

## THE REGISTRY ACT—THE PATENT LAWS.

not know the whole of them, he shall state the fact;

"7. And as to such of them as he does not know, he shall state the circumstances which lead him to believe that the party or parties whom he does not know and whose signature or signatures he attests, is or are in truth the party or parties named in the instrument, such as—that the party declared himself to be the person in question, and the witness had no reason to doubt the truth of the same, or that the party whom the witness does not know was identified to him by such person [naming and describing him] who is a person well known to the witness and whose statement the witness believes to be true."

Sub-sections 4 and 5 of section 39 as it now stands are bald in the extreme. Surely the expunged clauses which are given above would, if nothing else, have been useful in suggesting the sort of information which may still be given with advantage. If it were provided that the witness *must* swear to a knowledge of the parties to the instrument, or one of them, we could understand what was intended, though such a provision would occasionally be one of great inconvenience. But it is only necessary to state that the witness knew the parties "*if such be the fact.*"

Various other questions and difficulties have been started respecting this act to which we cannot now refer. We shall be glad to hear from any one interested in the subject as to these or any other points which admit of or require discussion. Upon the whole we do not think the act has been quite as carefully drawn up as the public had a right to expect, considering the time that it has been under discussion by the legislature, and the numerous suggestions that have from time to time been made with reference to it by competent persons; but many of which, it is alleged, have been overlooked, or have not been sufficiently carefully worded.

## THE PATENT LAWS.

(Continued from p. 4.)

Our contributor continues his observations on this subject, as follows:

Nothing can show more conclusively the entire falsity in principle as well as in practice of the Patent Law, than the various attempts or rather proposals which have been made to render it less complicated and uncertain, or less mischievous and oppressive; and their absolute and acknowledged failure to

effect either one or the other. It is admitted by every one whose opinion on the subject is entitled to any weight, whether given in evidence before the late Committee of the Lords, or on previous occasions, or formed by an attentive perusal of the "report," that, for one reason or another, and in whatever light it may be viewed, the Patent Law is in its present state open to most serious objections, and is beyond measure complicated. Many of the ablest and most experienced have denounced the law altogether. Others have proposed such alterations in the law, or such amendments to it, as in their opinion may tend to lessen the evils complained of; but in each and every case, such proposed amendment or supposed improvement has been pronounced impracticable.

It is asked, is the law really so complicated and uncertain as is alleged. We answer yes, and to such an extraordinary degree that there seems no "way to limit either party to a precise statement of his case, before an action comes into court for trial; the trial itself being sometimes necessary to show even to the plaintiff his exact cause of complaint, and to the defendant his exact means of defence; and it is no slight evil that the first trial in a patent action should be employed, as it commonly is, at an enormous cost, in ascertaining the subject of contest." This is put certainly almost as strongly as such a case could be, and the following is given as an example. In a sewing-machine case lately heard before the Lord Chancellor, there had been it appeared several trials in the courts of law, one of which occupied six days, besides one hundred and thirty-four suits in chancery, when it was at last found that the claim was altogether beyond the scope of the original specification. In another case the plaintiff obtained a verdict, which the Court of Queen's Bench, as well as the Court of Exchequer, set aside. These decisions were reversed on appeal to the House of Lords; and this reversal the Commissioners would again overrule by giving a still higher authority to some officer of the Crown over and above the Law Lords. There is considerable uncertainty and complication here.

Again, is the Patent Law mischievous and oppressive? Yes, we again answer, enormously so. The evidence given before the committee by the leading manufacturers all