

Having thus briefly brought before you the history of Letters Patent, and at the same time furnished you with an epitome of the laws which were and are in force on this subject, I now turn to the second part of my subject—the law and practise of patents as now existing in this Province.

We have seen that a patent is not a thing to be claimed of right, but that it is a grant made upon certain conditions introduced into the patent itself, the subject of which is to secure to the public the full enjoyment of such inventions as they may be possessed of, and that at the expiration of the period for which the patent is granted, the invention shall become public property—to secure which end a description and specification describing the construction and manner of working the invention is attached to the patent, so that any mechanic understanding the branch of industry of which it forms a part may, without difficulty, construct and make the same.

Whenever any one succeeds in producing a new invention, he generally asks whether he cannot procure a patent for it, and thereby secure to himself the benefits to be derived from the fruits of his own labor, research and experiment. For the benefit of such I shall endeavor to explain the general requirements and principles of the law, and while avoiding the usual legal technicalities, to lay before you, as briefly as is consistent with the importance of the subject, the law and practice of patents, so that the inventor may be assisted and guided, until such time as having completed his invention he shall place it in the hands of a competent solicitor to prosecute to final sealing.

Among the chief requisites in an applicant for Letters Patent of Invention are—first, that he is a British subject and a resident of this Province; second, that his invention was not known or used here by others before his invention; and, third, that it is not at the time of his application in public view or for sale with his consent or allowance.

Every application consists of a petition to the Governor General, a specification and description and drawings, and a solemn declaration made before a justice of the peace, that the applicant verily believes he is the true inventor of the article or whatever it may be for which he solicits a patent.

The specification and description of the invention must describe, in plain terms, the manner of constructing and the mode of operating it. It must also contain a distinct explanation of the inventor's claim, and a disclaimer of such portion as is not his own invention. Drawings must accompany the specification with written references to correspond to those in the latter. The specification and drawings must be prepared with the greatest accuracy, and must in all cases be in duplicate.

The solemn declaration is substituted for the oath formerly required, and a false declaration is declared to be perjury.

These formalities complied with, the application is ready for presentation, and is sent to the Secretary of the Bureau of Agriculture. It is next sent to the office of the Attorney General for that section of the Province in which the inventor resides, and if the papers submitted are in the form required by the statute, and if the law officer of the Crown who has examined them consider the invention a fit subject for Letters Patent, a fiat or warrant is issued to grant the patent, which in its turn is examined, recorded and delivered to the patentee. Armed with a roll of parchment bearing the signature of the Governor General, and those of the officers of the Executive Council, the inventor becomes inflated with the idea that he has thus received from the Government of Canada an acknowledgment of the validity of his claim, an idea the fallacy of which he only realizes, perhaps, when after having become involved in a series of vexatious lawsuits, he learns that his roll of parchment, instead of being an acknowledgment of the validity of his claim, is worse than worthless, having been instrumental in robbing him of his little stock gathered from the hard-earned proceeds of his labor by the sweat of his brow. 'Tis only then, perhaps, he learns, for the first time, that his invention was known and used here before his discovery of it. This is due to the defective state of the law and to that alone. The Board of Arts and Manufactures for Lower Canada, convinced of the defective state of our law upon this subject, has prepared for submission to Parliament, during its present session, a bill to repeal the enactments now in force, and substituting others collated from the Patent Laws of the different countries of Europe and those of the United States, and which will put us in this respect on a par with the mother country. In reviewing this bill, for the *Scientific American*, Judge Mason, formerly Commissioner of the United States, writes:—"It will, with a few secondary alterations, be a model law, and one worthy the imitation of every nation of Christendom."

It will be seen that the preparation of an application for a patent must be made with great care as to the legality of the form, and with a due avoidance of anything which might afterwards tend to invalidate the patent.

This brings us to consider what is the inducement which leads the Crown to grant Letters Patent. It is the representation of the applicant that he is the first and sole inventor, and the Crown, yielding to such representation and desiring to afford every encouragement to the votaries of those handmaidens of science, arts and invention, concedes to the