cured for themselves the moulds to manufacture those rubber handles. Although Mr. Sise does not discriminate the work done at their Montreal factory, it is clear that such an amount of yearly wages cannot be exclusively devoted to the making of the two instruments patented in patent No. 7,788; but the statement, with all its surroundings, proves that the manufacture of the two instruments is not an insignificant trifle, but is, on the contrary, an advantage worth being looked after; there are many thousands of them now in use in Canada, and there were, at least, several thousand, when the Montreal factory was started.

The question comes then:—Has the patentee or his legal representatives imported or caused to be imported, after twelve months of the existence of their patents, the new articles of manufacture patented? There cannot be a shadow of doubt that they have so imported or caused to be imported the articles, manufactured in parts, to be simply put together at an amount of labor, at times paid $0.30, at other times $0.27, in Canada. It is in fact, virtually admitted by them, when pleading that putting together or "assembling" the parts ready made, is construction and manufacture, in the meaning of the law.

It is equally evident that, during the same period, that is coming to the year 1882, they have failed to manufacture to the extent that they have imported, and that, from the year 1882 to the date of hearing the evidence of Mr. Sise, the 3rd December, 1884, they had been importing rubber handles in a manufactured state.

The intention, although not malicious, to evade the law, is nevertheless manifest. During that considerable time of the existence of the patent (to 1882), the same foreign manufacturer, Mr. Williams, with whom the patent owners had contracted for one thousand telephones to be delivered during the first twelve months of the life of the patent, and who furnished only about five hundred during that period of time, did continue to send them into Canada for years, to supply an ever increasing demand; but to evade the law and give color to the importation, instead of sending these instruments consigned to the patentee's representatives, he sent them in pieces to be put together in Canada, to some one through whose intermediary the patentee's representatives received them when "assembled."

All this is proved in the clearest manner by customs papers, by accounts furnished, by declarations from one Cowherd, from Mr. Foster, and by correspondence on the subject. We have it from Mr. Sise himself, with some reticence but also with some details. He explains the reason why this importation and this non-manufacture were resorted to. "Mr. Charles Williams, one of the owners of the patent," says Mr. Sise, "was and is the only manufacturer of Bell telephones in the United States; he is the only man who is licensed by the Bell Telephone Company to manufacture telephones; he is the only manufacturer to-day that I have any knowledge of..... Mr. Charles Williams was the only man who had any knowledge of it, and who had the control of Cowherd's shop..... I think we paid Williams, and I think he was the man who employed Cowherd..... Mr. Williams having arranged with Mr. Cowherd to manufacture in Canada, Mr. Cowherd had a number of machines on hand (at the time of Cowherd's death), and Mr. Foster continued the manufacture, and my impression is that he continued to contract with Mr. Foster until we got our shop into such shape that we could make ourselves..... There was no time or period when we were not supplied with telephones for the public, either from Cowherd, Mr. Foster and our own manufacture. They were continuously manufactured, inasmuch as they were ready for the public always when they came for them."

So far as the law requires a prompt introduction in Canada of a patentee's invention, the patentees have observed the law, as Mr. Sise remarks, but the protective policy of the Patent Act, they have, in intention and effect, disregarded and defeated to a very large amount of the industrial manufacturing value of the patented article.

In support of the pleading that the importation of an instrument in parts is no importation, Mr. Wood, on behalf the respondents, quoted a recent ruling of the English courts (*Townsend* v. *Hawthorne*), in which case it was decided that the importation of the materials of a composition of matter was no infringement of the patent, and, says the learned counsel with reason so far, what is no matter of infringement cannot be a matter for illegal importation. So far so good; but the conclusion, which is correct in the abstract, fails in the concrete, as applied to the present case. The materials of the composition are raw materials unworked; such as would be, in the present case, steel in bars, iron as a commercial article of trade, rubber and even silk covered wires: but the moment these are worked into shape and form, to constitute a Bell telephone, they cease to be raw materials and become a manufactured article. Mr. Taché, in his judgment, has anticipated the ruling of the English courts, in the very species of case cited by Mr. Wood. "It is not difficult," says Mr. Taché, "to imagine a case in which the importation of all and every one of the component parts of an invention, to be simply put together in Canada would not be an importation in the meaning of section 28 of the Patent Act * * * for