

the lapse of the patent, and when this Bill has passed, he will find that all that money and labor is lost, and that his interests have not been considered, for the benefit of a person who thought so little of his own interests as not to have considered it worth while to apply for a renewal of his patent before the time expired. I am aware that this Parliament has given special relief under special Private Bills, in relation to patents expired. If there should be any case of that kind, it does seem to me—if the matter is of sufficient interest to justify the Legislature in granting special relief in the interest of the patentee—it ought to be sufficient interest to him to induce him to come before it with a petition and ask for a Private Bill, to give him the privilege he has unfortunately lost by his own neglect. It seems to me a case in which private and not public legislation should take place. I sincerely hope this Bill will not pass.

Mr. ROBERTSON (Hamilton). I concur in a great deal that has fallen from the hon. member for Cardwell (Mr. White) with reference to the inadvisability of extending those patents. The Patent Law, to a certain extent, is an obnoxious one, because it creates a monopoly such as is not altogether beneficial. At the same time it is very desirable we should give encouragement to people who do invent good and useful machinery, and make other useful discoveries. Now, I submit that, if we are to have a change at all, it ought to be more extensive than is proposed in the first clause of this Bill. It proposes to deal only with such cases as have come before the Commissioner of Patents, and these are cases "in which not more than a year has elapsed since the expiration of a patent, and application to renew the same has been made to the Commissioner of Patents within ten days of such expiration." If that section passes in its present shape it will do a very great wrong; it will be a piece of special legislation for those particular individuals who have not been sufficiently careful in looking after their own interests. I think that the first sentence of the clause should be amended so as to read: "In all cases in which not more than a year has elapsed since the expiration of a patent, and application to renew the same has been made to the Commissioner of Patents within ten days after the passing of this Act." If the first clause is to pass at all, I think that would be a reasonable amendment; and I certainly do not think it would be fair to legislate in favor of those patentees who have made application for renewals under the circumstances mentioned by the hon. Minister. With reference to the argument of the hon. member for West Durham (Mr. Blake), I certainly would be very loth in expressing an opinion different from his own on a legal question, but I cannot agree with the argument he has made use of with reference to the phrase which reads, "at or before the expiration." I submit, in the first place, that the language in the clause is very ambiguous, because, if you can make application before the expiration—that is, at any time before five years have elapsed—that means the application can be made up to the last minute of the day on which the time expires—then what is the use of using the word "at," unless it is to be construed to mean "after." I submit it must therefore mean, and should read "after the expiration." I can therefore quite understand the Deputy Minister coming to the conclusion that the clause was not as clear as it should be. On the other hand, I think it is probable that if a legal decision were to be asked, the hon. member for West Durham would be held to be correct in his view as to the real intent and meaning of the Statute. But I think that in matters of this kind there should be no ambiguity and that the meaning of the law should be so clear that he who cannot read may read. This very afternoon I received a letter from a firm of gentlemen in Hamilton, saying that by an oversight their patent had expired on the 8th of this month,

and asking if the patent could not be extended. According to the law as it now stands, this cannot be done.

Mr. BLAKE. They had better put in an application immediately.

Mr. ROBERTSON. An application would be of no use until the clause is amended.

Mr. BLAKE. Certainly it would. Eight and seven make fifteen.

Mr. ROBERTSON. But that does not bring it within the provision of the first section: It says "in all cases in which not more than a year has elapsed."

Mr. BLAKE. "Not more than a year." It need not be a whole year.

Mr. ROBERTSON. The clause proceeds "not more than a year has elapsed since the expiration of a patent, and application to renew the same has been made to the Commissioner of Patents within ten days of such expiration."

Mr. BLAKE. That is within ten days after the expiration. Any time before the 18th your case will come within the clause, so you had better telegraph them.

Mr. ROBERTSON. I have telegraphed them, but I do not think it will do any good, because, as I read the clause, it refers to those which have really expired and applications have been made within ten days before the expiration of the patent.

Mr. BLAKE. The hon. gentleman knows that the Bill will not be assented to to-day, and will not be assented to before his application is in.

Mr. ROBERTSON. But it does not apply to the cases in which the time has not already expired and application has not been made. That is the view I take of the matter, but I shall be glad to know that I am wrong. The clause should be amended as I have suggested by striking out the word "of," and inserting "after."

Mr. JONES. I do not think that this Patent Act should be amended so often, for it is quite ambiguous enough at present. The legal gentlemen on both sides of the House are unable to agree upon its meaning; in fact, it is so ambiguous that unless a man is a lawyer, or a patent agent, or something of that kind, it is only with the greatest difficulty that he can get a patent through the department. If the law is to be amended, it should be so simplified that a layman could understand it, and could get a patent to issue without being obliged to pay large fees to patent agents and other intermediaries. I notice that this Bill as sent down from the Senate is somewhat different from the measure as at first introduced in the original Bill. It was provided that no patent should be revived at any date subsequent to the 1st of January, 1883, but according to the amended Bill no patent shall be revived after the 31st of October, in the present year. Then, I notice that the schedule to the original Bill, showing the date of expiration of twenty-two patents, if they were revived—the dates running up to 1890—has been omitted, and as it would have been of some service, I cannot understand why it was struck out. As I understand from the arguments made use of in this debate, if an application is made within the prescribed period, the patent is revived of necessity, and not at the mere option of the Government. I think that it is not advisable to have a wholesale renewal of all these patents without knowing something about them. If people who have patents allow them to expire by an oversight, they should come to this House and ask for a renewal by a special Act. That is the only way I think it should be done, because if we pass a wholesale Act like this, it may be very injurious to many individuals who are working closely upon some of these patents, and who, if the Bill is passed, will be precluded