

Hebrew, Baptist, Socialist and Presbyterian as speakers. And these men were there not to declare the goodness of each particular house of faith (the Baptist found fault with his denomination as being too narrow), but to speak in brave, strong words for those who while religious at heart are outside the organized religious life, for the outcast of the world, and for the social righteousness which shall mark the coming of the kingdom of God upon the earth. Equally remarkable was the devotional service of each session. It was not a side issue, as so often, attended by a few conscientious souls and meeting before the real business of the convention, but a part of each session after people had gathered. A book of common worship had been prepared by a Hebrew, an Episcopalian and a Unitarian. No one claims that this book is a finality. It served its purpose, however, in voicing the common spirit of reverence which so pervaded the whole gathering that it could be felt. The conference was inspired with a faith that God meets with men—all men. It realized its faith.

But, after all, it was the message of the conference which lingers as marking the turn of the tide. There was here no romancing of social dreamers or coldness of mere ethical philosophy. Social and ethical believers were there with the rest. Yet every plea for a purer ethics and real brotherhood was made to glow with the spirit which was in Christ himself. Although on a broad basis which some are disposed to call only natural religion, this conference measured up to the highest that revealed religion can teach. Hebrew and Christian alike spoke and listened with a passionate eagerness, and both echoed the same amen. Neither in social congresses nor in ethical schools have I listened to such fearless, positive application of religion to life. Men realized here, some for the first time, that not only is religion common to all men, but that there is no thorough-going cure for human ills except the religious. A social Elijah coming here from his cave heard the still small voice. An ethical John the Baptist would have listened to a message which would have taught him beyond all questioning that men are preaching a gospel to the poor and outcast which will be marked by increasing wisdom and effectiveness. The old-type individualist would have gone away sobered and thoughtful over the note which will be heard again and again—the single rather than the double standard of ethics in business, in society, and in private life. A corpora-

tion building itself on brutal methods of stifling competition and buying special privileges, would have been startled at hearing such methods denounced in fearless words as unbusiness-like, unethical and un-Christian. The very fact that this note was struck so forcibly in the conservative commercial center of the country is a proof that the tide is beginning to flow from speculative toward applied religion. Neither pulpit, nor press, nor school, nor office can any longer escape a like fearless dealing with these questions of human life. They are no longer the burden of this ism or that reformer. Henceforth they are the burden of religion in whatever form.

This conference has left a high optimism. It has shed not only light but sweetness. In place of the sense of jarring discord in religion it has shown the web of a common faith already uniting men. It has taught us not to waste any more time in seeking a common ground, but to begin work on the ground which is even now common. Men are seeing that unity is not in religious expression, but in religious men. This tide of which this conference is only a wave, setting so strongly toward applied religion, is not of men but of God. There is no longer a social or political or business problem as such. At heart they all are religious, for men are God's humanity.

Brooklyn, N. Y., Nov. 30, 1900.

THE INJUSTICE OF OUR PATENT LAWS.

For The Public.

When the question of amending or doing something else with our patent laws comes up—as it doubtless will shortly — for discussion, the professors and presidents of our colleges and universities and their satellites, the consolidated aggregation of "business men" and wise boys generally, who know almost nothing about the question, will in all probability have more advice to deal out than you could spread over a ten-acre lot. It is because of the fear of being lost in the shuffle later on, that I desire now to say a few words on the subject from the standpoint of an inventor, who has been "up against" what appears like a brace game.

The theory of the patent law resembles that of a contract between the public and the inventor. The public agrees, in consideration of the inventor's telling all about his invention instead of keeping it secret, to hand him a vested right or monopoly for a certain time in what is

new and useful in his invention. Hence patents are not valid if any essential part of them is withheld, and if a patent should have been granted for anything already belonging to the public, it will be inoperative. The purpose of the law is to encourage invention, by the stimulus of the large reward which a monopoly of any useful instrument must yield.

The patent office is a branch of the interior department, and has a commissioner with a large staff and three examiners in chief.

