my mind that a good patent-law attracts improvements to a country which possesses it; and that, therefore, the manufactures of that country, instead of being placed at a disadvantage as compared with those of countries which have it not, are much more favourably situated.

The third charge against a patent-law is that "A patent for an invention by barring the road stops further invention."

This I say, unhesitatingly, is contrary to all experience Progress in an industry may be dormant, as it was for years in the steel trade. At last an original mind comes and makes a great improvement. After a longer or a shorter time, dependent on various circumstances, this improvement developes into commercial facts, and excites general attention. The immediate result is that a number of other ingenious men are set thinking of the special manufacture, and there follow forthwith with a large number of inventions in relation to it

It may be said, What good is this, if the invention cannot be used because the first patentee is here barring the road?

The answer is, that this inventor has not got, and the law will not give him, a patent for all modes of obtaining his end, but only for his special mode, and that all inventions of improvements which do not clash with this can be freely used. And further, that if the subsequent inventions be for improvements upon the mode of the first patentee, the practical result in nine cases out of ten is that the first patentee and the subsequent improver come to terms, and work their inventions in common.

The fourth and fifth charges are—That patents are granted for useless things, and also for things which are not new. In some instances this may be so, but who except the foolish patentee suffers? In the first place if the subject of the patent be not new, or be not useful, the patent, if not void, is voidable. In the second place no one wants to use that which is useless, and everybody may use that which is old.

The sixth charge brought against a patent-law is, "That it gives rise to expensive and difficult litigation." This, no doubt, is true, but to what extent? To ascertain the value of the fact, when considering whether or not it forms a sufficient ground for the abrogation of the law of patents, one should examine as to what proportion the litigation bears to the magnitude of the subject. As I have already pointed out, there is hardly an industry in the kingdom which does not employ in several of its branches patented processes and machines The annual value of their products must be enormous, and must form a very large percentage of the value of the total mercantile and commercial transactions of the country. It appears that rather more than 5000 actions and suits are tried and heard each year in the superior courts of common law and equity, while in those courts 18 proceedings only relating to patents are commenced, and that 8½ only out of these 18 are pursued to a primary decision: thus, notwithstanding the magnitude of the interests involved, and the alleged incentive to litigation arising out of the nature of patents, the number of proceedings initiated is only one-third of one per cent. of all other actions that are tried and heard, and the number of patent cases in which a primary decision is given are only 8½, or one sixth of one per cent.

I do not say there may not be instances where persons have been most improperly put to heavy expense in maintaining their rights against patentees by whom they have been unjustly assailed, but is not this true of every other right which is guarded by a law? Yet no one suggests that thereupon the remedy is to do away with law and the right together. Endeavours are made to amend the law, and if this cannot be done, the chance of cases of hardships is submitted to as being the price to be paid for a law which, by its general terms, is for the good, and, as a rule, contributes to that common good.

From my boyhood, until within the last year or two, certain houses at the corner of Stamford-street were shut up, and were allowed to go into decay, and to disfigure the street with their shattered windows and broken shutters, seriously affecting the value of the opposite and adjoining property. Here was a case of individual hardship upon the neighbours, but it was the result of a general law, which gave the control of the condition of houses (so long as that condition was not dangerous) to their owners, and no one suggested that because under such a law this mischief could be wrought, the law must be abolished. The law was a good law but being human, was imperfect, and might be, and in this instance was abused.

Again, we are not, even now, suffered to forget the "Claimant" and his pretensions. Here was an instance where under the operations of laws which enable a person to recover possession of an estate from which he has been displaced, a low adventurer had it in his power to harass the rightful owners of a property by years of litigation, and to put them to an expense said to amount to over a hundred thousand pounds, to say nothing of the nearly equal expense to which he has put the nation, and all this without the slightest foundation for his claims Here was a case of the grossest individual hardship, but no one dreams that because a fraudulent claim was made to an estate, the law under which such a claim could be made should be abolished, or that it would be wise to prevent the repetition of such an attempt at the cost of being without any law by which a rightful owner could recover property that was witheld from him.

The last statement made as to the [illegible] of patents is, "That patentees are great losers, and that it would be charity to protect them against themselves." That patentees are, taken as a whole, losers by the time and money they expend upon their inventions, is, I think, likely, but we are considering whether the community as a whole is a loser. If we are to make classes, and to divide the population into those who take our patents and those who do not, I say that the community as a whole is largely benefited. The amount received in royalties from successsul patents would, possibly, if thrown into a common fund and distributed over all the patents that are taken out, give but a very poor return to each—a return so poor that it would not be worth while for persons to take out patents if that were to be the utmost measure of their reward But surely the general public ought not to complain of this; they get all the intelligence, the invention, and the labour of patentees as a body for a confessedly inadequate remuneration; and they get it at this cheap rate because the reward is not uniform, but is varied—so varied that the high prizes are worth the efforts of the best men. Sydney Smith has told us, in his letters to Archdeacon Singleton, on the Ecclesiastical Commission, that if you wish to get the best services at the lowest rate of remuneration, you must do so by making that remuneration unequal. He says; "It seems a paradoxical statement, but the fact is that the respectability of the Church, as well as that of the Bar, is almost entirely produced by the unequal divisions of their incomes;" and he goes on to show how men of capital and of education are drawn towards both professions by the hope of the prizes, while if the total gains were evenly distributed there would be no adequate inducement to cause any man of position to enter either profession. So it is as between the great bulk of the public and the inventors; the inventors are tempted by the few prizes, and the public thus get their invention as a whole at the cheapest possible rate.

The public, as I have said, are benefited, the national revenue is benefited, for the State gets as much as 90,000*l.* per annum from patent fees, and the inventors are contented; if they do not get solid gains, they live in hope, and I think it is not too much to ask, that so far as their interests are concerned, it will be time enough to do away with a patent law and their hopes together, when the inventors as a body come forward and demand the destruction of both.

I will say no more in support of my two propositions. The first that in the absence of a patent law there would be no adequate incentive to the continuance of invention. The second, that the patent law is unaccompanied by any evils such as would justify its abrogation.

I may be asked, if these propositions be true, why is it that the question of the withdrawal of protection for inventions is from time to time brought forward, while it is rare to find a paper written to express satisfaction with the existing state of things?

In answer to such questions, I would say, "Contented men don't discuss," "people don't run about proclaiming their content" It is the man desirous of change who makes himself heard; and further, I would ask, who are these men desirous of change? Not the inventors, that is clear, and I will undertake to say not (with very few exceptions) the manufacturers Who are they, then? They are generally men who (with the best possible intentions) occupy their leisure in schemes for the improvement of society. Able men, honest men, and men capable, as a rule, of arriving at just conclusions when reasoning from sound premises. But it behoves such men to be extremely careful The very position and ability that enable them to do much good when they are right, make it inevitable that they do infinite harm when they are wrong,