

"mere nominal price compared with their worth;" but they must have reckoned without their host, for the least penetration would have told them that "where there is life, there is hope," and the inventor would go on hoping till the time had passed and the Patent Right was lost to both him and them.

What should have been done by our Government would have been to impose such a duty on patented articles that inventors would, for their own interests, be forced to manufacture in Canada. The part of the clause with regard to the voidance of the Patent if the article is imported, would also have been quite sufficient for the purpose of causing the manufacture in Canada; but this also in the form in which it is put is most objectionable. It would almost be reasonable to suppose it was made for the especial benefit of rogues, knaves, and foreign manufacturers and capitalists, who, when they wish to nullify a valuable patent for the purpose of importing the ready-made invention to compete with the Canadian manufacture, have only to cajole the unwary inventor into assigning to them some very small fractional part of the interest in the patent, (thereby legally constituting them assignees of a part of his interest) and such persons can at once crush the whole patent right.

This also gives the unprincipled inventor an opportunity of "blackmailing" the purchaser of his right.

Let us take a case.

Suppose A sell to B the right to the whole Dominion of Canada with the exception of a small town, or two or three counties in one of the Provinces, (say Manitoba,) for \$1000. B then goes to work, builds a factory and puts up machinery to the value of \$20,000 to manufacture the invention. A then says to B: "unless you purchase these three counties that I have in Manitoba, and give me \$5000 for them, I will throw the invention open to the public by importing." What can B do? Nothing. There is no law to prevent A from acting in this manner, there is nothing illegal in his demand, and B must therefore comply.

If the inventor have a property in his invention at all, he has a right to expect that that property shall not be hampered with restrictions which in many cases he is utterly unable to comply with. This idea seems in a measure to be felt by the Government, as we see by the 2nd clause of the section in question, power is given to the Commissioner to extend the time.

The inventor has also a right to expect that pit-falls shall not exist in the law, by which he will be called to account for the actions of others. Many are of opinion with me that a more ill-considered piece of legislation could not have been promulgated; at the idea of punishing one man for the faults of another, many of the cannibals of Oceanica would pause before committing so unjust an act, and yet we expect other nations to respect us as a high-minded, civilized and liberal people.

There is no power given, should the Commissioner, from personal interest or other feeling, decline to exercise his prerogative whereby the inventor may compel him to do so, supposing the action to be unjustly refused. At present there is very little fear of injustice being done, but as the Commissioner is a member of the Government, and as the person who fills the office is often changed, there is no accounting for what his successors may do.

Nothing could be more brainless than that part of the section which refers to the Commissioner deciding at what price the invention must be sold. Consider for a moment the varied subjects of invention; no one person can be versed in more than one or two of them, therefore the Commissioner, when called upon to decide, will be obliged to rely upon the evidence of experts in the branch of business to which the invention

belongs. The true value of anything is the price it will sell for in a fair market, and what to one man is worth a thousand dollars may not to his competitor in the same line of business be worth one cent. With conflicting evidence before him of this sort how is the Commissioner to decide on a subject he is himself ignorant of?

For instance, suppose a machine is invented for performing a portion of the work of manufacturing boots and shoes, and that this will do the work at five cents a pair less than any of the machines at present in use. The first difficult question to be solved is what the machine really does save, and no doubt very conflicting evidence would be given on this very point, but I will take it at the above rate.

What would a man who made only from one to ten pairs per day swear the machine was worth? And what would a man who made a thousand pairs a day swear it was worth?

Again, supposing that the machine were only adapted for "trade work," what would a man who did a "custom" business (i. e. to order) value the invention at? and what would a "trade work" man value it at?

The first would in all probability swear (and with a clear conscience) that, considering the first cost of the machine and the trouble of working it, it was worth nothing.

The second would in all probability acknowledge that it was worth something, but as he is the person who wishes to use it, his mind is influenced and he is not a proper person to give evidence from which the Commissioner must form his decision, and, as all other persons in that line of business are interested in getting the invention at the lowest possible figure, what chance is there of the Commissioner having the proper evidence placed before him to lead him to a just conclusion.

If you will, the inventor can bring forward evidence, but whom is he to bring? Either men of no standing, or men who wish to purchase and use.

Men are to be found who will act fairly against their own interests, but I am sorry to say that they are few in number now-a-days.

If ten men of good standing swear an invention to be in their opinion worthless, and ten others of equal standing swear it is worth a thousand dollars, the award will in all probability be five hundred dollars.

I would ask each of my readers, which one, having a house for sale, would like to be obliged to sell it at the price an umpire may put upon it, and that umpire to be guided in his decision by the evidence of the man or men who intend to purchase?

Who is to say what the Electric Telegraph, Steam engine, Rubber manufacture, Sewing machine and many other inventions are worth to mankind? and who can allot to each inventor his due proportion for the improvements he has made. The wisdom of King Solomon was taxed to its utmost to find out between two women which was the mother of a child, and it was only by stratagem that he arrived at a satisfactory conclusion of the simple question.

In the present case a much greater amount of wisdom would be required to give perfect equity, and these are cases in which no stratagem could be employed.

It must be remembered that the value of an invention or machine or any article is in a great measure governed by the demand and it often takes the inventor six or seven years and sometimes more to create this demand. If therefore the Commissioners of Patents is called upon to give his decision in the commencement of the inventor's operations, or rights, what chance is there of his doing justice to the inventor?