Patent laws are of comparatively recent origin. Nothing like them was known to the ancients. In England the idea is but little more than 200 years old, and the patent law in France bears date of 1791. The patent laws in the United States rest on a statute of 1790 and others made subsequently. The latest amendment was made in 1861.

In a nut shell, the law as it now stands provides for a patent being granted the original inventor of anything new and useful, provided application for patent be made within two years of the time the idea was first employed. If, for instance, an inventor be employed for more than two years before an application is filed with the patent office at Washington, it is public property, according to the law, and no patent will be granted if the facts are known to the commissioner.

If the fact of the invention having been employed, as above set forth, is withheld from the commissioner, and he, in his ignorance of the true state of affairs, grants a patent, anyone can make complaint, and the court will, upon proof being furnished, vacate the grant, and the patent will be worthless.

With this preliminary statement, I wish to call attention to the fact that there are two sorts of things that ideas may be employed in.

First, things that need never be sold and that are used solely for the purpose of making other things; such as machinery for making boots, cloth or pins. The inventor of this sort of thing could keep his invention secret, and enjoy all the accruing advantages that any patent monopoly could assist him to.

Second, things that must be sold if any pecuniary benefit is to be derived from the idea employed. This includes such things as engines, bicycles and automobiles, and things to keep doors closed. The inventor

of this sort of things could not keep his invention secret, to his commercial advantage.

With these preliminary remarks, let me call attention to the fact that patents are frequently granted on things never put to practical use. These patents are a constant block to progress in the arts. In fact, every patent is to a greater or less degree a menace to inventors. To illustrate: I recently invented a voting machine that is so far ahead of anything of the kind yet invented that none of the others are even a good second. I had never seen even a drawing of any other voting machine before I had my plan completed. When I came to examine the patent records, I found that 76 patents had already been granted on voting machines, and I know of only one that is in actual use. Now these 76 patents tie up almost every conceivable mechanical movement in the deck, and though my machine is entirely new, and many of its points are broadly novel, I can't build it without infringing some one of these 76 patents, though 75 of them have never been put to use, and probably never will be. My experience is that, of all patents issued, this fairly illustrates the ratio in which they are actually used. My machine will probably never be built, at least not by me. This is one way the patent laws operate to land the inventor in "Queer street." Here is another:

A little less than two years ago I invented an important device in connection with ——. I succeeded in getting capital interested in my invention, with the understanding that the money would be forthcoming, if on investigation the patents proved to be valid, and if the devices covered by them did not infringe existing patents.

While the attorneys for the capitalists were engaged in making the required investigation, I secured a contract which had in it a provision that some responsible party should guarantee the customer protection against any litigation that might arise from the use of my invention. The customer required this because of the threats that had been made by a trust which controls nearly all the business in the line. These threats were in the form of letters, which called attention to the fact that they (the trust) owned many patents, and that it was scarcely possible that any system of ——— could be built without infringing their patents.

Shortly after I secured this con-

tract the capitalists received from their attorneys a report on the patents. The report was all that could be wished for. It stated that the invention was "broadly novel," and that any suit brought against its employment could be "successfully defended."

When, however, the capitalists saw what was required by the first customer in the way of protection against litigation, they refused to advance the money unless some one could be found who would act as guarantor for the company. They refused to act in the capacity themselves, because of the obligation involved, and others refused for the same reason. Up to this time I have spent about \$6,000, and nearly two years' time, trying to get my invention on the market. If the patent laws had been so drawn that once a patent was granted it became inviolable and unassailable, I should have experienced no difficulty in exploiting my invention. If, on the other hand, there had been no patent laws whatever, I should have turned my invention over to my employers, and continued in their employ. Nearly all inventors take the latter course, anyway. Take, for instance, such a concern as the Western Electric company. They employ about 50 draftsmen, who are constantly working on special machinery, and, incidental to the problems they have to contend with, they discover new and useful things. Almost invariably the patents on these inventions are assigned to the company, and the inventors get nothing for them—not even, a pleasant look.

