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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 amount of judicial and administrative ability for the conduct of its affairs. We do not deny that there are 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.

Among these, and perhaps chief among them, is that of Commissioner of Patents; and that its duties can only be properly performed by a professional man, one who has had a thorough acquaintance with patent practice, is proved by the record of the various gentlemen who have filled the position in the past. When a novice has been placed in charge, the results have been far from satisfactory. The attempted improvements and so-called reforms in the laws and working of the office have been fruitless or positively harmful, and have had to be reversed or repealed by a later commissioner. Abuses have crept into the system of patent practice, which the political appointee, controlled it may be by political motives, has failed to eradicate.

When the new commissioner enters upon the duties of his office, he should do so feeling that he is absolutely free from all external controlling influences of a political nature. He should realize that he is given the office because he understands its duties, and is justified by his past training and experience to perform them intelligently. It was this fitness coupled with his undoubted integrity and independence that rendered the appointment of the late commissioner so acceptable, and his administration so successful. One of his very first acts was to rid the patent practice of an abuse which had grown to extraordinary dimensions because of the laxity which in this respect marked the previous administration of the affairs of the office. A patent lawyer himself of long experience, he understood thoroughly the working of the system, and he conducted the affairs of the department with sole reference to its best interests.

It can safely be said that there is no department which, as a rule, has been purer, more free from political intrigue, than this; and it is earnestly to be hoped that, in selecting a successor to Mr. Butterworth, a man will be chosen who, like him, is thoroughly conversant with the workings of the patent system and possesses the necessary judicial qualities for this difficult and responsible position.

It has never been the practice of the SCIENTIFIC AMERICAN to advocate the claims of particular individuals in matters of this kind; but in the present case we feel compelled to state that our past experience of the acting incumbent of the office convinces us that no better man could possibly be selected for the 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 administrative capacity. His appointment would be received with great satisfaction not only by the department but by the inventors and manufacturers of the country, to whom his name is already well and honorably known.

URGENT NEED FOR LARGER PATENT OFFICE APPROPRIATIONS.

We have more than once had occasion to call the attention of the public to the fact that, unless more generous appropriations are made by Congress for carrying on the business of the Patent Office, its work is certain to fall hopelessly in arrears. The failure of the Patent Office staff to keep pace with the business of the office is not due to any want of capacity or zeal on the part of its examiners and clerical force. It is 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. In the report of the late lamented Commissioner of Patents for the year ending June 30, 1897, the subject 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, and the fund, which is now being augmented at the 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 office. He turns every cent over to the Treasurer of the United States and he is dependent entirely upon the annual appropriations of Congress for means to carry on the business of his department. For many years there has been a steady increase in the business of the Patent Office without any commensurate increase in the staff or the annual appropriations. In 1886 the office received 35,968 applications; in 1896 there were 43,982. Up to 1870 the total number of patents issued by foreign countries was 358,000, whereas between 1871 and 1896, 1,282,000 patents were issued in these countries. The increase in the transactions of the office has called for enlarged accommodations and an increased working staff, and the surplus which this bureau has been accumulating would at any time have been more than enough to meet the emergency. Yet, for some unaccountable reason, Congress, though lavish—over lavish—in its appropriations for other purposes, has pursued an extremely parsimonious policy with regard to the Patent Office. This refusal is the more unjust because, as we have pointed out, this Department is merely asking that the surplus of its own earnings may be appropriated to its own needful expenses. The recommendations of the Commissioner for appropriations are passed on by the Patent Committees in the Senate and the House, who almost invariably approve them. They then come before the Appropriation Committee, who failing to see the broad distinction between this appropriation and appropriations say for rivers and harbors, have almost invariably cut them down to a figure much below the growing necessities of the office.

Undoubtedly one great cause of the neglect of the interests of the Patent Office is the total misunderstanding of the real nature of the annual requests of the Commissioner for money. They are not requests for "appropriations" in the common sense of the term. 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 that a sufficient amount of the earnings of the Patent Office may be placed at his disposal to enable him to transact its business to the best advantage. Whether the amount allowed by the Appropriation Committee be large or small, it will not make the nation's purse lighter or heavier—it will merely be a question of the Patent Office fund lying idle or being applied to its legitimate uses.

