

public have equal, if not greater, guarantees in this case, with the advantage that the Minister of Agriculture will deal as intelligently and carefully in the matter as if it were in the hands of the ordinary courts of the land. Further, I think, Mr. Speaker, there are very great objections to having mere questions of fact taken away from the judge in the first instance, and transferred to other courts. It is a cardinal rule, and has become almost an absolute portion of our law to-day, that no appeal on mere questions of fact can be entertained. We know that in all cases of appeal the judges are almost conclusively bound by the decision of the first judge on the question of fact. And what is the Minister of Agriculture called upon to decide here? Not questions of law; merely questions of fact. He is called upon to decide whether the patentee has or has not complied with the conditions of the Patent Act—namely, has he imported contrary to law? Has he manufactured or has he not manufactured? Bare questions of fact. What matter is there for appeal in such cases? The question under this Act is, did the patentee manufacture the article within two years? Now, is not one man as capable to decide that as fifty men? Another question is, whether he imported contrary to law. That is a bare question of fact. We require no Supreme Court to tell us whether he did or did not; we do not require to go to the Privy Council to ascertain that fact. Therefore, I say that even if we admit, for a moment, that it were proper subject matter for the provincial or other courts, nevertheless I say it is in no sense a case in which an appeal should be allowed if you have confidence in the court of first jurisdiction. Now this motion is only the first step. Let the House to-day pass this measure, and what will we have our friend here applying for next year, or the succeeding year? He will say: Why give this jurisdiction to the Government at all? Why not, in the first instance, take the whole matter to some of the courts? What is the life of a patent? Five, ten, or fifteen years, at the option of the patentee. Why, before the right can be determined, the patent will have expired, and thus, practically, there will be no power to enforce compliance with the conditions on which the patent was granted. If that principle is admitted, if what my hon. friend is contending for is granted, then you may as well say there is no power left to compel the patentee to comply with the requirements of the law. It is entirely in the competence of this Parliament to attach such conditions as it may see fit as to any privileges it may grant. No public necessity has been shown for this measure. Therefore, neither on local grounds nor on grounds of public necessity, can any argument be advanced in favor of the measure. One part of the Bill, however, I think might be agreed to—that portion of it which provides that the Minister may obtain evidence under oath. That is merely in order to further enable him to do complete justice, and to ascertain the truth and the whole truth. To that part of it, without having heard any argument upon it, I can see no objection.

Mr. WHITE (East Hastings). I am glad to hear that we have one common sense man in this country, and that is the gentleman who presides over the Department of Agriculture. The hon. mover of this Bill, on another occasion, said there was to be one common sense man on the Railway Commission. Now, Sir, when we have a gentleman who presides over that Department, and gives such excellent decisions, and so satisfactory to the public, I think we had better allow this matter to remain in his hands. I am very glad there is one court in this country from which we can get a decision so sound, and so early after the action is entered. The hon. member for Stanstead (Mr. Colby) asked how long after a person entered a case would he be able to get it through? You can commence the action in the County Court; it is then taken to the Court of Queen's

Bench, then to Toronto, then to Ottawa, and then to the old country. It takes a great many years and a great deal of money. Mr. Speaker, I move that this Bill be not now read a second time, but that it be read this day six months.

Mr. McCARTHY. I am a good deal surprised at the great warmth displayed by my hon. friend behind me (Mr. Colby) in his opposition to this Bill. The accusations that he levelled at me might perhaps entitle me to return the compliment. I do not know, therefore I do not say, whether my hon. friend was interested or not in the company that presented the petition to the Minister of Agriculture. If I did know I could not say, according to the rules of this House. Every hon. member, however, must be left to draw his own conclusion from what we saw and what we heard, and certainly I have not found any difficulty in drawing my conclusion upon the subject. Now, Mr. Speaker, I am not at all quarrelling, and therefore my hon. friend from North York (Mr. Mulock) need not have argued so strenuously against a position which I certainly did not take up, and that is, that this Parliament had not power to impose any conditions upon the patentee. On the contrary, I said I approved of those conditions. I do not think it will very much advance the National Policy, but I congratulate the member from North York for his adhesion to the National Policy to that extent, because it will to some extent, at all events, be promotive of industry in the country. But, Mr. Speaker, I object to another clause, and that is that any one man, even a man so great and so just as I quite freely admit my hon. friend the Minister of Agriculture is, should have the power to determine the rights of any person in this country by his mere *ipse dixit*. I am astonished to find that any member of this House will stand up and say that one man is to determine vast questions of right, where property may be in question, of very considerable value, as frequently is the case, without an opportunity of calling witnesses, and without examining them under oath. We are told it is a question of fact; that there is no question of law involved; and yet this question of fact is to bind the patentee, and to bind the complainant, because it binds one party as well as the other; this question of fact is to be determined upon the papers sent into the Minister, not even sworn to, and he, not having the power to swear them, and without the men being brought to be cross-examined, without an opportunity afforded to everybody, to every subject, of having the witness brought face to face, and of having an opportunity to cross-examine that witness. I am astonished that there should have been found any hon. gentleman in this House who would stand up in favor of a system such as that. My hon. friend says, and insinuates, that it is done in the interests of the profession which I have the honor to belong. Well, so far as that is concerned, I do not think, speaking for myself, that I require to make practice; I certainly do not feel as if I desired in any way to promote legislation with that end in view. But it is not a fact that the lawyers are not now employed to go before the Minister, for I think a number of lawyers appeared in this case, about three or four times the number that would have been allowed to appear before any ordinary court; and the Minister, with his usual good nature, heard lawyer after lawyer—I think about a dozen, all told. I only appeared before him on one occasion.

Sir RICHARD CARTWRIGHT. And probably got as high fees.

Mr. McCARTHY. And probably got quite as high fees as in many ordinary cases. That is an argument which might be addressed to a body different from this—that it is a poor man's court where questions can be cheaply and quickly determined. All those are arguments which might be characterised in language not very complimentary to the hon. member. The question is this: If the patentee gets