

in Canada at the present time. But if this bill is enacted the Duplate Safety Glass Company of Canada, Limited, will have a monopoly of the manufacture under these fifteen patents. It will not only have a monopoly of the manufacturing, but if these glasswares are imported from the United States or France or England, where they are being manufactured, the importer will not only have to pay the customs duties imposed by parliament for revenue and for the protection of Canadian industry, but such importer can be compelled by the Duplate Company to pay a special royalty on every pound of glass of that nature imported into Canada. This glass is becoming of great importance in the automobile and elevator trades because it does not splinter as does ordinary glass, and under the suggested legislation the Duplate Glass Company may demand a royalty from every person in Canada who uses this glass either when imported from abroad, or made by any other manufacturer in Canada except the concern which is granted this special monopoly.

These being the facts I ask the House of Commons to consider whether or not, as a matter of public policy, this House of Commons should pass the bill. It is granting by legislative enactment a private monopoly covering fifteen inventions, a monopoly which would be subversive of the interests of all Canadian manufacturers of the same or similar products who are now entitled, of their own right, to import, to make or to use these products without payment of any licence fee or royalty to any person or company in any part of the world. I contend that the enactment of the proposed bill will enable the promoters, without any shadow of right or claim, except such as they may acquire under this special enactment, to demand and receive in Canada from importers, manufacturers and users, licence fees or royalties during the term of sixteen to eighteen years, to which they have no right, title or interest whatsoever. I contend that the creation of such a private monopoly by special legislation invariably tends prejudicially to affect and injure the industrial and commercial interests of Canada, and to impair the effective administration of the patent office which happens for the time being to be under my supervision, as Secretary of State, and which I am bound, by my oath of office, properly to administer. I do not wish to use too strong terms, but it seems to me that the passage of this measure would be a prostitution of the parliamentary powers conferred upon this parliament to promote the interests of a private monopoly which should not be created or allowed to exist.

Mr. LAWSON: Mr. Chairman, I should like to speak on the bill before any final disposition is made. The bill in question, of which I am the sponsor in this house, seeks to extend the time under which applications for certain patents may be made. The Duplate Safety Glass Company of Canada, Limited, entered into a contract with the holders of certain French and British patents to have the right to manufacture the glass in this country and to have the exclusive right, as they then thought, under protective patents.

The glass is an invention of such a nature that upon being struck, instead of shattering and flying into pieces which may cut one or cause injury, it merely crumbles. In the private bills committee we had several demonstrations as to its usefulness.

Mr. BENNETT: Is it covered by four or eleven patents?

Mr. LAWSON: I understand that the complete process is covered by eleven patents, but I am unable to state to the house just to what extent each patent applies.

This application was made because of an error on the part of two patent attorneys. The inventor instructed a French patent attorney to take out patents in France, the United Kingdom and other countries, and the French patent attorney wrote a firm of patent attorneys in New York city and instructed them to take out patents in America. Unfortunately the attorneys in Washington or New York concluded that apparently America meant the United States, whereas the French attorney intended the whole of the North American continent, and notwithstanding the statement of the Secretary of State (Mr. Cahan) that he was informed at the time the deal was made the Duplate Glass Company had knowledge of the fact that these patents did not exist so far as Canadian patents are concerned, I can only say that the statement was made in the private bills committee that it was during the course of closing the deal for the acquisition of the Canadian patent rights that the Canadian company discovered that there were no Canadian patents, and hence this application.

The Secretary of State said that under the law where a patent application is refused by the patent commissioner an appeal may be had to the exchequer court, but certainly it will be obvious to all the legal members of this house that such an appeal can deal only with a question of law. If an inventor made application for a patent and the commissioner held, for example, that the invention was not patentable, then we might have