If the Appropriation Committee would only judge this matter on its own merits, and not confound it with the extravagant appropriations asked for various public works of doubtful utility, there would be little difficulty in obtaining the needful funds. We believe that the committees at present include the following names:

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

House Appropriation Committee.—Joseph G. Cannon, Ill.; Henry H. Bingham, Pa.; William W. Grout, Vt.; Stephen A. Northway, O.; William A. Stone, Pa.; Mahlon Pitney, N. J.; James A. Hemenway, 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.; 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 interviews and by written communications.

The cause is a worthy one. An altogether inexcusable injustice is being done to one of the best administered

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and most successful of our institutions. If ever a requested appropriation—if appropriation it can be called—was reasonable and proper, it is this. To refuse it is to deny to the inventors in this country what is justly their own, and deny them the services for which they have paid.

In recommending this matter to the active interest of inventors throughout the whole country, we would remind them that the vexatious delays which they experience in securing their patents are due entirely to the action of Congress in curtailing the appropriations for the Patent Office. Moreover, there is every indication that matters will steadily grow worse if Congress persists in its present policy. We are informed through private sources that it will take the present force of examiners fully three months to examine the cases which came in during the month of December alone. In short, the work is accumulating at a rapid rate and no relief is in sight, as we understand that the Appropriation Committee have already expressed their disinclination to admit any increase of appropriation during the coming year. The matter of agitation for relief rests now largely with the inventors and manufacturers of the country, and if they bestir themselves and write urgent letters to their representatives and to the members of the Committee on Appropriations whose names are given above we believe that the necessary relief may yet be secured.

DEATH OF MR. BUTTERWORTH.

The Hon. Benjamin Butterworth, United States Commissioner of Patents, who has been ill for several weeks at Thomasville, Ga., died on Sunday, January 16, at that place. The end was peaceful and when it came his wife and children were at his bedside. Mr. Butterworth went to Thomasville to recuperate from an attack of pneumonia. He was convalescing when a relapse took place which resulted in his death.

Mr. Butterworth was a descendant of a long line of Quakers. He was born in Warren County, Ohio, 1839, and lived on a farm with his parents until he was eighteen years old, and enjoyed scant educational advantages. In his nineteenth year he went to Cincinnati to fit himself for a professional life. He was admitted to the bar in 1861 and commenced the practice of law in Cincinnati. He enlisted in the Union army in the civil war and rendered gallant service, retiring with the rank of major. He resumed the practice of law in Cincinnati and the first public position which he held was that of United States District Attorney in 1871. He was a member of the Ohio Senate in 1873-74 and was first elected to Congress in 1878. After the retirement of E. M. Marble as Commissioner of Patents in 1883, Mr. Butterworth was appointed in his stead. He served in that capacity until he resigned to become a member of the Forty-ninth Congress. He was afterward elected to the Fiftieth and Fifty-first Congresses and declined the nomination for the Fifty-second Congress. After his retirement from Congress he settled in Washington and soon built up a large practice, chiefly in patent law. He was appointed Commissioner of Patents by President McKinley, April 1, 1897.

While in Congress Mr. Butterworth was admittedly one of the readiest and ablest debaters on the floor of the House, and was always the champion of good government and pure politics. He was president of the commission sent by the United States government to Europe to induce foreign countries to take part in the Chicago World's Fair. During his first tenure of office as a Commissioner of Patents, Mr. Butterworth compiled a most comprehensive work on the "Growth of the Industrial Arts." The work gives the history of two hundred of the arts, from the rude beginnings up to the most complicated examples of modern inventors' skill.

When Mr. Butterworth entered upon his duties as the Commissioner of Patents for the second time, he soon showed that his administration would be liberal minded toward inventors and that those who had been practicing before the Patent Office in an illegitimate manner need expect no mercy from him. He found many abuses to cure, and in his efforts to correct some of them he encountered strong obstacles and made some enemies; but he persisted, and during the last few months of his incumbency he did much to earn the gratitude and respect of the inventors.

