

“The law, however, regards those who wish to derive a pecuniary benefit from the result of their labour, inquiry, and ingenuity; and we ask what such men would do, supposing no law existed by which they could secure a property in that which they had discovered? The answer is obvious; they would endeavour to keep their process a secret, and in those cases in which secrecy is impossible, they would have no motive to go through the trouble and expense of discovery. Where secrecy might be possible, we should find the new process fenced round by every mystery and mystification which the ingenuity of the discoverer could devise. Secrecy would be enforced on workmen, as far as possible, by keeping them in ignorance; and when this became no longer feasible, the sanction of oaths would be employed to that end. A state of most painful suspicion and restraint would be the condition of every one who was in possession of an invention, and of all whom he employed. A more mischievous, as well as a more disagreeable condition, can hardly be conceived. The necessary uncertainty of success, after every precaution taken, the suffering and expense attendant upon all such endeavours, would prove a heavy counterpoise to all expected benefit from the invention. Thus, under this system of no privilege, a large class of discoveries would be wholly without protection, and the remainder would be most imperfectly, and with great labour and expense, guarded against unfair appropriation. On the other hand, putting aside for the moment any consideration of the difficulty attending the means of attaining such an end, let us ask what would be the effect of a promise made by society to every *bona fide* inventor, that he should enjoy an exclusive property in his discovery for a limited period? If such exclusive property could be insured, if the right itself could be accurately defined and easily acquired, society would, in so far as depended upon the law, have done its utmost to foster a spirit of discovery, because it thereby would render certain such reward as the invention itself really deserved; and to itself society would not by this means do injury, for although there would be some delay in the full and universal enjoyment of the benefit, whatever it might be, resulting from the invention, yet, upon the whole, ultimately there would be a greater harvest of discovery than would accrue from a system by which no reward was provided for him from whom the benefit came. With common men the common motives to exertion must be relied on, and society, by thus judiciously protecting private interests, would promote the general welfare.”

It is questionable whether Sir Wm. Armstrong ever would have perfected his hydraulic machinery and ordnance, or Mr. Bessemer his steel, labouring so long and incessantly to that object, had they not had the assurance that if successful their labours would be rewarded by means of the exclusive rights secured to them by the patent laws of the land; and of a host of other inventors both on this continent and in Great Britain the remark would be equally true.

We are not aware that any considerable number

of persons in Canada are in favour of abolishing our patent laws, but an urgent demand for their amendment is put forth by all who are interested in patents; and hopes are entertained that, as the subject has been referred to in His Excellency's speech at the opening of the present session of our Canadian Legislature, a really good measure may be introduced and receive the sanction of the assembled wisdom of the Province.

The principal objections to the present law are, 1st, That a patent right cannot be obtained by any but a British subject, nor by a British subject unless an actual resident of Canada. 2nd, That no efficient examination is made as to the novelty or utility of the inventions, thus allowing so many useless articles to be patented. 3rd, That the specifications and drawings of patented articles are not published by the Department, so as to be available to the public for reference. 4th, That the law being prohibitory as to Americans obtaining patent rights in Canada, Canadians can only obtain patent rights in the United States by payment of the sum of \$500, which in many cases is tantamount to a prohibition.

As to the first of these objections, it must certainly appear very ungenerous to our fellow-subjects coming from other portions of the Queen's dominions with a valuable invention or discovery, to find that by our provincial law he is excluded from obtaining any protection; and to the American most inconsistent for us who are continually declaiming against American publishers for pirating the works of English authors, to refuse him a patent right on payment of suitable fees—the avowed purpose being to use and benefit by his invention, without affording him any remuneration therefor.

The 2nd objection we do not esteem as of much weight, the loss accruing from patenting useless articles falling principally upon the inventors themselves. Could an efficient examination, however, be established, it would prevent the re-patenting of any invention or discovery, and thus prevent an injustice being done to the original patentee.

As to the 3rd objection, it would greatly increase the value both to the inventor and the public if the specifications and drawings were freely published, and placed in the libraries of the Boards of Arts and Manufactures, and of all Mechanics' and similar institutions, for reference. It would also afford information to inventors of what had already been patented, and save them time and expense in perfecting machines already discovered and patented by others.

A gentleman of this city devoted some years