

"It is no part of the duty of this Court to alter the law, so as to accommodate it to the varying circumstances of society; and that is law to me which I find established by those who have gone before me, whether by the legislature, or by my predecessors, in whose time the principles of the Court have been reduced to a system. Neither the makers of the law will carefully perform their duty, nor will its expounders with adequate caution discharge theirs, if the former are made to believe that their deficiencies can always be supplied by judicial misconstruction. My resolution is to abide by what I find to be the law, whether it has been promulgated on the record of the statute, or of the Court, and to leave the legislature to alter it, if alteration be required."

Furthermore, we may observe that of late years the Courts have persistently refused to supply a *casus omissus* in an Act of Parliament, no matter how manifest the omission may be; and they have generally declined to extend the operation of an Act beyond the plain meaning of the words used (see *McHarg v. Lumbers*, 23 O.A. at pp. 59, 60, and authorities cited).

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A MODERN INSTANCE.—Mention of this rule as applied to statutes reminds us of some observations pertinent to the question in a case decided by the judge of the Exchequer Court a short time ago, *Auer Incandescent Light Co. v. O'Brien* (post p. 154). This was an action arising upon the infringement of a patent; and the defendant attacked the validity of a reissue of the patent, because, *inter alia*, its owner had been guilty of laches in making his application for such reissue. The learned judge said:

"The doctrine that the right of a patentee to a reissue is lost in certain cases by lapse of some time after the date of the expiry of the original patent, and before the application for the re-issue, has been established in the Courts of the United States, and recognized in Canada. The doctrine itself has no statutory support. The legislature has not either in the United States or in Canada required that an applicant for a reissue should come to the Commissioner within any definite or specified time. It is a doctrine that rests wholly upon the authority of decided cases. The object aimed at by the rule is good; but the rule is, I think, open to some objections when enforced by a Court. If it were applied by the Commissioner there would not be the same objection; for if he refused to issue the new patent because the application