A friend of mine has invented a machine for making type. It is by far the most important and ingenious invention in the art. It enables him to do for two cents what it now costs the trust 32 cents to do. If no patent laws existed, he could keep his invention secret for years; as it is, he is in danger of losing, at any moment, the advantage his invention gives him. Witness his dilemma. If he takes out a patent on it, the trust can get a copy of the specifications and use his ideas in a machine somewhat differently constructed. If he tries to keep his invention secret, the trust can make claim in court that he is infringing their patents, and the court will compel him to make a full disclosure of his secret to experts in order that intelligent evidence may be submitted. This evidence will completely expose his invention, and if he has used it for more than two years

it will be common property, and the trust can make an exact duplicate of it. In any event, his advantage will be gone. Turn it any way you please, and the patent laws make an inventor look like a five-cent piece with a hole in it.

If a poor man invents some article which he agrees to let others use on a royalty it will not be long before he discovers that some concerns are using it without having made any arrangement with him. He can sue the infringers, but it will cost him all he gets from his royalties to carry on his suit, and in the end he may lose the case. If he wins, he is no better off than he was before he began the suit, because some one else may start in at the same game at any time, and he will have the same ground to go over again. Of course, if his patent is not valuable, no one will bother him with infringements; likewise if he has a white elephant, he need not spend much time or money to prevent its being stolen. In fact, he may frequently wish some one would steal it. I have a patent now that I understand a man is preparing to infringe. I understand this man is going to build a machine according to the specifications I furnished the patent office. I hope he will, because I don't like him.

Some people—mostly those who have never been burnt—will say in answer to all this: "Well, isn't it a fact that some inventors do well on their inventions?" My answer is: "Yes, it is true some of them do. It is also true that occasionally a man gets struck by lightning, but it is not often; and just as you do not regard the danger of being struck by lightning great enough to be continually guarding against it, so I do not believe that, simply because an occasional inventor is benefited by them, we should maintain patent laws that for the most part can only result in annoyance to inventors.

The importance of the information afforded the public through the operation of the patent laws is another very much exaggerated bit of buncombe. The best information on mechanics is to be found in books and magazines devoted to the art. Here are to be found splendid articles, written by men who, by actual experience, are qualified to teach. Scarcely any inventor ever thinks of searching the patent records for ideas. Certainly no mechanic would do so.

The advance made during recent years in surgery and therapeutics has, I believe, been quite as important as

in mechanics; yet there are no laws to artificially encourage invention in this direction. It is of the very nature of things that men delight in letting the world know the result of their investigations (that is what prompted me to write this article), and if they are left free and unhampered to use their genius, as they will, their work will be all the greater for it.

F. M. J.

The game is done and the darkness
Falls on the vanquished team
Like balm upon their bruises—
Or plaster—or cold cream.
And a feeling of sadness comes o'er me,
That is almost akin to pain,
As I silently count the dollars
I lost on that football game.
—The Club Fellow.

Some folks have a mistaken idea that philanthropist must necessarily be wealthy.—Puck.

BOOK NOTICES.

Investors doubtless feel the need of some handy publication to which they may refer for data of American "Industrial" securities. To supply this need John Moody has compiled and edited "Moody's Manual of Industrial and Miscellaneous Securities" (New York, 6 Wall St.: The O. C. Lewis Co.), a book of over 1,100 pages. It is an annual publication, the first number being the issue for 1900. Although intended primarily for the convenience of investors, this manual is a handy reference book for writers and speakers on public questions, and also for the intelligent newspaper reader. It is arranged in twelve sections. The first of these comprises a directory of the stock exchange members of New York, Philadelphia, Chicago and Boston, together with financial statements of all New York moneyed institutions and details of United States and foreign government securities. The succeeding eight sections are devoted to the data of eight different classes of industrial corporations, inclusive of mining and water companies, while the tenth and eleventh deal respectively with miscellaneous corporations and guaranteed railroad stocks, and the twelfth contains articles on the corporation laws of New Jersey, Delaware and West Virginia. The work is emphatically a directory of trusts; and as its chief object is to furnish information to the investing public, its data may be relied upon when cited for purposes of economic controversy, as having the flavor of authority.

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