

ment contraire a fini par prévaloir en doctrine et en jurisprudence.

Demolombe s'est le premier prononcé contre la transmissibilité de la dette à l'héritier du parent qui produisait l'affinité et son opinion, fortement raisonnée, ne paraît plus contestée.

L'action de la demanderesse doit donc être renvoyée.

Mirault, pour la demanderesse.

Laurendeau, pour la défenderesse.

Autorités : C. C. art. 167 § 2.

4 *Demolombe*, No. 40.

1 *Massé & Vergé*, p. 222, Note 10.

Dalloz, Verbo Mariage, No. 652.

3 *Laurent*, No. 48.

Sirey 1856, 2, 385.

" 1857, 1, 809.

" 1866, 2, 364.

" 1880, 2, 299.

PATENT CASE.

Before THE DEPUTY COMMISSIONER OF PATENTS.

Ottawa, Feb. 26, 1889.

THE ROYAL ELECTRIC CO. OF CANADA V. EDISON
ELECTRIC LIGHT CO.

*Patent—Exclusive jurisdiction of Minister of
Agriculture—Failure to manufacture in
Canada.*

[Continued from p. 93.]

THE DEPUTY COMMISSIONER :—

The evidence adduced by the petitioners established in substance; that the patent was granted to Thomas A. Edison, on the 17th November, 1879; that on the 16th November, 1881, an extension of three months time within which to manufacture was granted; that on the 12th February, 1880, Edison assigned the patent to "The Edison Electric Light Co.," and on the 30th December, 1886, the latter assigned to "Edison Electric Light Co.,"—the respondents. The lamp consists of a glass globe or bulb, glass tubing, inside pieces of glass, platinum and copper wires, carbon filament, and brass bottom; all these articles were imported from the United States, from the time the patentee and his assignees began to make the lamps in Canada, and still continue to be imported; that the process of making the lamp from these

imported articles consisted of several operations, such as attaching the carbon filaments to the leading-in wires—the leading-in wires having been previously let into the glass and sealed in; the glass bulb and tube attached to it, the air exhausted from the bulb, and connection made with the brass cap or base to attach it to the socket, to connect with the circuit, supplying the electric current. On the 14th November, 1881, The *Edison Electric Light Co.* started a small factory in Montreal, worked by two men, and the outfit consisted of a small dynamo, several pumps for producing the vacuum in the globes, several small, glass blower's fires, gas fires, altogether of the value of about \$2,000, and commenced the manufacture of the lamps from the materials imported from the United States as above stated; and on the 17th had completed two lamps; the carbon filaments were put into the lamps in the condition they were brought in from the United States, and were not subjected to any further treatment or process of carbonization after their arrival in the factory in Montreal. The carbon filaments are made of bamboo, imported into the United States from Japan, in the crude or natural state, in strips, and on arrival at the factory in the United States, they were further split into smaller strips, the pith removed, and then by knives or dies, further reduced to the proper size of the filament; these filaments were then put on a block or mould packed with carbon, then put into a furnace and baked or carbonized; this process requires great skill and labor, and is very difficult, and can only be done by skilled workmen; they tried to carbonize the filaments in Montreal but could not succeed, as the men were not skilled in the work. The glass bulbs were made in the United States from pot glass, the glass blowers there blowing them by several processes into the size and shape required. These bulbs were made expressly for use on the incandescent lamps, and must have the same expansion as the platinum, and are not ordinary articles of commerce; the glass tubing also must be made from the same quality of pot glass as the bulbs, so as to have the same expansion; the platinum wire also was specially prepared in the