

and I think that interest should be protected and there should be no doubt on the subject. This Bill has a clause in it which I shall read :

"2. Any person who has, within the period between the twelfth day of July, one thousand eight hundred and eighty-eight, and the extension or renewal hereunder of the said letters patent, acquired any interest or right in respect of such improvements or invention, shall continue to enjoy the same as if this Act had not been passed."

It is my duty to call the attention of the House to the fact that on a former occasion I took exception to that as one of my objections to the Bill, that even if an appeal *ad misericordiam* could prevail, the House should still protect the interest of the public, and I suggested that certainly there should be some such words as "acquired by user or otherwise," inserted; and curiously enough, by referring to those precedents, I find in every one of them these words "acquired by user or otherwise." And the reasons are perfectly obvious: a man may acquire a patent by assignment, and hundreds of people who use this article have acquired rights after the patent has lapsed. These people have a right to be protected. They may acquire the right by manufacturing or using the article in such a way as would render them liable to a penalty if the patent was in force. It is for that reason I prepared this amendment, which, I think, covers the whole ground. It protects the rights of parties who have purchased, and protects the rights of those who manufacture. I therefore move the amendment of which I have given notice, as follows: "That the said Bill be not now read the third time, but that it be amended by inserting after the word 'acquired,' in the fourth line of section 2 thereof, the words 'by assignment, use, manufacture or otherwise.'"

HON. MR. MACINNES (Burlington)—I have considered the amendment proposed by my hon. friend, and as the object of the Bill is not only to secure the extension required, but to protect the public in any rights they may have acquired under it since the patent expired, I have decided to accept it.

HON. MR. SCOTT—It may be satisfactory to some hon. gentlemen who have taken an interest in this question, and who have thought that a very serious inroad is being made on the ordinary legislation of the country, to be reminded that in

England just such a provision as we are inserting in this Bill already exists, except that it is not necessary for a party to come to Parliament to obtain a renewal of his patent. I find that, under the English patent law of 1883, section 17, in case of accident, mistake, or inadvertence, if a patentee fails to make any prescribed payment within the prescribed time, he may apply to the comptroller for an enlargement of the time for making the payment; and thereupon the comptroller shall, if satisfied that the failure has arisen from any of the above mentioned causes (accident, mistake or inadvertence) on the receipt of the prescribed fee for enlargement, not exceeding £10, enlarge the time accordingly. But the time for making any payment shall not in any case be enlarged for more than three months. We put it on a much more satisfactory basis, because we provide in this Bill that any interests which may have arisen in the mean time shall be guarded. I do not think it is any serious innovation when we have English precedent for the legislation we are carrying out.

HON. MR. DICKEY—I am obliged to my hon. friend for having brought out this fact. When this matter was up before I stated distinctly that it was far better that a provision to meet cases like this should be in the General Act, and that it should not be the subject of special legislation, which I think is odious, and I quite agree with him.

The amendment was agreed to.

The Bill was then read the third time, as amended, and passed.

## THE EMILY WALKER RELIEF BILL.

### REPORT OF THE DIVORCE COMMITTEE ADOPTED.

HON. MR. SANFORD moved the adoption of the tenth report of the Select Committee on Divorce *re* the Emily Walker Relief Bill. He said: As the evidence with reference to this Bill has been before you now for two days, and as the case is one which specially commends itself to us for relief, I do not think it necessary for me to enter further into the subject than to move the adoption of the report.

HON. MR. KAULBACH—I am surprised that my hon. friend has not explained