duration of the patent. The letter of the law is binding for this tribunal as well as for any Court of law;

That the three patents of respondent expired with the two years of delay for want of manufacture. The forfeiture applies to Patent No. 2409 although for a process, as well as to the two others. The law says that this condition is to be inserted in every patent granted; therefore it is necessary that a meaning be found to that condition as relates to a process as well as to anything else. The Patentee did himself admit that he has no more worked the process than the machines, in his petition for the extension of time;

That the voidance on account of importation does apply to the process, inasmuch as the machines are the means to carry the process into operation, as it is admitted by the Patentee in his petition where he asserts that these machines are necessary for that purpose. In fact, in the question of importation as well as of manufacturing, the process cannot be separated from the machines;

That an answer by letter was given the other day by the Patent Office, to a question put at his (Counsel's) advice, that the importation of the various parts of a machine to be put together in Canada is, in the meaning of the law, an importation of the invention;

That it would have been easy to manufacture these inventions in Canada is fully established; that it is also proved that there was an active demand for them, the circular received by Laurie in 1873 shows that they were in demand;

That he (the Counsel) is not prepared to say that Smith imported himself, but it is proved that he caused such importation of Invention No. 2257, and consequently of Invention No. 2409. Smith denies having imported the machines, but he does not deny having caused them to be imported. The Statute does not speak of the interest the Patentee might have in the transaction. Smith got his royalty and superintended the arrangements of these machines. The evidence of Barter, Lawson and Laurie taken together, with the admission of Rakes and Smith, show that the bargain was entered into between Smith, Rakes and the firm Howland and Spink;

That it is proved that Smith has a written contract with Messrs. Howland and Co., but the last mentioned gentlemen have refused to furnish copy of the said contracts and also refused to give evidence on the subject;

The defendant's own case shows that Smith has not manufactured, within two years of the date, any of his three Patents and that he has caused to be imported, after the expiration of twelve months from the said date, the machines of Patent No. 2257, and consequently the process of Patent No. 2409.

The respondent, argued, in reply in substance:—

That the hearsay evidence and disconnected conversations adduced by the plaintiff, are destroyed by Rakes' testimony, which gives as proof the history of the whole transaction; which originated out of Smith's knowledge, during a visit made by the miller in the United States for the purpose of examining Middlings Purifiers there, and of selecting the best he should happen to meet with, irrespective of patents or persons. There is not a shadow of evidence to show that Smith did cause the importation; of course, having decided after that visit to adopt Smith's process and machines, the millers had to settle with Smith for his royalty. The law rules that the Patentee must allow *any person desirous to use, &c.*, (*see section* 28 *here before cited*); but the Patentee is not requested to bind the purchaser as to where and from whom the article is to be procured. The Patentee is bound to sell the use of his invention; he is not bound to dictate to the purchasers what tools and what men they (the purchasers) are to employ. It is argued that Smith did not, in his affidavit, say in so many words that he did not cause the importation; such technical omission has no weight in such a declaration; Smith denies, supported by Rakes' evidence, that he (Smith) had anything to do with the importation;

A Patent is not a matter of privilege, it is a contract, and the interpretation ought to go to limit the conditions of forfeiture and not to extend them. As regards a process there are many ways of carrying the same process into operation, and each particular way of doing it is not necessarily connected with and cannot be taken as being identical with it.

The disputant argued, in reply:—

That there could not be any doubt about the failure of the Patentee to manufacture within two years of the date of his Patents; he has not sold or produced any machine or mechanical combination to work his inventions in Canada within the time fixed by law, and he admits this in his petition for an extension of the delay primarily fixed by the statute, beyond which delay, having failed to work his inventions, his patents become null and void; as they are null and void for that cause;

That as regards importation, it is equally clear that Smith has caused this to take place. Howland and Spink clearly could not purchase or import this machine without the assent of Smith, the Patentee; Smith assented to the importation before it took place. If he had not given that assent he would have caused it not to be imported; therefore when he gave his assent he occasioned, or caused its importation.

[To be Continued.]