Thus it will be seen each Canadian patent is granted subject to certain conditions. One of the conditions practically is this: The subject of the patent shall be manufactured in Canada within two years, otherwise the patent shall "cease and determine" and the patent shall be "null and void."

The primary object of the legislator was undoubtedly to protect home industry and home labor, but this was not necessarily the only and sole object. In the light of the patent law of other countries it may reasonably be assumed that it was also intended to guard against what have been termed "dormant" patents, *i.e.*, patents which the patentee does not desire to use or be used. Such patents have been known to exist often enough, and cases have been freely referred to in debates on patent law, when manufacturing or license clauses were under discussion. The new British Patent Act (1883) exemplifies this by its compulsory license clause. But after all, it signifies really but little what the intentions of the legislator were if he has not embodied them in words. Words cannot be made to mean everything else but what they express and the administration of a law must be according to its words, it is only when the purport is doubtful that an interpretation may be influenced by the probable object of the legislator.

Now, the meaning of the 28th section is not at all doubtful; it plainly says your patent shall cease and determine unless you carry it out in practice within two years. This plain statement is made stronger still by the prohibition to import after a specified time, and by the subsections giving the option to obtain permission for delay if a patentee cannot possibly comply with the Act.

It will be seen that the section in question also appoints the Minister of Agriculture or his Deputy the sole and final tribunal for deciding cases of disputes arising under it. A case in point was brought before this tribunal and decided 15th of February, 1877, by Dr. Taché, then as now, Deputy Minister of Agriculture.*

In this case it was alleged that the defendant Smith had not manufactured within the specified time, but had actually imported middling purfiers under certain Canadian patents. The fact that he had not manufactured in Canada was not denied, but it was not proved that the importation had taken place with his consent or knowledge and a decision was given in his favor. Among other conclusions drawn, upon which the decision was based, were the following:

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"The patent might be for a process, for an object to be used in conjunction with something else or for an improvement on another patent still in existence; it might be for a railway bridge, switch or spike; it might be for a mail bag, and in all these cases it does lie within the

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* BARTER v SMITH. A report of the case in full is distributed by the Patent Office gratis, and a copy of it will be mailed by the author to any address upon application. This is the identical publication which a local solicitor has for years past offered to mail for $1.00 as a "pamphlet expounding the law."