THE

Sanitary Review

SEWERAGE, SEWAGE DISPOSAL, WATER SUPPLY AND WATER PURIFICATION

SEPTIC TANK COMPANY'S PATENT CLAIMS.

It will be remembered that the conference of municipalities held in the autumn of last year in Toronto with reference to the above claims for royalties resulted in a deputation visiting Sir James Whitney and an arrangement being made to submit the whole question in dispute to Dr. Amyot (bacteriologist) and Mr. F. Fetherstonhaugh (patent solicitor).

We are informed by Dr. Hodgetts, the secretary to the Provincial Board of Health, that a halt was immediately called on realizing that the task of obtaining the necessary evidence and data on which to base an opinion was a gigantic one, involving evidence from Europe, etc.

The Legislature determined not to proceed with the enquiry into the validity or otherwise of the patents, and offered to the municipalities the services of Solicitor Baird in order to attempt some arrangement or compromise with the Septic Tank Company.

The question of whether it is possible to patent a natural process in British law is apparently going to remain unsettled for the present at any rate, and just how far-reaching the claims of the company may prove in Canada will depend largely upon the pugnacity of the company's directors.

If we, in this country, accept the United States High Court's judgment in the question, then it would appear that every municipality or private person who has built, or may build, a sewage settling tank in which the settled sludge is allowed to collect and undergo putrefaction is liable to pay patent fees to the Septic Tank Company.

It is not a question of the plans or constructive features being exactly on a par with those recommended or adopted by the company. The Saratoga Springs, N.Y., decision ruled out as invalid the apparatus claims (eight in number) and upheld five claims, known as the process claims. Each of the five claims upheld are prefixed by the words: "The process of liquefying the solid matter, etc."

There is no doubt but that in Canada engineers have for the past few years universally recommended the adoption of the septic tank process, a perusal of reports submitted to the Provincial Board of Health of Ontario suggesting schemes for various localities prove this without any qualification. The term "septic tank" is used, and it is pointed out that much benefit is obtained by the liquefaction of sludge and partial purification of the sewage. Such schemes have been adopted in many places and full use made of the process (patented) known as septic action.

Under the direction of Dr. Bryce the Ontario Provincial Board of Health handed out sketch plans as samples of suggested septic tanks.

Of late there has been a tendency (a childish one, indeed), to install tanks under the name of "tankage" or "settling tank," "precipitating tanks," or any other name rather than "septic," in order to attempt to avoid the liability to payment of patent fees. The element of patent, however, does not rest with the **name**, but with the **process.** Any sort of tank used for collecting sewage, if used with intent and purpose for the elimination of sludge by putrefactive processes, is liable to royalties in accordance with the Saratoga decision.

The task of proving whether British law would or would not uphold these process claims having appeared too great a task for the Government, it must remain for each user of the process, either to make separate settlement with the company, or a joint settlement, or else fight the question either individually or collectively by a test case.

The humor of the whole business appears, however, to exist in the fact that the claims connected with the septic process have lately been proven to be not exactly what they pretended to be.

That the claims were at one time fully believed in by engineers and others no doubt can remain. That Cameron, the patentee of the process, caused one of the greatest sensations in sewage disposal is acknowledged. Everywhere, almost, it was believed that the vexed question of the disposal of sludge was simply and finally solved. All that was required was to let it remain and rot under conditions of rapidity and supposed efficiency.

That patents for this process were granted in Great Britain, the United States and in Canada is well known. The company paid money down for these patent rights. Engineers, Boards of Health and others made use of the supposed benefits set forth in the descriptions of patent; and at the present time there exist many communities in Canada who still cling to the process of putrefaction of sludge as something necessary towards the final purification of sewage, or necessary to the economic maintenance of the work, by leaving the sludge in the tanks instead of incurring the expense of constant removal before septic action commences.

If we are not prepared to fight this question, we must be prepared to pay. We are not going to steal by subterfuge or chicanery the fruit of another man's brains, which have been accepted as good and bona fide, and on which a legal and protective price has been fixed.

As we said before, there is a humorous side to the whole question.

Listen to what the experts now say with reference to septic action:—

Fifth Report of the Royal Commission on Sewage Disposal. "Summary of Conclusions," page 229:—