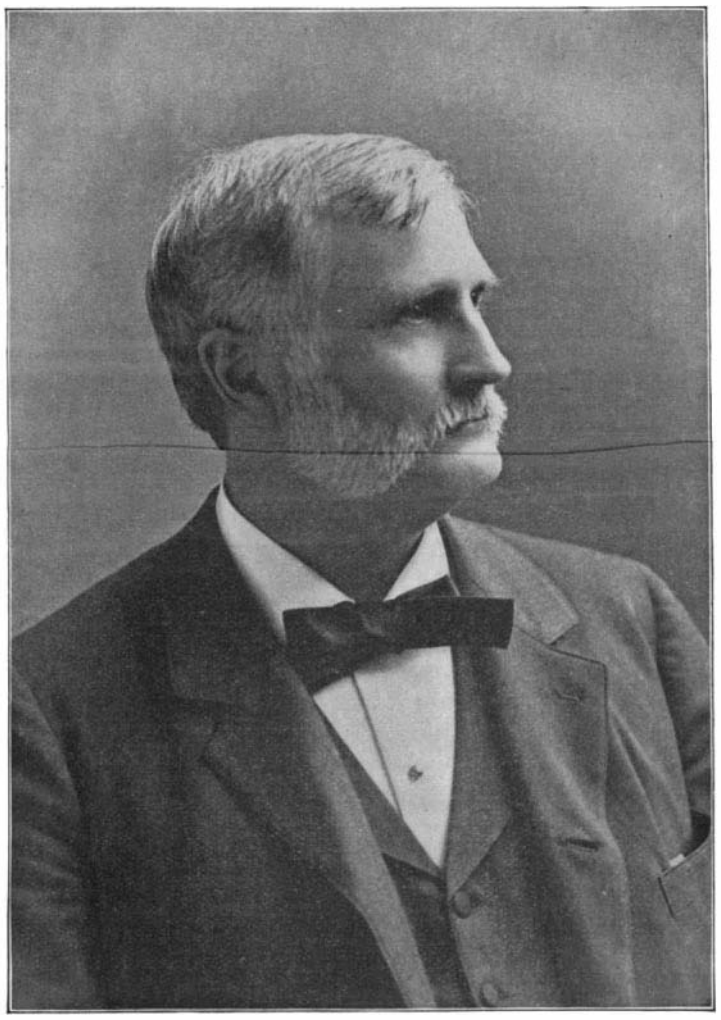
The Secretary of the Interior, in speaking of the death of Commissioner Butterworth, said:

"The death of Commissioner Butterworth is a great loss, not only from a personal aspect, but to the country at large. Everybody loved Butterworth who knew him, and the Interior Department suffers in his loss. Every mark of respect will be paid his memory. The Patent Office will be closed the day of the funeral."

Postmaster-General Gary said: "The death of Major Butterworth will be deplored by the whole country. His was one of the most lovable of natures. He was a kind friend, a loving parent and a thoroughly conscientious man. His face will be missed by the legions of those fortunate enough to have known him, and his place in the party to which he was devoted cannot be filled."

The employés of the Patent Office assembled in the room of the Commissioner on the afternoon of January 17 to participate in a meeting called in honor of the memory of their dead chief. Acting Commissioner Greeley paid an eloquent tribute to Major Butterworth. A committee was appointed to draft suitable resolutions. President McKinley was deeply pained by the death of his old friend, and at the Capitol there was a universal expression of grief.

The funeral services were held in Washington on January 19 and were attended by President McKinley, Vice-President Hobart, Speaker Reed and members of the cabinet, and most of the prominent officials of the different government departments.



THE LATE HON. BENJAMIN BUTTERWORTH.

AMERICAN ASSOCIATION OF INVENTORS AND MANUFACTURERS.

The regular annual meeting of this association was held at the Shoreham Hotel, Washington, D. C., on January 18. The president, Francis H. Richards, of Hartford, Conn., called the meeting to order. Among the important reports received was the one from the legislative committee, read by Mr. Arthur Stewart, which was in effect that the association should concentrate its efforts to have a classification division created in the Patent Office. The object of such a division was to have the patents so classified and arranged that the work of examination to determine the previous state of the art would be facilitated. Suitable resolutions were passed commemorating the death of Commissioner Butterworth and Mr. Gardiner G. Hubbard, the latter being one of the organizers of the association.

The following amendments to the constitution and by-laws were adopted:

The object of this association is to maintain, foster and protect the patent system of the United States, to increase the efficiency of its operation and the stability of patent property.

