the patentee, but it is unfair that the law should be turned up side down and made to mean anything you wish it, even the very contrary to what it plainly expresses. Such construction is manifestly unfair to the general body to whom the law applies.

Talk about the objects of the legislator! Why it could never be that the patentee should be able to play the dog-in-the-manger by withholding his patent from the public for two years, and at the end of that time be able to obtain permission to do so still longer, yet, the above argument amounts to as much. It cannot therefore be the meaning of the law that the patentee for two years shall have the right of refusing a fair offer. Section two says distinctly *if for reasons beyond his control* the patentee has been unable to manufacture within two years the time may be extended in his favor. No patentee could refuse a fair offer "for reasons beyond his control," therefore it cannot mean that, and the section does not say so. On the contrary the very existence of section 2 proves that no exception is to be made if a patentee has to deal with—what for the purpose of this section may be called—an impracticable subject such as a process, a railway bridge, or I might add, an ironclad, he is only to be granted an exemption from its operation by applying for and obtaining a respite at the end of the two years until there shall be an opportunity to carry his inventions into practice. This answers the argument which is so often heard, that if a person patents an ironclad, would the patentee be expected to construct one and keep it on sale. Why, certainly not, but unless he does so and wishes to keep his patent alive he is bound to maintain his rights by means of sub-section 2 and obtain a delay until such time as he can carry his invention into practice.

The decision in question has been the only one rendered under the section and has been looked up to ever since as *the* authority. It is true the same question was also raised as a sort of side issue, in the suit of Smith *versus* Goldie & McCulloch, which case went to the Supreme Court* but the court declined to enter into the matter because the jurisdiction is clearly vested in the Minister of Agriculture and in no other tribunal. That the law was construed too liberally in the decision in question there can be no doubt, and my object is to warn patentees from resting in a fool's paradise. It is questionable whether, if another case came before the same individual who constituted the tribunal at the time, the decision would not be more strictly in accordance with the letter of the law, and it is still more certain that if another individual should form the tribunal, a patent would be declared null and void unless manufacture under it had commenced and continued before the expiration of two years.

My advice to all patentees is, if your patent is nearly two years old and you have been unable to commence manufacturing and see no chance of doing so before the time expires, by all means secure a delay under

* The Ottawa *Free Press* of July 7th contains an able review of this case.