in the superiority which his knowledge gives him, but in that knowledge itself. The late Lord Wensleydale, whilst pitying the hard lot of a man who was ruined because his pleader had supposed his remedy to be trespass instead of case, added: 'No doubt it is hard on him. The declaration ought to have been in case. If it had been, he would have won; but if the distinction between trespass and case is removed, law, as a science, is gone—gone.' On the other hand, those who have not a professional acquaintance with law are almost certain to be baffled in any attempt which they may make to improve it by their ignorance of the subject. It has real and great difficulties, and to attempt to deal with the subject without careful previous study and a considerable amount of collateral knowledge is only to run the risk of making bad worse. Being strongly impressed with these views, and preferring a systematic attempt to improve the law to any other form of public life open to me, I have for some years past employed such leisure as I could command in writing expositions of existing branches of law at once technically correct and complete, and capable of being understood by any person of decent education, sufficiently interested in the subject to read books of moderate length about it requiring close attention. It seemed to me that if the law as it actually is, were, so to speak, translated into common English, and made accessible to the public at large, the materials for its re-enactment in an improved and simplified form—in other words, for its codification—would be provided, and I felt sure that the convenience of that process would be so generally recognized that if it were once begun, there would be every reason to hope that it might proceed quite as rapidly as would be desirable."

Some time ago the *Times* said the bar must look to its laurels, referring to the decline of eloquence and the growth in number of cases conducted without the assistance of counsel. There is no doubt, we regret to say, that forensic eloquence is not what it was. The number of counsel who can state a case with anything like elegance of diction may be counted on the fingers of one hand, while even fewer digits would suffice to enumerate those who have any power with juries. As to this last remark we do not know that it is altogether a reflection upon the bar. Their training now is on stricter legal lines; our best advocates are good lawyers, and are frequently too terse and logical for juries. Furthermore, juries of to-day are of a higher order than the juries of even twenty years ago, and are not so easily influenced by counsel.—*Law Times.*

PATENT OFFICE.

Ottawa, Jan. 24, 1885.

Before the MINISTER OF AGRICULTURE.

In re BELL TELEPHONE PATENT.

THE TORONTO TELEPHONE MANUFACTURING CO. *v.* THE BELL TELEPHONE CO. OF CANADA.

Patent Act of 1872—*Combination of known elements—Importation after twelve months from date of Patent—Importation of manufactured parts to be put together in Canada—Refusal to sell.*

1. *An accidental delay, by which an importation arrived a day or two after the expiration of twelve months from the date of the patent, held not to avoid the patent.*
2. *The importation of manufactured parts to be put together in Canada avoids the patent.*
3. *Refusal to sell the right to use unconditionally an invention or to license avoids the patent.*

The following is the text of the decision of the Hon. J. H. Pope, minister of agriculture, voiding the patent in the Bell Telephone case:—

This case is the second which has come before this tribunal. It happens that both cases concern interests of vast magnitude, a circumstance which contributed to enhance the sense of the heavy responsibility imposed by the law on me as the minister of agriculture or on my deputy in this respect. The first case, *Barter* v. *Smith*, was tried before Mr. Taché, in November, 1876, and his judgment was rendered in February, 1877.

I have to refer to that judgment, because it has been made the basis of argument by the learned counsel on both sides in this case, because it constitutes the declaratory law of the country on points raised by the application of the 28th section of the Patent Act of 1872, being in matter of doctrine and of legal interpretation unquestionably correct; and endorsed, as remarked by Mr. Cameron, by the highest judicial authorities, namely, the Court of Appeal of Ontario, the Supreme Court, and, in relation to this present case, by Mr. Justice Osler in his judgment rejecting an application for a writ of prohibition.

This tribunal is, therefore, bound to attach