

the same device, and confidentially communicated the nature thereof to his partner and patent solicitor. On the 27th of July, he applied for a United States patent, and on the 12th day of January, 1892, such patent was granted to him. On the 5th of February, 1892, he applied for a Canadian patent, which was granted to him on the 1st of June, in the same year.

When, in May, 1891, LaForce's conception of the invention was well defined there had been no use of the invention anywhere, and the public had not anywhere any knowledge or means of knowledge thereof.

*Held*, that the fact that prior to the invention of anything by an independent Canadian inventor, to whom a patent therefor is subsequently granted in Canada, a foreign inventor had conceived the same thing, but had not used it or in any way disclosed it to the public, is not sufficient, under the Patent laws of Canada, to defeat the Canadian patent.

*Baxter v. Howland*, 26 Grant, 135; and *Smith v. Goldie*, 9 Can. S. C. R. 46, followed.

2. That the drawings annexed to a patent may be looked at by the Court to explain or illustrate the specification. *Smith v. Ball*, U. C. Q. B. 122, followed.

*W. Cassils, Q.C.*, and *Gormully, Q.C.*, for relators.

*Ritchie, Q.C.*, and *Ross*, for respondents.

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### LIBELS BY LIBRARIANS.

*Martin v. The Trustees of the British Museum* raises a question of great public interest—viz. whether the preservation, in a public department, of a book containing defamatory statements is equivalent to the publication of a libel, and whether such publication is privileged. We have not the slightest intention of discussing the particular books said in this case to contain defamatory matter, and shall confine ourselves to considering the results of a decision adverse to the Museum.

By law, all publishers of books must send a copy to the Museum. They are under no legal obligation to publish libels; but if they do so they are sending a copy to the Museum in pursuance of a public duty. But the liability of the Museum, if any, must rest on other considerations—viz. on cataloguing and rendering available to readers the books sent to them. The Museum, and to