

dence or an established place of business to *compel the granting of such a license* as will enable the improvement to be manufactured.

The court shall thereupon hear the respective parties, and if the court is satisfied that the improvement is of such a material and substantial nature that the reasonable requirements of the public demand that it should be manufactured and sold, the court shall issue an order requiring the owner of the original patent to grant a license to the owner of the improvement patent in such form and upon such terms as to the duration of the license, the amount of royalties, security for payment, the period within which the patented invention shall be manufactured or the patented process carried on, and otherwise, as the court, having regard to the nature of the original invention and improvement and the circumstances of the case, deems just.

From the order of the district court granting or refusing such a license appeal may be taken by the party aggrieved to the circuit court of appeals in the same manner and form as in other cases arising under the patent laws.

Section 32 * * * * *

Any person who purchases of the owner of a patent, or of any interest therein, any machine, manufacture, or composition of matter covered by such patent, shall have the *unrestricted* right to use, vend, or lease to others to be used the specific thing so purchased without liability to action for infringement; and it shall not be lawful to insert a condition in any contract relating to the sale, lease, or license to use any article or process protected by a patent or patents, the effect of which will be to prohibit or restrict the purchaser, lessee, or licensee from using any article or class of articles, whether patented or not, or any patented process supplied or owned by any person other than the seller, lessor, or licensor or his nominees; and it shall not be lawful to insert a condition in any contract relating to the sale, lease, or license to use any article or process protected by a patent or patents, the effect of which will be to require the purchaser, lessee, or licensee to acquire from the seller, lessor, or licensor, or his nominees, any article or class of articles not protected by the patent, and any such condition shall be null and void as being in restraint of trade and contrary to public policy.

Obituaries and Memorials

Persons having information of the death of members of the A. Ph. A. are requested to send the same promptly to J. W. England, 415 N. 33d St., Philadelphia, Pa. Information as to the age, activities in pharmacy, family, etc., of the deceased should be as complete as possible. When convenient a cabinet photograph should accompany data.



HENRY BIROTH.

Henry Biroth was born in Posen, on September 19, 1839, and came to the U. S. in 1857. He was apprenticed to Dr. Frederick Mahla, one of the leading apothecaries and chemists of the Northwest in early days; he enlisted in the army of the Civil War; started a store for himself on Archer Road and Halsted, and conducted the old Wahrlich Phar-



macy on Kings and Clark with J. Blocki up to the big fire in '71, when he lost all he had but his honor, industry and credit. Soon after the fire he sprouted out on the South Side bigger than ever, went into the manufacturing of pharmaceutical products, and

about five years ago retired, and followed his refined taste for traveling, for art, music, nature, history and philosophic study.

He was Local Secretary of the A. Ph. A. for the World's Fair Meeting of '93; Honorary President of the A. Ph. A., 1911-12; was twice President of the Chicago College of Pharmacy; President of the Illinois Pharmaceutical Association, 1882-83; established the Biroth Prize for Microscopy at the Chicago College of Pharmacy, and received the degree of Master of Pharmacy from the University of Illinois. But more than all of this he was a noble character, a loving, lovable man, gentle and pure as a child, extremely modest, and never lost his temper; never caused nor loved unpleasantness, and always loved to patch up things and conciliate. More than once did he take me in hand, when I was enjoying a little difference of opinion with other pharmaceutical pugilists, now dead, and can not file a demurrer, and therefore no names are mentioned. He, smiling, patted us on the shoulder, told us we were both right and wrong and fools at that. I caved in, admitted that I was guilty, and did not cross-examine him in his evidence that the others were fools.

The two Chicago schools would have been merged, through Henry's arbitration methods, had it not been for the appearance of a fighting rooster in the finishing home stretch.

Teasingly I often referred to him in my C. V. D. A. duties as a multi-millionaire. Not lately! Henry came to me and smiled and begged me to drop this exaggeration of his wealth, and added: "I don't want to be valued by my friends for what I *have*, but for what I *am*," and who in this wide world could resist that man's smile and his request? Not I. And I cut out the multi altogether.

He left with me in obedience to my urgent request for an autobiography, a most memorable manuscript, a glimpse into his soul life, "Observations on Religion, Ethics, Tolerance, Immortality, and Fraternal Love." He himself was timid about its value; did not think it worth while printing before he submitted the manuscript to the critical review of those of his friends who would honor his truthful character by fearless judgment. Unnecessary to say the judgment was unanimous, "sublime, superb, and a wrong if not preserved." Had he returned to us as he intended, he would have no doubt consented to the printing (and we hope that this will be done yet).

I re-read the manuscript since his death, and am awed at the beauty of the lofty philosophy of Henry's religion of Humanity.

Last but not least, Biroth was a charter member, and president in 1905 of the C. V. D. A., and an ardent, loyal adherent of this unique association. Had he lived he would have assisted President Jamieson in his praiseworthy effort to nationalize the Veterans' Association doctrine. He truly did his share to "Cheer the Living," and now that he is dead, he has our "Tears."

I for one, am not ashamed of tears for such a prince among men, the exalted and yet modest "Prince Henry," as his intimate friends addressed him.

