Upon reading these two sections of the Act concurrently, the meaning and intention of the law seem plain, consistent and comprehensible, and admit of the sole interpretation and conclusion, that in an action at law for infringement of a patent, the defendant may plead in defence, any fact or default which may render the patent void, and if the defence invoke the invalidity of a patent on the ground of illegal importation or non-manufacture, this must be done by pleading the only fact which, by the 37th section, establishes it — the decision of the arbiter therein specified, the Minister of Agriculture or his Deputy, whose decision being final, no other tribunal can establish such fact or default. This view was held by Mr. Taché in the decisions rendered by him, and referred to at the argument, and in which he declared the jurisdiction of the Minister of Agriculture in this matter to be exclusive; and this view or finding has been sustained by all the judicial tribunals that have had occasion to refer to it. In the case of *Smith* v. *Goldie* in the *Supreme Court*, the summary at the head of the report, if not to be considered as of the substance and part of the report, must assuredly be accepted as a correct and accurate interpretation thereof, contains the following words in paragraph 3: —"The Minister of Agriculture, or his "Deputy, has exclusive jurisdiction over "questions of forfeiture under the 28th (now "37th) section of *The Patent Act*;" and Henry, J., in rendering judgment in the case, upon referring to Dr. Taché's decision in *Barter* v. *Smith*, says:—"Having well considered the "case as presented before him, I would have "come to the same conclusion as he did. I "think the law as laid down and explained "by him, in his exhaustive, and I will add, "able judgment, cannot properly be ques- "tioned. I fully concur in his conclusions, "as I do also in his reasons." Again by the Superior Court at Montreal as reported in *Mitchell* v. *Hancock Inspirator Co.* (9 Leg. News, 50,(where proceedings had been instituted for infringement of the patent in that Court, and the special pleading was met by demurrer to the effect, that the nullity caused by violation of the 28th (now 37th) section of *The Patent Act*, cannot be tried by any other court than that of the Minister of Agriculture, upon which a stay of proceedings was asked for and granted, in order to obtain the decision of this tribunal. Again in this present case, the Superior Court, at Montreal, has granted a stay of proceedings until the decision of this tribunal shall have been obtained, on the question at issue.

I, therefore, hold, that the Minister of Agriculture, or his Deputy, has exclusive jurisdiction as to the question of the validity of the patent under the 37th section of *The Patent Act*, and cannot divest himself of it by relegating it to any other tribunal whatever.

Having thus disposed of the preliminary plea, I will now consider the case on its merits.

The first consideration which presents itself is, to ascertain the nature of the invention claimed by the patent, the claims of which are:—

First. "An electric lamp for giving light by "incandescence, consisting of a filament of "carbon of high resistance made as described, "and secured to metallic wires as set forth."

Second. "The combination of carbon fila- "ments within a receiver made entirely "of glass through which the leading wires "pass, and from which receiver the air is "exhausted for the purpose set forth."

Third. "A coiled carbon filament or strip, "arranged in such a manner that only a "portion of the surface of such carbon conduc- "tor shall radiate light as set forth."

Fourth. "The method herein described of "securing the platina contact wires to the "carbon filament and carbonizing of the "whole in a closed chamber, substantially as "set forth."

It is manifestly clear that the essential feature or element of the invention, as particularly described in the first and second claims is—*a carbon filament of high resistance*; this is the novelty which the inventor has contributed to the art of incandescent lighting, and it cannot be disputed by anyone having the slightest acquaintance with patent law, that the carbon filament as imported by the patentee and his representatives, the respondents, and which they still continue to