as the Patent Office fund, whose object is to meet the current expenses of the office.

For many years past there has been an excess of receipts over expenditures in the business of the office, amount of judicial and administrative ability for the and the fund, which is now being augmented at the conduct of its affairs. We do not deny that there are rate of over \$300,000 a year, has already reached a total of over \$5,000,000.

The business of the Patent Office is carried on by means of annual appropriations from the Patent Office fund. The Commissioner of Patents has no authority whatever over a single dollar of the receipts of his Among these, and perhaps chief among them, is that office. He turns every cent over to the Treasurer who has had a thorough acquaintance with patent | carry on the business of his department. For many and an increased working staff, and the surplus which When the new commissioner enters upon the duties of this bureau has been accumulating would at any time his office, he should do so feeling that he is absolutely have been more than enough to meet the emergency. free from all external controlling influences of a polit- Yet, for some unaccountable reason, Congress, though ical nature. He should realize that he is given the lavish - over lavish - in its appropriations for other purposes, has pursued an extremely parsimonious polby his past training and experience to perform them icy with regard to the Patent Office. This refusal is intelligently. It was this fitness coupled with his unthe more unjust because, as we have pointed out, this doubted integrity and independence that rendered the Department is merely asking that the surplus of its own earnings may be appropriated to its own needful exand his administration so successful. One of his penses. The recommendations of the Commissioner for appropriations are passed on by the Patent Comabuse which had grown to extraordinary dimensions mittees in the Senate and the House, who almost invabecause of the laxity which in this respect marked the riably approve them. They then come before the Appropriation Committee, who failing to see the broad distinction between this appropriation and appropriaderstood thoroughly the working of the system, and tions say for rivers and harbors, have almost invariahe conducted the affairs of the department with sole by cut them down to a figure much below the growing necessities of the office.

Undoubtedly one great cause of the neglect of the inwhich, as a rule, has been purer, more free from politi-| terests of the Patent Office is the total misunderstandcal intrigue, than this; and it is earnestly to be hoped ing of the real nature of the annual requests of the that, in selecting a successor to Mr. Butterworth, a Commissioner for money. They are not requests for "appropriations" in the common sense of the term. versant with the workings of the patent system and The money asked for does not come out of Uncle Sam's pocket in the way that river and harbor or pension appropriations do. The Commissioner merely requests It has never been the practice of the SCIENTIFIC that a sufficient amount of the earnings of the Patent AMERICAN to advocate the claims of particular indi- Office may be placed at his disposal to enable him to viduals in matters of this kind; but in the present case transact its business to the best advantage. Whether we feel compelled to state that our past experience of the amount allowed by the Appropriation Committee be the acting incumbent of the office convinces us that large or small, it will not make the nation's purse lightno better man could possibly be selected for the posi- er or heavier—it will merely be a question of the Patent Office fund lying idle or being applied to its legitimate

If the Appropriation Committee would only judge this matter on its own merits, and not confound it with the extravagant appropriations asked for various pubtrative capacity. His appointment would be received this works of doubtful utility, there would be little diffiwith great satisfaction not only by the department but culty in obtaining the needful funds. We believe that by the inventors and manufacturers of the country, to the committees at present include the following

> Senate Appropriation Committee.—William B. Allison, Ia.; Shelby M. Cullom, Ill.; William J. Sewell,

House Appropriation Committee.—Joseph G. Cannon, Ill.; Henry H. Bingham, Pa.; William W. Grout, generous appropriations are made by Congress for Vt.; Stephen A. Northway, O.; William A. Stone, carrying on the business of the Patent Office, its work Pa.; Mahlon Pitney, N. J.; James A. Hemenway, is certain to fall hopelessly in arrears. The failure of Ind.; James J. Belden, N. Y.; Samuel S. Barney, Wis.; William H. Moody, Mass.; Samuel J. Pugh, Ky.; Joseph D. Sayers, Tex.; Alexander M. Dockery, Mo.; on the part of its examiners and clerical force. It is Leonidas F. Livingston, Ga.; Thomas C. McRae, Ark.; John M. Allen, Miss.; John C. Bell, Col.

There is no question that the immediate remedy lies with these gentlemen, for it is in the committee that the appropriations have almost invariably suffered their first reduction. We think that the surest way to secure a proper recognition of the rights of inventors would be for the people to bring all possible pressure to bear upon their representatives, both by personal

The cause is a worthy one. An altogether inexcusable