right to appeal from "the present decision" will, of course, be retroactive. It is a matter of procedure, but it is questionable whether we should pass anything in the character of retroactive legislation. However, this will be left for the committee to determine. For these reasons I hope the House will accept the principle of the Bill, and in committee any amendments may be made which the House will, in its judgment, think proper.

Mr. COLBY. I do not at all concur in the views expressed by the hon. gentleman. The 28th clause of the Patent Act which he proposes to amend was inserted as a matter of public policy, and the manner of enforcing it was deliberately decided by this Parliament at the time the clause was under consideration. It is very well understood that in England and the United States a patentee is under no obligation to utilise his patent for the public good. He has an absolute proprietory interest in it, whether he uses it or not, during the entire period of the patent. The contract is simply, on his part, that he shall, in his application, in his specification, in his drawings, and in his models, so discover the invention that when his property ceases it becomes public property, so that any person skilled in the arts can then have the full benefit of the invention; but during the life of the patent, in England and the United States, the patentee is under no obligations whatever to use it. He may lock it up; he may prevent any other person from using it or infringing on it; he may give the public no advantage whatever from it, if he chooses. That is not the policy of our law. Our law is more in accordance with that adopted by the continental nations of Europe—France, Belgium, and, I think, Germany. Under our law the contract is a conditional contract. The patentee is to have no right to utilise his invention unless he makes it beneficial to the country which gives him the privilege of utilising it. He must make it beneficial to the country by putting it in operation, by giving the public the advantage to be derived from its use. We deliberately, by this clause 28, make it a condition between the patentee and the public that the patentee must use it in this country under certain conditions, and we further state that the conditions must be entered in the body of the patent itself as conditions of the patent. He takes the patent subject to those conditions, which are in the interest of the public at large. One condition is, that he shall not import that invention after a period of twelve months from the time he takes out his patent. That condition is imposed in the interests of Canadian industry, in order that this country may have the advantage of the manufacture of the invention. Another condition is, that within two years he must cause his invention to be manufactured in some manufactory in Canada, so that any person wishing to obtain it can obtain it at a reasonable price. This condition is subject to modification; it is in the discretion of the commissioner, if proper reasons be advanced, to give the patentee an extension of time; but the principle of the law is distinctly laid down, as a binding condition of the contract itself between the patentee and the public, that he shall not import, after a certain period, and that after a certain other period he shall give this country the benefit of the manufacture of the patent. How is that carried into effect? The law says that the patent may be set aside by the ordinary courts for other reasons, but as regards the violation of this particular clause the Department of Agriculture is the tribunal to decide the question. That provision was made in the interest of the people of this country and of the manufacturing industries of this country. Any question arising under it can be but a simple question of fact; it can be but a question as to whether the invention has or has not been imported after the period of twelve months, or as to whether it has been or has not been manufactured in the Dominion within the period of two years. Both are simple questions of fact, with all the proof of which the respondent himself, the party charged with having voided his own patent, is fully seized. If he has not imported or has not manufactured, or if he has imported or has manufactured, the facts are clearly to be shown by his own books. Why was this not put into the hands of the ordinary courts? Why was it not made a question on which the ordinary tribunals could pass, beginning with the original court, thence to the Court of Appeal, thence to the Supreme Court, and finally to the Privy Council? The reason is evident. It was simply to protect the people, to protect the manufacturers of this country, to protect those who may desire to manufacture and work an invention in their own interests and the interest of the public, because these men would not enter on the formidable task of attempting to break down a patent if they saw they would be compelled to go from one court to the other, ending with the Privy Council, and probably be kept in the courts for years. The Department of Agriculture is the place, the tribunal, a cheap and summary tribunal; there every man, without the intervention of an attorney, without the intervention of my learned friend who introduces this Bill, dispensing with that valuable class of people, may go before the Minister of Agriculture, where the patent is, and where the model is, and where the proofs are, and make out his *primâ facie* case that this patent has been voided on these two questions of simple fact; and then the Minister can call up the other party and satisfy himself with regard to the case. There are no abstruse legal points whatever to be decided but a simple question of facts; and if any incidental question of law should arise the Minister of Agriculture has the advice of the Minister of Justice at his disposal, who is in a position to give a legal decision. My hon. friend who introduced this Bill was worsted recently in a case he had before the Minister of Agriculture. He is not now a Daniel come to judgment. But my hon. friend's colleague, in speaking of other decisions of the Minister of Agriculture, did not speak of them at all in a disparaging way. His colleague, Mr. Cameron, who was an associate with him in this important case, said, on a former occasion:

"This interpretation has gone forth to the world. It is to be found in every patent office, and in every patent and solicitor's office. * * * It is, moreover, a decision which has received the approval of our highest courts."

That was a decision in a previous case, not in the last case.—

"It has received the approval of the Court of Appeal in Ontario, and it has received the approval of the Supreme Court, who not only have endorsed the conclusions, but have endorsed the reasons given by Mr. Taché, in what is described as his able judgment."

My hon. friend's colleague had no fault to find with the decision of that tribunal. My hon. friend's associate speaks of them as able decisions, which have received the approval of all the courts; but in this last unfortunate decision, in which my hon. friend's client was injured, the matter was a very serious one, and what is the serious effect and consequence? The serious consequence is simply this, that a great and gigantic monopoly has been broken down in this country; that the people of Canada, by the wise decision, the just decision, the careful and unexceptionable decision of the Minister of Agriculture, find that a gigantic monopoly has been broken down, which my friend in this Bill wishes to revive —for he makes it applicable to present decisions—and the people of Canada for all time to come are to have cheap telephoning instead of paying the excessive rates they would have had to pay had not these patents been voided. There could not be a better case in point. Would any weak company, desiring to give cheap service to the people of Canada, have ventured to attack that great monopoly, with all its wealth, if they had known that they were to be