

THE PATENT LAWS—LAW SOCIETY.

declare it. The late Mr. Brunel did so in 1851, equally with Mr. Scott Russell now. The evidence of the Comptroller of the Navy, Rear Admiral Robinson, is also sufficiently pointed. "The inconvenience," said he, "resulting from patents applied to ship building, is so very great that it is scarcely possible to build a ship, being a combination of wood and iron, without trenching upon some body's patent; and I am entirely of opinion that the patents are drawn up for that especial purpose, without any idea of their being practically applied for the benefit of the public, but only that the patentee may lie in wait for a colourable evasion of his patent taking place." Indeed a careful consideration of the evidence, including the various proposed amendments to the law, irresistibly leads to the same conclusion as that arrived at by the plain-spoken admiral, and shows that the matter has passed out of the hands of the inventor, properly so called, into the hands of the mere schemer. The admiralty, wise in their generation, have cut the Gordian knot; and acting on their Comptroller's hint, declare that the Crown is not bound by a patent. Many others, it is believed, are coming to a similar opinion on the part of the public.

If incessant litigation is an evil, certainly the field opened up by the operation of the Patent Law is of the amplest dimensions; sufficient to make Paul Rooney stare, large as his experience must have been, ere the Encumbered Estate Courts compelled Irish landlords to turn their attention to something beyond the hereditary law-suit: and as to the sphere of research laid open to the Patent-Law solicitor, why, the whole world is before him; he may require witnesses from Thibet, or affidavits from China, although the case litigated may involve nothing more valuable or interesting than (a question actually disputed) the tie of a lady's glove, or the material of her garter.

Out of such a mass of absurdity how can the poor artisan who is, in the vast majority of cases, the *bona fide* inventor, expect protection? How can the manufacturer escape constant annoyance, or being continually made a prey to the needy adventurer? That which has been said on the subject will easily lead us to understand the feeling of a leading manufacturer, who said in his evidence that he made a practice of buying up every patent that came out in his line of business, without a care or a

thought as to its usefulness;—it is simply a patent, and therefore in the way, and he buys it up to get rid of the nuisance. In truth the Patent Law appears to have outlived its time; and what may have been a useful stimulant formerly, has run into delirium tremens now. If it has outlived its time, and if it cannot be improved upon or amended so as to make it a matter of practical benefit and justice to the many and not to the few, instead of, as is asserted, an engine of oppression, mischief, and injustice in the hands of the few, at the expense of the many, no course remains but to repeal it *in toto*.

LAW SOCIETY.—HILARY TERM, 1866.

The following gentlemen, out of fifteen who went up, passed the necessary examination qualifying them for call to the bar:—F. Fenton, Toronto; McNeil Clark, Prescott; Jno. C. Upper, Dunnville; C. Lemon, Toronto; John Bain, Toronto; E. G. Malloch, B. A., Perth; W. F. Read, Toronto; D. Chisholm, Port Hope; Elmes Henderson, Toronto; S. B. Newcomb, Ingersoll.

The papers of Messrs. Fenton and McNeil Clark were considered so satisfactory, that they were not required to pass any oral examination.

Of twenty-four gentlemen who went up for examination for admission as attorneys, the following obtained certificates:—F. Fenton, Toronto; J. E. Farewell, Oshawa; S. H. Payne, Cobourg; W. H. Cutten, London; F. D. Barwick, Toronto; D. Chisholm, Port Hope; C. Lemon, Toronto; R. W. Parkinson, Toronto; J. P. Clarke, Toronto; George J. O'Doherty, Sarnia; F. W. Ollard, Brockville; H. Lapierre, Ottawa; Wm. Millar, Berlin; James Lennon, Toronto; James Gowan, Sarnia; Edward Furlong, Cayuga.

Messrs. Fenton, Farewell, Payne and Cutten were not called upon for the oral examination.

Our readers will by this time doubtless have received the Index for the *Law Journal*, and the Index for the *Local Courts' Gazette*, for last year. They are more complete than formerly, as well as fuller, owing to the increased width of the column. The Almanac has also been distributed. It is the same as that for last year, with the exception, of course, of the necessary alterations in the calendar, a few slight alterations in the tables of stamps, and