To accomplish these results the association aims to strengthen public opinion favorable to the patent system, by demonstrating the enormous advantages which have been derived by the people of the United States therefrom, in the increase of manufactures and material wealth which has resulted from new machines and methods produced under the stimulus of the legal protection afforded to inventors by the patent system of the United States.

To procure from Congress legislation authorizing the Patent Office, the only department of the government which pays all of its expenses out of its income, to spend so much of that income as may be necessary for the scientific, thorough and efficient examination of applications for patents, to the end that patents may be granted only for inventions undoubtedly new; and

To strengthen the legal remedies for the protection of such patents as may be issued after a thorough examination.

The association proceeded to ballot for the officers for the ensuing year, with the following results:

President, Francis H. Richards, Hartford, Conn.; first vice president, J. C. Anderson, Chicago, Ill.; second vice president, L. W. Serrell, New York City; third vice president, Philip T. Dodge. New York City; fourth vice president, Theodore N. Ely, Philadelphia; secretary and treasurer, Arthur Stewart, Baltimore; members of the executive council, C. E. Billings, Hartford, Conn.; Dr. R. J. Gatling, New York; Robert S. Taylor, Fort Wayne, Ind.; Albert A. Pope, Boston, Mass.; Daniel Frazer, Washington, D. C.; Marvin C. Stone, Washington, D. C.; Lewis Miller, Akron, Ohio; G. H. Schulte, Milwaukee, Wis.; Jas. T. Du Bois, Washington, D. C.

Committees on Legislation and Ways and Means were appointed.

A resolution was passed recommending the removal of the models in the Patent Office to the National Museum and their careful preservation as relics of the unprecedented progress of science and the useful arts during the past half century. The Secretary of the Interior and the Secretary of the Smithsonian Institution are to be urged to favor this step.

THE MOODUS NOISES.

It is stated that the disturbances of the lower Connecticut Valley, which produce what from early colonial times have been called the "Moodus Noises," have begun again, after a period of rest of twelve years.

For twenty years, up to 1729, the villagers of the town of East Haddam heard these noises almost continuously. The Rev. Mr. Hosmer, in a letter written August 13, 1729, says, in speaking of the phenomenon: "Whether it be fire or air distressed in the subterraneous caverns of the earth cannot be known; for there is no eruption, no explosion perceptible, but by sounds and tremors, which are sometimes very fearful and dreadful. I have myself heard eight or ten sounds successively, and imitating small arms, in the space of five minutes. I have, I suppose, heard several hundreds of them within twenty years; some more, some less terrible. Sometimes we have heard them almost every day, and great numbers of them in the space of a year. Oftentimes I have observed them coming down from the north, imitating slow thunder, until the sound came near or right under, and then there seemed to be a breaking like the noise of a cannon shot or severe thunder, which shakes the houses and all that is in them."

The center from which the noises proceed seems to be Mount Tom, situated at the junction of Moodus and Salmon Rivers. The severest shocks have been felt as far northeast as Boston and as far southwest as New York, and have there been noticed as earthquakes. In 1816 and 1817 these noises were more than usually loud. On the recent recurrence there was a sound resembling a clap of thunder, followed for a couple of hours by a roar like the echoes of a distant cataract. A day later there was heard a crashing sound like that of heavy muffled thunder, and a roar not unlike the wind in a tempest. The ground was so shaken as to cause houses to tremble and crockery to rattle as though an earthquake were in progress.

The Indians, familiar with these noises long before the advent of the whites among them, called the region now embraced in the town of East Haddam, and particularly that situated in the vicinity of Mount Tom, Matchemâdoset, or "at the place of bad noises." This name, corrupted and contracted to Machamoodus, and finally to Moodus, gives name to a branch of Salmon River and to a manufacturing village. The region where these subterranean disturbances have occurred from time immemorial is one of deformed crystalline rock.

SIR JOHN LUBBOCK has gone to the ant again, and if he keeps up his visits and others imitate him, that interesting insect will become useless for Sunday school purposes. Sir John succeeded in getting fifty ants helplessly drunk and then placed them outside an ant hill. The sober ants came out, picked up their friends, and put them to bed to sleep off the effects of Sir John's liquor; the strangers, however, they sternly rolled over into the ditch.

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