

*Patents of Invention*

Mr. BOYS: That does not meet my main purpose in submitting this amendment, which is, as I have said, to get an inexpensive and a quick decision on the part of the commissioner. I should be losing the entire object that I have in view if I adopted that suggestion.

Mr. FORTIER: I am in favour of the provision as contained in the bill. In the discussion of this matter we should not lose sight of the petition itself, which is a special petition, from, we will say, a third party who contends that the price of a patented article is too high. He represents himself as an interested party, but he is looking after the interests of the public, and he presents his petition to the commissioner. Of course, he comes up against a condition of affairs that has existed for some time, involving certain vested rights. Well, when he goes before the commissioner and asks that a change be made, it is my opinion that the commissioner is in a perfectly good position to say *prima facie* that the petition should not be entertained. It is wise that the commissioner should have the power to decide whether or not the petition is well founded. If he does not do so, and if he renders a judgment equivalent to the granting of the petition, which asks for a change in the price of an article, that is where the difficulty comes in. Would he be in a position to protect the public by making a change in the price without going into a long enquete, without hearing experts, without having engineers before him, and so on? The holding of such an enquete, is not within the jurisdiction of the commissioner, and therefore it is wise that the matter should be referable to the Exchequer Court. The question of costs is involved; the petitioner will be obliged to incur certain costs if the investigation is held before the commissioner, then, if appeal is taken to the Exchequer Court there is what one might call a double trial.

Mr. STEVENS: He has no appeal if the commissioner says, no.

Mr. FORTIER: So much the better; I am not in favour of an appeal. I say the bill is wise in giving power to the commissioner to have this matter placed before the Exchequer Court at once with a view to their deciding on the merits of the petition. That may involve not merely the granting of the petition itself but the fixing of a price in order to protect the public. It is only after a full trial before a court that the matter can be dealt with satisfactorily to the public.

Mr. ROBB: I was disposed to allow the item to stand but before finally deciding that

[Mr. Bristol.]

I would ask my hon. friend (Mr. Boys) if he would accept the clauses as they are, with the addition of these words:

Any decision of the commissioner under this section shall be subject to appeal to the Exchequer Court.

That would give them the right of appeal. I think my hon. friend is almost convinced that the hon. members for Centre Toronto (Mr. Bristol), Labelle (Mr. Fortier) and Brome (Mr. McMaster) are right.

Mr. BOYS: The minister evidently thinks that all I am striving for is an appeal, but that is not the case. It is not an appeal I want; it is a quick decision, and the minister's suggested amendment will not help that at all. I do think an appeal is necessary. I do not think it is proper to give the commissioner the power he has under this section without providing for an appeal in case the petition is refused. But the real purpose of my amendment is not that at all; it is to get a quick decision in all cases.

Mr. BRISTOL: Which amendment is the hon. member speaking to, his own or the one the minister has just read?

Mr. BOYS: We are dealing with both.

Mr. BRISTOL: It seems to me that if there is the right of appeal when the commissioner decides that there is no *prima facie* case, then the public will be protected. I cannot see how you can get a quick decision one way or the other, because each case depends upon a great number of circumstances. Some cases may be extremely simple and some very complicated, and only to be interpreted with the assistance of experts. That is really the gist of this whole situation, as I view it—the right of appeal in either case. That is what I would like to see; any amendment along that line would be fair to everybody.

Mr. ROBB: Does my hon. friend wish the section to stand, or will he accept my amendment?

Mr. BOYS: I am not personally interested, Mr. Chairman, but I have reason to believe that there is a large class of persons who do feel interested in the matter, and this amendment is perhaps the result of their wishes. Apart from that, it makes no difference to me at all. I do not recede from the position I have taken that in the ordinary case the commissioner can easily decide the matter. Let me add one observation, and I am through, whatever happens. Take the ordinary case of litigation in the courts: I venture to say that not more than one case in fifteen goes