The minister will at once see that there is the main difference. The section as we now have it in the proposed bill gives him no jurisdiction. He simply finds out if there is a prima facie case and if so, he sends it to the Exchequer Court. This provides that he shall have jurisdiction and shall hear and determine the matter. Then the amendment proceeds—

> And if it is proved to his satisfaction that the reasonable requirements of the public with respect to the patented invention have not been satisfied the patentee may be ordered by him to supply the patented article within reasonable limits at such price as may be fixed by him, and in accordance with the custom of the trade to which the invention relates as to the payment and delivery, or to grant licenses for the use of the patented invention, as may be fixed by him in either case within and after such time as may be fixed by him and on pain of forfeiture of the patent.
>
> (d) Any decision of the commissioner under this section shall be subject to appeal to the Exchequer Court.

Mr. ROBB: In considering the amendment I wish to bring to the attention of the committee the sections that it is proposed to delete, namely (c) and (d). Subsection (c) reads:

> The commissioner shall then consider the petition—

That is when representations are made to him that the goods are not manufactured in Canada—

> The commissioner shall then consider the petition and, if the parties do not come to an arrangement between themselves, the commissioner, if satisfied that a prima facie case has been made out, shall refer the petition to the Exchequer Court and, if the commissioner is not so satisfied, he may dismiss the petition.

It will be observed that in the first instance he takes upon himself the right to dismiss the petition, but if there is any doubt about it he refers the matter to the Exchequer Court, and there the interested parties go before that court and submit evidence for and against. I submit to my hon. friend that if his amendment prevails it means no more and no less than establishing a second court within the Patent office, and adds enormously to the machinery of public service in this country, and, in my judgment, adds quite an unnecessary expense. There might not be more than one or two cases develop during the year, but you would require all the machinery of the court to sit there waiting for such cases to come up. The Exchequer Court is a fair method of arbitration for all parties to go before and to bring their witnesses. There may be many witnesses to be heard; there may be long records to examine, and in the interest of economical government and fair play to all interested parties, as well as in order to do justice to all the people of Canada, I do not think my hon. friend should press his amendment. It seems to me that the present method is a fair one. The commissioner explains to me that in the early nineties they had the machinery which my hon. friend now proposes to reintroduce; but experience proved that it was too cumbersome, and they had to abandon it. That is why at this time they have decided to refer all these cases to the Exchequer Court. That is what the Exchequer Court is for. If there are not enough men on that court, let more be put on, but why establish a court within the Patent office?

Mr. BOYS: I should like to say at once that in proposing this amendment, I had no thought of putting anybody, not even the government, to expense. My thought in suggesting this amendment is the very reverse. I do not think persons interested in patents, where there is room for some little dispute, should at once be drawn into the law courts at great cost and delay. It might be interesting to know just how many cases, such as are involved in the matter we are now discussing, have arisen in the last twenty years. I do not suppose there are many, but surely when a question arises whether or not an article is being supplied at a reasonable cost to the public, the commissioner, without a string of officials, without a great deal of expense, can read the petition, hear the persons interested in the patents, and then and there determine whether or not the public are being supplied with the article at a reasonable cost. If he thinks they are, he dismisses the application; if not, he says so, and he imposes such terms as he thinks proper. For argument, in the case of an article selling at a dollar, he will say: "You have here an article that costs five to ten cents to manufacture; you ought to supply it to the public at fifty or seventy-five cents," whatever he thinks proper. He gives his judgment accordingly, and I venture to say that in most cases his judgment will be accepted by the parties. But in case any injustice may be done, let an appeal to the Exchequer Court be reserved to protect the party who fails. You have then the ordinary machinery of that court to follow. How the minister can think this is going to involve an army of employees or even an extra employee, I cannot see. This will not increase expense; it will diminish it. It is going to keep applicants for patents out of litigation. This may seem a peculiar thing for a lawyer to suggest; but my interest in this matter is as a member of parliament, and not as a lawyer. I am speaking in this case as a member of parliament. I certainly desire, as