



FIVE YEARS A CANADA PATENTEE.

In 1859, I, SAMUEL HALL, of Wellesley, now of Toronto, did invent a Portable Straight Farm Fence, and obtained a Patent Right of Property in the said Invention, with the following promises from my Government:—

“WE, THE GOVERNMENT, do, by these Presents, for us, our heirs and successors, require and strictly command all and every person or persons, bodies politic and corporate, and all our subjects within our said Province of Canada, that neither they nor any of them, at any time during the continuance of the said term of fourteen years hereby granted, either directly or indirectly, do MAKE USE, or put in practice the said Invention, or any part of it; nor make, or cause to be made, any ADDITION thereto, or SUBTRACTION therefrom, without written License from the said Patentee, upon pains and penalties, as can or may be justly inflicted on such offender or offenders, for their contempt of this OUR ROYAL COMMAND; and further, to be answerable to the said Patentee, his heirs and successors,” for damages.

The Patent Law seems to be all that a Patentee could ask for, and yet the Patentee suffers more than any other class; one reason is, that all other *Property* can be locked up or watched; but Patent Property is in the possession of every man that sees it, or the plan of it. It is impossible to have access to all private places where it may be made and used. In its proper place, I will give the name of a man on whose farm I saw an infringement of my Patent. I asked his permission to let me bring a man to see it, and he would not, but threatened us with prosecution, so that I could not get witness to prove it.

Our Patent Law has a *defect*, or else it is misunderstood, and the Patentee suffers great loss by it.

What a Patentee wants is the same privileges as men have for the recovery and damages to other kinds of *Property*—a privilege to identify by oath before a Justice of the Peace, that the article is made in part or whole on his Patent Plan of Invention, without Licence from him; then, if the infringer, or supposed infringer, cannot give proof before the Justice of Peace, that he has a Lawful Right to make and use the said Invention, by showing that he had it before the date of said Patent, or show that it was in public use, or described in some public print. If he cannot prove his