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March, 1910

if it were not for the fact that the law is more honored in the breach than in the observance. The following letters will explain the matter fully and should be accepted as final:

Brantford, Feb. 23, 1910.

Messrs. Ridout and Mabey,

Solicitors of Patents,

103 Bay street, Toronto, Ont.:

Dear Sirs,—It has been stated in The Canadian Bee Journal that a hive which has been patented in Canada can be made by bee-keepers or others for their own use, as long as it is not sold, and yet there would be no infringement of the law. Your firm being known as solicitors of patents and as having paid special attention to Patent litigation would be considered an indisputable authority on the matter. If you can see your way to kindly make a reply it will be made public in the Canadian Bee Journal.

Yours very truly,

R. F. HOLTERMANN.

Reply.

"We are advised that the idea has been mooted in your journal that anyone is at liberty to make and use a patented article without the patentee's consent, provided he does not sell it. This is an entirely erroneous idea. In the first place, Section 30 of the Canadian Patent Act, R.S.C. reads in part as follows: "Every person who, without the consent in writing of the patentee, **makes**, constructs or puts in practice any invention for which a patent has been obtained. * * * shall be liable to the patentee or his legal representatives in an action for damages for so doing."

It is quite clear from this that the making of a patented invention is an infringing act whether the party so making uses it or not. Adjudicated cases in Great Britain and the United States also hold the view that "making for one's own use is as wrongful as making for sale." Bloomer vs. Gilpin, 4 Fish, p. c. 50. (See also Frost on patents, p. 413, Muntz vs.

Foster, Webb, p. c., 101; Jones vs. Pearce, 1 Webb p. c. 125).

Even if the section of our own Patent Act were not so explicit, these decisions would be followed by our courts.

A wide publicity of these facts may save some of your readers a great deal of trouble.

Yours truly,

RIDOUT & MAYBEE.

THE POETRY OF AGRICULTURE.

Indexed

A Classic by D. M. Macdonald, Banff,
In Irish Bee Journal.

Is not the above an appropriate name for Apiculture? Here is a common field for the peer and the peasant to meet on an equal footing; and the nectar gathered by the bees of the poor man is as sweet and luscious as that of the rich. Further, the bees of the cottar are as free to roam over the meadow and moorland, over flowers and fruit blossom, and no man can bring an action against them for trespass, because there is no monopoly in regard to the source from which they garner their stores. No high walls, or high fences, can stay their flight and no prohibition notices can turn them back from the sweet-smelling reaches of heather or clover, of thyme or of lime. In rifling all these of their sweets the bee does not leave them the poorer. There is a double blessing attending on their visits, because for the nectar sucked the bees return a wealth of fructifying pollen, without which the flowers would deteriorate or die out.

No wonder then that ancient fact and fable should combine to add to the natural interest in Apis Mellifica, that she should be sung of as a "ray of divinity," as "the birds of the Muses," and as a creature with portions of "thhereal thought." The poetic Virgil ascribed their wonderful economy to divine inspiration—the direct antithesis of our cool, calculating, modern, materialistic diagnosis of what goes