If I analyze cause and effect correctly, I believe I can find the reason why I loved Henry as dearly as I did in the Law of Opposite Poles. My own makeup is about as different from what Biroth was as can be, but I bow my head to his superiority. He chose the better part, and I treasure his memory as dearly as any other of my mental possessions.

Biroth died in Baden Baden, on May 29, 1912. His daughter, Mrs. Massey, and her husband did not reach him in time.

W. BODEMANN.



THOMAS DOLIBER.

Thomas Doliber, of Boston, a member of the class of 1869, the first graduating class of the Massachusetts College of Pharmacy, and for many years president of the Mellin's Food Company, died at New Bedford, Mass., on June 5, 1912, aged 76 years.

He, with S. M. Colcord, were partners with Theodore Metcalf, as the Theodore Metcalf & Co. of Boston. When the Mellin's Food Co. was established, Mr. Doliber became its president and remained such until his death.

He became a member of the Massachusetts College of Pharmacy in 1867 and served it in various capacities, faithfully and loyally. He succeeded Samuel A. D. Sheppard as Trustee and Chairman of Invested Funds of the Massachusetts College of Pharmacy, which position he held until a year ago.

Mr. Doliber has been a member of the American Pharmaceutical Association for 53 years.

He was a devoted Swedenborgian. The funeral services were held at the Church of the New Jerusalem, attended by many friends. The trustees of the college, accompanied by

many members of the corporation, attended the funeral in a body. J. W. E.

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HEUSTIS BENJAMIN ALLEN.

Heustis Benjamin Allen, of Richland Center, Wis., for many years a prominent druggist and a member of the State Board of Pharmacy, is dead after an illness of several months. Born in Walworth County, Wis., December 20, 1846, he began mercantile life as a drug clerk when but 13 years old. He learned the drug business in Beloit. In October, 1879, he went to Richland Center, and purchased a half interest in the drug business of F. P. Bowen, and in March, 1883, became sole proprietor. He was the first mayor elected after Richland Center was incorporated as a city, and held many positions of public trust. He was appointed a member of the Wisconsin State Board of Pharmacy by Gov. Davidson in 1906, and was reappointed in April, 1911, by Gov. McGovern; he was elected president of the board in 1910. He was a Mason, and his funeral was according to the Masonic ritual. J. W. E.

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HERSCHELL BOYNTON.

Herschell Boynton died at his home in Biddeford, Maine, on March 26, 1912, after a lingering illness. He was 65 years old. In the death of Mr. Boynton, the state of Maine loses a man of high attainments. Of a naturally retiring disposition, he was unusually well-informed in the technique of his profession and was proprietor of the largest drug store of the county. For many years he was an active member of the Maine Pharmaceutical Association. He became a member of the American Pharmaceutical Association in 1875. J. W. E.

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EDWARD LEWIS BALDWIN.

Edward Lewis Baldwin, of the Ferry Drug Co. of San Francisco, died at San Francisco on May 17, 1912. He has always taken a deep interest in all matters pharmaceutical. He joined the American Pharmaceutical Association in 1909. J. W. E.

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E. W. DITTRICH, M. D.

Wednesday the 19th of June there assembled at 159 E. 81st St., New York, members of the medical, pharmaceutical and other professions to pay a last sad tribute of respect to Dr. E. W. Dittrich, a prominent member and

former President of the Yorkville Medical Society, who died at the age of 51 years.

The deceased physician was a former pharmacist and a man of exceptional culture and professional attainments. He was always a welcome guest at pharmaceutical meetings, where his speeches, poured out from a mind richly stored with literary and scientific gems, commanded intense interest from his auditors.

Tall and shapely in figure, his geniality was expressed in his countenance and quickly won the hearts of those who met him. Dr. Dittrich was a characteristic German student, having graduated in arts at Bonn, in 1881, the University which graduated the Kaiser. He was also a graduate of the New York College of Pharmacy, and of the College of Physicians and Surgeons of this city, and Prof. of Dermatology in the N. Y. Post-Graduate School.

He was a member of several societies, amongst which were the Society of Medical Jurisprudence, the New York County Pharmaceutical Society, Deutscher Apotheker Verein, German Society, Odd Fellows, Free Masons, etc.

After the rendering of beautiful vocal and instrumental music, short eulogistic orations were made by the side of the coffin by representatives of the different societies. The pharmacists speaking were Emil Roller and Thomas Latham. The floral tributes filled three carriages to overflowing.

A numerous procession accompanied the remains to Greenwood Cemetery.

THOMAS LATHAM.

NOTE: A paper by Dr. Dittrich appeared in the June number of this journal.

KEEPING DYSPEPSIA OUT OF THE DISPOSITION.

"The business man who lets his dyspepsia get into his disposition, and who makes every one round him suffer because he himself is ill, is syndicating ill-health. We have no right to make others the victims of our moods. If illness makes us cross and irritable, makes us unjust to faithful workers who cannot protest, let us quarantine ourselves so that we do not spread the contagion. Let us force ourselves to speak slowly, to keep anger away from the eyes, to prevent temper showing in the voice. If we feel that we *must* have dyspepsia, let us keep it out of our head, let us keep it from getting north of the neck."—*William George Jordan.*