dragged from one court to another, from the original court to the Court of Appeal, and from the Court of Appeal to the Supreme Court, and from the Supreme Court to the Privy Council? I say that the very case which he cites as a case which justifies the modification of this law, is a case, of all others, which shows the absolute necessity of this law, if the people of Canada and the manufacturers of Canada are to have the advantages which the Legislature intended them to have, and which it is wise and in the interests of all the people of this country that they should have. The whole effect of that law will be nullified. We have a model room. A manufacturer goes into that room and sees something which he can manufacture conveniently in connection with his own industries. He goes to the office and asks: Who is the patentee? Is this thing being manufactured in Canada? If not, I desire to manufacture it. He satisfies himself that it is not being manufactured, and he lays his *paimâ facie* case before the Minister of Agriculture. He can do it without the intervention of any solicitor. He can go himself and can fill up documents which he can obtain. Then the Minister of Agriculture calls for the patentee and the matter of fact is sifted, and this man can then go on, having voided that patent, and utilise, for his own advantage and for the advantage of the people of Canada, this invention which the patentee bound himself, when he obtained his patent, to give to the people of Canada. Would that poor man, that man of ordinary means, that manufacturer, venture on that if he saw he was under the necessity of employing able counsel like my hon. friend, the introducer of this Bill, and was liable to be taken from court to court and to be kept a long time waiting for a decision? He would not. Then the whole beneficial effect of this law would be nullified by making it a matter for the courts. The Legislature foresaw this, and saw that the only way to make the 28th clause useful to the country, the only way by which it could be carried out beneficially to the manufacturers and the enterprising men of this country, was to provide some cheap, some summary and easy and speedy remedy by which these questions of fact could be decided. The law has operated well. Every decision which has been rendered, except the last, has been satisfactory to the public at large, and the last has been satisfactory to all the public, except to my hon. friend and his associates and his clients. But no decision ever rendered by any court will, I believe, be attended with more beneficial results than the decision of which my hon. friend complains and which he states as a reason why this law should be changed; for, during all the future, this instrument can and will, by fair and legitimate competition, be brought at a cheap rate to the door of every man who wishes to use it throughout the land, and can be obtained at rates which could not have been dreamed of if this monopoly could have held this patent, so justly voided in consequence of their own acts, their own failure to do what was clearly pointed out in the contract given them at the time they took the patent. I object entirely to the Bill which my hon. friend has introduced. I think it is wrong. I think it is not at all in the interests of the country. I think that clause will be a nugatory clause, if the matter is taken from the present jurisdiction and thrown into the hands of the courts, and I shall feel called upon, if my hon. friend insists upon retaining that feature in the Bill, to divide the House upon the subject.

Mr. MULOCK. My hon. friend from North Simcoe (Mr. McCarthy), presents this Bill to the consideration of the House on the grounds, as he argues, that the present law is unconstitutional. He argues that the law, as it stands at present, is an infringement on civil rights which were delegated to the Provinces alone, and as an illustration of that argument, he states the case of the grant of lands by the Dominion, and then asks whether the Crown could afterwards cancel those patents, and concludes his illustration by saying he sees no distinction between the position of a patentee of lands and a patentee under the Patent Act. Well, if he does not see any distinction between the two cases, I think others will. There is a vast difference between the two. In the case of a patent of lands, what is patented? Something tangible, something that has a locality—immovable land. But, under the Patent Act, what is patented is a bare privilege, the creature of Parliament, which can be granted on such conditions and subject to such terms as the creator of that privilege may choose to assign to it. The patentee, under these circumstances, does not at any time own the absolute property. He has only the enjoyment of his right *sub modo* at best, and he cannot say, when the rescission of the patent takes place, that there has been a forfeiture of any right. There has been simply a carrying out of the contract which gave him a conditional privilege only. There is no absolute withdrawal of the right from him.

Mr. McCARTHY. I think my hon. friend has misunderstood my argument. I did not pretend to say that the imposition of the conditions is beyond the competency of this Parliament, but that the trial of that question, the creation of a tribunal for the trial of that question, unless it was the creation of a court, was beyond the competency of Parliament.

Mr. MULOCK. I understood my hon. friend to say that the property of a patentee in a patent was a private right; that it became property in the technical meaning of the word "property" under the British North America Act; and, that being so, that it was solely under the jurisdiction of the Provinces.

Mr. McCARTHY. Merely as to the trial. I quite admit, of course, that conditions may be imposed, and that they have been properly imposed.

Mr. MULOCK. My hon. friend argued that the House, in delegating the power to deal with the matter to one of its own officers, was proceeding unconstitutionally, and that cannot be, unless it is shown that the subject matter of the trial is not under the jurisdiction of this House. If the subject matter to be dealt with is under the jurisdiction of this Parliament, as this is, then I submit that Parliament, or the agent of Parliament, the Minister, or any other agent, can deal with it. He has not shown any necessity for this legislation, and I do not think that Parliament is called upon to amend or repeal measures, unless it can be shown to be in the public interest that the repealing or amending should take place. The only case that can be cited, the most recent case, the rescission of the patent of the Bell Telephone Company, I do not think amounts to a public grievance. In the part of the country that I am familiar with I am not aware that the public see that any injustice was done to the patentees or to the general public. On the contrary, it is my great pleasure to be able to testify to the general approbation with which the decision of the Minister of Agriculture in that case was received. My hon. friend from North Simcoe says: Why not delegate this to the courts? We have courts, and as long as we have upright and impartial judges, let them deal with the matter. Does he say that the Government, either this Government or any succeeding Government, is not equally fit to be entrusted with this power? It is true that there is a nominal decision in each case of an individual, but he does it upon the responsibility of himself and his whole Cabinet. If he is wrong his whole Cabinet will bear more or less of the blame, and he is, we must assume, ready to take the responsibilities of his act. He feels that he is only one individual deciding that case, but he knows that the whole remaining twelve of his colleagues share the responsibility of his action. Therefore, I think the