

GEORGE T. SMITH, RELIEF BILL.

THIRD READING.

HON. MR. HOWLAN—From the Committee on Standing Orders and Private Bills, reported Bill (98), "An Act to confer on the Commissioner of Patents certain powers for the relief of George T. Smith," without any amendment.

HON. MR. MACINNES (Burlington) moved that the Bill be read the third time.

HON. MR. DICKEY—I hope my hon. friend will not press his motion at present. The Bill requires an amendment to make it conformable to the legislation which has already passed this House in a similar case. This is one of the two Bills spoken of by the Leader of the House on a former occasion as running in the same line, for the relief of two parties who have allowed their patents to expire, and in regard to the proviso for the protection of the public, an amendment was required to be made to the other Bill which came up to the House in very much the same language as this one. The Committee on Private Bills, for what reason I can hardly understand, after the decision by this House and adopted by the House of Commons, did not think proper to insert the qualifying words which explain how these rights to be protected were acquired—that is to say, by "assignment, user, manufacture or otherwise." For this reason I shall oppose the third reading of the Bill until it is amended.

HON. MR. HOWLAN—There is a clause of the Bill which provides for that now.

HON. MR. DICKEY—I beg my hon. friend's pardon: it does not.

HON. MR. POWER—I am sorry to differ from my hon. friend from Amherst. As I read this clause, it provides very satisfactorily for the protection of rights which have been acquired since the expiration of this patent without the amendment which the hon. gentleman proposes to insert. The existing clause of the Bill provides:—

"2. Any person who has, within the period between the twenty-second day of January, one thousand eight hundred and ninety, and the extension or renewal hereunder of the said patent, acquired by manufacture or use any right in respect of the invention covered by the said patent, shall continue to enjoy the same as if this Act had not been passed."

The amendment of the hon. gentleman proposes to limit that protection to those who have acquired the right by assignment and some other specified modes. I think the rights of the party whom the hon. gentleman wishes to protect are better protected by the words of the Bill than they would be by the proposed amendment.

HON. MR. DICKEY—My hon. friend has certainly not allowed his recollection to carry him back for a day or two at all events. When the question was up before, this was exactly the argument used for the other Bill—that the general word "acquired" carried more force than the words I proposed in amendment; but when I stated the case to the House, the House took the view which I suggested, and they found it necessary to explain how acquired. And why? Because acquired primarily might mean by assignment or purchase, and it did not protect the person who manufactured. The other amendment has made the matter clear and distinct, and when the Bill which came up to us from the other House with a general word "acquired" in it, we sent it back to them with that amendment, and the Commons deliberately adopted our amendment and sent it back to us concurred in—that is to say the amendment which made it plain that the persons using or manufacturing the article after the patent had expired were protected, and how hon. gentlemen can say that we are to reverse our decision and admit that we were wrong before, and say that the word "acquired" is all that was necessary I cannot understand. In the Courts it might be construed as a right only by assignment or purchase. Now, we are asked to send this Bill back to the House of Commons because it has escaped their notice, though they accepted our amendment in the other Bill the moment their attention was called to it, and admitted that we were right. All I ask is that this Bill may be made conformable to the Bill already passed by this House so as to make our legislation congruous.

HON. MR. MACINNES (Burlington)—I have no objection, as the promoter of the Bill, to accept the amendment proposed by the hon. member from Amherst, and with the consent of the House I am perfectly willing to have the Bill amended now.