answered in the negative, the first question can hardly be said to arise My Lords, the second question was this: "Can the court pronounce Betts' patent to be void simply on the comparison of the two specifications without evidence to prove identity of invention, and also without evidence that Dobbs specification disclosed a practicable mode of producing the result, or some part of the result, described in Betts' patent?" The answer of the learned judges involves, therefore, two conlusions which are extremely material to the patent law. One is this, that even if there be identity of language in two specifications, remembering that those specifications describe external objects, even if the language be *verbatim* the same, yet if there be terms of art found in the one specification, and also terms of art found in the other specification, it is impossible to predicate of the two with certainty that they describe the same identical external object, unless you ascertain that the terms of art used in the one have precisely the same signification and denote the same external objects at the date of the one specification as they do at the date of the other. And, my Lords, this is obvious; for if we take two specifications dated as the present are, one in the year 1804 and the other in the year 1849, even if the terms employed in the one were identical with the terms employed in the other, supposing that each of them contains a term of art—we will assume it to be a denomination of some engine, some instrument, some drug, or some chemical compound—it might well be that the thing denoted by that name in 1804 is altogether different from the thing denoted by that name in 1849. If it were necessary to enter into such a subject I could give numerous examples, say, from chemistry, of things that were denoted by one name in 1804, and which have retained the same denomination, but which by improved process of chemical manufactures are at present perfectly different in their results, their qualities and their effects from the things denoted by the same names forty or fifty years ago. It is perfectly clear therefore, that if you compare two specifications, even if the language be the same, you cannot arrive at a certainty that they denote the same external object and the same external process, unless you enter into an inquiry, and ascertain as a fact that the things signified by the nouns substantive contained in the one specification are precisely the same as the things signified by the same nouns substantive contained in the other. In all cases, therefore, where the two documents profess to describe an external thing, the identity of signification between the two documents containing the same description must belong to the province of evidence, and not to the province of construction. My Lords, I pass on to the next conclusion, which is involved in the answer of the learned judges to your Lordships' question, and that conclusion I think is also of great importance to the law of patents, because it results from that opinion that an antecedent specification ought not to be held to be an anticipation of a subsequent discovery, unless you have ascertained that the antecedent specification discloses a practicable mode of producing the result which is the effect of the subsequent discovery. My Lords, here we attain at length to a certain undoubted and useful rule. For the law laid down with regard to the interpretation of an antecedent specification is equally applicable to the construction to be put upon publications or treatises previously given to the world, and which are frequently brought forward for the purpose of showing that the invention has been anticipated. The effect of this opinion I take to be this, if your Lordships shall affirm it, that a barren general description probably containing some suggested information, or involving some speculative theory, cannot be considered as anticipating, and as therefore avoiding for want of novelty, a subsequent specification or invention which involves a practical truth, which is productive of beneficial results, unless you ascertain that the antecedent publication involves the same amount of practical and useful information. Now, my Lords, it will be evident, upon a comparison of these two specifications, that the one was a mere general suggestion, while the other is a specific, definite, practical invention. It is possible that a suggestion such as that contained in the one may lead to the discovery of the invention contained in the other. But it is the latter alone which really does add to the amount of useful knowledge; it is the latter alone which by its practical operation confers a benefit upon mankind within the meaning of the patent law. In the present case there was not only no evidence to show that that which was continued in Dobb's specification was capable of practical operation, but in reality that conclusion was negatived by the verdict of the jury. Therefore, my Lords, concurring as I entirely do in the conclusions which have been arrived at by the judges in answer to the second question, it results as a necessary consequence that the decision of the Court of Q. B., and of the Court of Ex. Ch. ought to be reversed, and that the rule *nisi*, made absolute by the Court of Q. B., ought to be discharged. My Lords, I move your Lordships, therefore, to embody these conclusions in your present order.

Lord BROUGHAM.—My Lords, in the course of the argument I had and expressed considerable doubts on various parts of the case. Upon the whole, I consider those doubts as answered by the learned opinions of the learned judges, and I agree with my noble and learned friend's proposition.

Lord CRANWORTH.—My Lords, the only question in this case is, whether the plt 's invention was new. The jury found that it was. He is therefore entitled to judgment in his favour, unless, as a matter of law, the jury could not, on the evidence before them, lawfully come to the conclusion at which they arrived; in other words, unless there was evidence before the jury which made it their duty, as a matter of law, to find that the invention was not new. The argument for the resps. was, that the absence of novelty was established conclusively by the production of Dobbs' specification; that in the face of that specification the jury could not find in favour of the plt. And this was the opinion of the Court of Q. B, and afterwards of Ex. Ch. But I agree with the able opinions of the minority of the judges in the Ex. Ch., and of the learned judges, whose assistance we had at the argument of this case, that the judgment below was wrong. It may be true that two specifications may be so entirely identical that the judge may be warranted in telling the jury as a matter of law that they cannot find the second invention to be new, though that was not decided in *Bush* v. *Fox*, for there the jury had found as a matter of fact that the mode of working the two inventions was the same. But here not only are the two specifications not identical, but in the earlier of them there is no trace of that which constitutes the very essence of the plt.'s invention, namely, the relative thickness of the tin and the lead, and the mode of rolling and laminating each metal separately before they are placed together and then made to cohere by being rolled and laminated jointly. Dobbs' specification disclosed no more than his notion that tin and lead by means of pressure be so combined as to form a new and useful material. But it gave no information as to how that object could be attained, and there was evidence to show that Dobbs had never been able, in working according to his specification, to succeed in making the metals unite. There was therefore an essential difference between the two specifications which fully warranted the jury in finding a verdict for the plt as they did. The case has been so fully and ably discussed in the opinions of the learned judges and commented on by my noble and learned friend on the woolsack, that I shall content myself with simply saying that I concur in the motion, that judgment be given for the plt. below who is the app.

Lord WENSLEYDALE.—My Lords, the result of the very full and able opinion delivered by my Lord Chief Baron on the questions propounded by your Lordships, and of the written opinions of the consulted judges, with which we have been supplied, is, that the unanimous judgment of the Court of Q. B. and the judgment of the majority of the Court of Ex. Ch. ought to be reversed. I concur entirely in the propriety of this course. It appears to me, without entering into all the questions which have been discussed at the bar, and on most of which the learned judges have delivered their opinions, that my noble and learned friend who has addressed the House has put the case on a ground which is quite satisfactory, and it appears to me it is perfectly unanswerable. The jury having found that the plt.'s invention was new unless the production of Dobbs' specification without any other evidence conclusively showed that it was not, the patent must be good. Now, I am clearly of opinion that the mere production of Dobbs' patent, in which he makes public his notion that lead and tin might be usefully combined in a new material by mechanical pressure, without any statement or proof how that object could be attained and a practical result secured, is insufficient to show that he had