of the hon. member for Wellington, that there should be a decision from the commissioner in the first case.

(2) The nature of the conflict shall be clearly pointed out to the applicants and each of them shall be required, within a time fixed by the commissioner, to file in the Patent office a preliminary statement under oath setting forth the earliest date on which such applicant conceived the invention involved in the conflict and such other facts as the commissioner may require. Any applicant who fails to file such statement when required shall be deemed to have conceived the invention only on the date of his application for patent in Canada.

What I am told by one who is very much more familiar with these matters than I am is that when two conflicting applications get into interference, the contesting applicants, as a rule, withdraw their weaker claims and finally by agreement reduce the contest between them to quite narrow limits. Then:

(3) Each applicant shall, within a time fixed by the commissioner, file in the Patent office written statement of testimony taken under oath, together with such other matter as he considers necessary to establish his right to a patent; provided that if such testimony or other matter should prove a date of conception earlier than set forth in the preliminary statement of such applicant, the applicant shall be deemed to have proved only the date set forth in his preliminary statement.

(4) The commissioner may summon any applicant or other person to appear at any place and before any person mentioned in the summons and may require him to give evidence on oath orally or in writing (or on solemn affirmation if such applicant or person is entitled to affirm in civil cases) and to produce such documents and things as are requisite to the full investigation of the conflict, and the commissioner shall have the power to enforce the attendance of such applicants and other persons, and to compel them to give evidence, as is vested in any court of justice in civil cases, in the province where such applicant or person is summoned to appear.

(5) A patent may be involved in conflict with an application; provided the date of such patent is not more than two years prior to the date of the application; and in such cases the patentee shall be governed under this section in all respects like as an applicant.

(6) Anything in the Exchequer Court Act and amendments thereof, or in any other Act, to the contrary notwithstanding, the commissioner shall have exclusive primary jurisdiction to determine the grant of a patent in any case of conflict between applications or between an applicant and a patent as in this section provided.

(7) Any applicant or patentee to whom an adverse decision is rendered by the commissioner under this section, shall have the right of appeal.

The committee will see that I follow the main lines of the proposal made by the member for Wellington, namely, first a decision by the commissioner and then an appeal to the Exchequer Court. I have merely indicated in my remarks the procedure which I propose that the commissioner shall follow, which is the same procedure which is followed in the patent office of the United States. Now, answering the minister as to the question of cost If the matter is referred immediately to the Exchequer Court, the patent solicitors, who form really a distinct body of lawyers and who sometimes are not even barristers, will have to employ counsel to appear before the Exchequer Court. On the other hand, if my suggestion is adopted, the conflict will be determined by the commissioner, which determination is likely to be accepted by both parties so that an appeal to the Exchequer Court might be avoided. It does seem to me a great mistake to throw the case into the Exchequer Court before there has been a preliminary investigation by the commissioner and a chance given to the parties to get together and confine the scope of their conflict to the narrowest limits. The Exchequer Court probably has the largest jurisdiction of any of our courts, and if it is to be the tribunal of first instance in this case those concerned may have to travel from Halifax or from Vancouver to Ottawa to appear before the court. The procedure which I indicate gives wide powers to the commissioner to appoint other commissioners for the hearing of evidence and provides a practical and well thought out scheme for the adjudication of the dispute—a scheme which has been followed in a jurisdiction very similar to ours for some years past.

Mr. ROBB: As there appears to be a conflict of opinion I will put in the original motion I made:

That clause 21 of Bill 20 be struck out and the following substituted as clause 21—

Which is really the old act. We will allow the section to stand so that hon. gentlemen may consider it. I would point out again, however, that the experience of the department is that the method employed in Washington is very objectionable compared with ours, and that ours is the most economical and the most satisfactory to all concerned except the patent solicitor. I admit that he would like to get an additional fee from his client.

Mr. McMASTER: He does not get the fee; some lawyer does.

Sir HENRY DRAYTON: Surely my hon. friend is not serious in suggesting that arbitration is cheap and satisfactory. We have generally found arbitration the most lengthy, expensive and unsatisfactory method of settling differences.

Mr. ROBB: There are two options, arbitration or the Exchequer Court.

Sir HENRY DRAYTON: They have a right to go to both?

Mr. ROBB: Yes.