and relegating it to the courts. I believe, as has been said by the Minister of Agriculture, that decisions of this kind should be speedy and inexpensive. I know, in the particular case of the Bell Telephone Company, that universal satisfaction was given by his decision to the people of Toronto. The Bell Telephone Company have not rendered good service, at all events in the city of Toronto. They have not only not rendered good service, but they have been impudent. They were a great monopoly and had the business of the whole country in their hands, and the manager of that company was really insolent to those who were using their wires. I am very glad that the question has been decided so promptly by the Minister of Agriculture, for the very reason that the officials of companies of that kind will be civil towards their patrons, and we shall also have a better service. I believe myself that that part of the Bill which gives the Minister power to subpœna witnesses and examine them under oath is quite right; but to allow an appeal from the Minister would be as bad as taking the matter out of his hands altogether, because it would be relegated to the courts; and so financially strong is the Bell Telephone Company, that God knows if we should ever have a decision. We know the gullibility of lawyers; they like money as well as any other class of men, and we know that they would like to have matters of this kind dangling before the courts, so that they could get as much out of it as possible, particularly when they have a good customer. I remember a circumstance of a man who was pretty wealthy, in a country town of Ontario. He had a case in the courts, and a lawyer in his town kept it in court for years and years, until at last the client became restless, and said he would go to Toronto and consult some other lawyers. His lawyer said to him: "If you are bound to go to Toronto and consult a solicitor there, I will give you a letter introducing you to a good firm." He gave him the letter and sealed it. On his way to Toronto the client began to feel suspicious as to what was inside of this letter. He opened and read it, and it ended by saying: "This is a good fat goose; pick him well." That is the way the lawyers act with these good fat geese sometimes—they pick them well; and I have no doubt my hon. friend would be no exception to the rule if he got a good client like the Bell Telephone Company.

Mr. MILLS. While I do not approve of all that the hon. gentleman's Bill contains, I am disposed to vote for its second reading. I know that the property in patents is a property created by this Legislature. It is under the control of this Legislature, and exists under such conditions as the law relating to patents provides, and as this Legislature chooses to attach to the continnuance of that kind of property. But once the property is created it does seem to me that there is no reason for making it an exception to the general rule, and providing that a Minister, in the discharge of his ordinary administrative duties, shall sit in judgment and say whether a certain party has property in a particular patent or not. In fact, the observation made by the hon. member for Stanstead (Mr. Colby) in regard to this subject, reminds me of an observation made by a Minister in this House some years ago—Sir Charles Tupper—in reference to the objections which were then being made to the patent law, that it was cheaper to steal than to buy. The hon. member for Stanstead assures the House that the country has largely profited by the decision of the Minister of Agriculture in the particular case in question, because that decision has put an end to a monopoly. In fact, the argument of the hon. gentleman, if it had any value at all, would be an argument against the existence of a patent law; because if we were to permit any person to engage in the manufacture of any particular article, and refuse him the protection of the patent law, although we might seriously interfere with the progress of invention within the country, it is certain that in the production of the article there would be nothing to pay for the invention itself. But, Sir, I do not think, whether the decision of the Minister of Agriculture, in that particular case was a proper decision or not, is the question that we have now before us. We are not called upon to review what the Minister of Agriculture did in that instance; but we are called upon to consider this question, whether in an important matter, where complex facts may arise, where the question as to the right of property may depend upon considerations which the Minister of Agriculture may not be the most competent man to decide, we should depart from the usual practice of protecting every man's rights and interests by the judiciary of the country. It is perfectly obvious that in questions where the dispute as to a right of property in a patent may arise, important questions of law may be involved, and it may be wholly impossible to separate the law from the facts, and the law as well as the facts must be passed upon. One feature of the gentleman's Bill—that allowing the Minister to deal with the question of right in the first instance, and giving an appeal from his decision—is, I think, objectionable. I do not think the Minister ought to be charged with judicial duties in the matter at all. He may be called upon to report; but it is an unusual proceeding, and one to which, in many instances, the Supreme Court of the United States has taken exception. They will not listen to an appeal from any but regular and properly constituted tribunals. It must be a judicial body before they will consent to consider an appeal from it. Thus, in the case of the Court of Claims, as first constituted, that court was an advisory body of the Ministers, and the Supreme Court said its action, not being final as a judgment, they would not consider an appeal from it. It does seem to me that, while it may be very proper that the Minister should make a report on the case and express an opinion, that report or opinion should have no judicial value, and that wherever a contest arises as to the right of property in any patent, that question ought to be judicially passed upon, and the claim which any one puts forward ought not to be decided, except by due process of law had before a competent tribunal.

Sir JOHN A. MACDONALD. That is just the present case. Under the patent law there, is a judicial tribunal, and it is by the course of the law and in the course of the law the decision is made. To be sure the judge has not been called to the bar; he does not wear a gown; still, he is a judge appointed by law and acting as a judge, and, as has been already argued by the hon. member for Stanstead (Mr. Colby), the question is not a matter of law but of evidence, a matter of fact, and I think the Minister of Agriculture, who has got his subordinates all around him, trained in the study of the patent law, acquainted with it in all its particulars, experts in patent law—I think they are better judges than the judge on the bench of the evidence laid before them in appeal. If this is a matter to be tried before a judge the judge should have a jury to assist him. The jury are not lawyers; the jury decide the fact, not the judge; and here we have the whole of that branch of the Department of Agriculture, the Patent Office, as a judicial authority and as a jury as well; and certainly, both as judge and jury, as competent and more competent than any judge could be, that judge not having the assistance of a jury to decide upon the fact of the credibility of witnesses. I agree with my hon. friend that that portion of the Bill which provides that the witnesses shall not be sworn, and that they should be liable to be summoned, as at any other court, and that this tribunal should have power to issue a commission to examine absent or invalid witnesses, should be passed. I quite agree that power should be given, but that is a very small portion of the Bill. This Bill attacks, in fact and in