statute in this respect. All this shows, to borrow the very words of Renouard, "how "the practice of nations solves, by common "sense and experience, the questions raised "by necessity....."

The question of doctrine having been thus established, it remains to examine the facts of the case to confront them with the meaning of the statute. The evidence adduced is ample to give any one a clear and unmistakable knowledge of the state of affairs.

As to manufacturing, it is proved that none of the respondent's inventions were put up in Canada within the time prescribed; but no proof is given that he has refused to furnish them to anyone at any time; on the contrary, it is shown in the clearest manner that he has not been requested by any one to be supplied with them, during the time of inactivity.

As to importation, it is proved that the machines imported at Thorold by Messieurs Howland and Spink, more than twelve months after the date of the patent, are of Smith's invention No. 2257; that Smith was neither the consignor nor the consignee, nor the owner thereof; that he did not actually import them but that he consented to the importation, which action amounts to causing them to be imported. It is clear that Smith's consent in this instance was not intended to defy the law, that it did not cause any appreciable injury to Canadian industry, but had for its object to bring the merits of his patents and process before the Canadian public, with the honest intention of manufacturing in Canada as his efforts to introduce his process in Lawson's mill proves.

The disputant, aiming at the process of milling patented under No. 2409, has tried to connect patent No. 2257 with patent No. 2409, as being necessarily dependent on each other in the way of cause and effect or rather object and means, but has failed in that, and by his evidence, has, in fact, proved the contrary of his proposition, in establishing that Smith's process does not require any special plant or machinery; but can be added to any mill by ordinary tools and workmanship and with ordinary materials, which is, besides, made plain by a careful study of the patents.

The disputant has also tried to prove unwillingness on the part of the Patentee to furnish the Canadian market, at the same time that an active demand is alleged to have existed in Ontario for several years for such processes of milling as Smith's, an assertion which is poorly sustained by Barter's third declaration and his own Trade Circular (hereinbefore analysed), and by the fact that one of the witnesses who makes this assertion, Mr. Lawson, had no Middlings Purifiers of the sort in his own mill at Thorold, in May, 1876, when he refused the offer made by Smith to himself (Lawson) to have one put up for him, he having objected to the ordinary price charged for Royalty.

The disputant insisted on the point that the three petitions of the respondent (documents 4, 5 and 6 hereinbefore analysed,) are a virtual admission of his having failed to comply with the exigencies of the statute. It would be hardly fair to take even an unconditional admission of the sort, made under the circumstances and in error, as carrying with it the necessary destruction of the patent. The petitions referred to are not, however, an admission of that kind: the Patentee, after a statement of facts, says he "submits that his acts as aforesaid are a "sufficient compliance with the terms of the "said 28th section of the Patent Act of "1872"..... he has been unable, "for rea-"sons aforesaid to comply literally with the "terms of the said section," and he concludes by asking for a "declaration that the said patent has not become forfeited," and also for "an extension of time to commence the "manufacture."

It is clear that the Patentee was conscious of having complied with the spirit of the law, but was apprehensive of the interpretation given to the words on account of threats. He asked for an extension of delay, a long time after the expiration of the statutory delay, which extension can, of course, be granted by the Commissioner only as a continuation (without interruption) of the respite of which it is the mere prolongation. When the statutory delay has expired, a patent then is either voided or in operation, according to the spirit of the law, and no other proceeding on the point in question can intervene, unless a dispute is raised.