penalties of perjury. Let every witness be warned that such will be the case, and we shall in time have restored its meaning to language, its natural solemnity to a passed word, its original sanctity to simple truth. As long as we persist in pronouncing an oath more trustworthy than a deliberate affirmation—a man who scruples at no awful imprecation more credible than a man who shuns and shrinks from such profanity,—we shall find no issue out of the labyrinth of incongruities in which we have become involved. No less complete measure than we have suggested would meet the case:—a permission of simple affirmation in all cases where the witness has a conscientious objection to an oath, would introduce two kinds of testimony, the sworn and the unsworn, which, according as public opinion might incline, would have different degrees of weight, and the sworn would probably soon become the least esteemed of the two; for the man who conscientiously objects to an oath will generally be the man who objects to a falsehood; and on the other hand such a measure would afford no security, for a witness who wished to tell a falsehood would not scruple to simulate a conscientious horror of an oath.

As to the case now specially before the public, if the object of the form of oath be to keep Jews out of Parliament, let those who wish for this exclusion enact a simple and open exclusion-Bill, if they dare face the shame of such a proposal. But if the aim and purport of the oath be, as we know it is, to exclude those only who offer to our Queen a dubious or a divided allegiance, why complicate the matter by a clause which shuts out men whose allegiance is as sincere, as complete, as unquestioned as our own?

AMENDMENT OF THE PATENT LAWS.

The measure for amending the Patent Laws, which is about to be discussed in the House of Commons, was very fully described by Lord Granville when he moved the committee on the bill on the 1st inst. It will abolish useless offices, and by requiring accurate specifications, will prevent many frauds now practised; it will give protection from the date of application by a provisional registration, abolish the system of caveats, and make all patented inventions easy of access to the public. It will make one patent valid for the United Empire, instead of requiring, as at present, one for England, one for Scotland, and one for Ireland, and reduce the number of offices now concerned in granting patents from eight to two—the Great Seal Patent Office, and an office to be created of the nature of the Record (Attorney-General's) Office. The petition for a patent must be left at the Great Seal Office, accompanied by a specification, in order to avoid the evil now very common of schemers petitioning for a patent, and spending the six months allowed for making the specification in appropriating some inventions to themselves of which they have heard or got a glimpse. On depositing the specification and paying 5*l*, the patentee will obtain complete protection for six months, so that the merit of the invention may in that time be tested. Good inventions will find a market, and less time and money than at present will be wasted on worthless schemes. By abolishing caveats, fraud will be avoided. At present schemers enter caveats when there is a great probability that something useful is about to be brought forward; claim priority over the real inventor, and harass him or cheat him out of his expected reward. Instead of inviting by such means an envious or a designing man to oppose a modest and successful inventor, an invention will be referred to scientific examiners, the title of the patent will be advertised, and those who object to its being granted will have an opportunity of stating their objections. Between them and the claimants, the examiners will decide. To give a remedy against any injustice committed by the examiners, an appeal will lie to the law officers of the Crown.

Another improvement in the present law is to distribute the payment for the patent, now required to be paid at once, over a period of seven years. One payment of 20*l* fees and 5*l* stamps is to be made at the commencement of the patent; another of 40*l* fees and 10*l* stamps at the end of the third year; and at the end of the seventh year, 80*l* fees and 20*l* stamps. If the invention should turn out useful, the larger sums required at the second and third periods will be readily paid; and if it should not be useful, the failure to pay the second and third instalments will void the patent, the pockets of individuals will not be emptied to their disadvantage or ruin, and the accumulation of useless patents will be prevented. By another clause in the bill, the publication of an invention in a foreign country or in one of our colonies, to which the patent laws are not extended, is considered as publication at home, and to have a similar effect in preventing the grant of a patent. The mere importation of an invention will not give a claim to monopolise its advantages. Such are the leading features of the new measure, which will be a great improvement on the existing law.

Only one of the many witnesses examined before the select committee to which the bill was referred, advocated the present system, and he is interested in its continuance. Some of them wished the measure to go further, but as far as it goes all the other witnesses approve of it. They were chiefly persons connected with patents, and favourable to the principle of the old and the new law. Before the committee no witnesses were called, according to custom, on behalf of the public, though patents are described as bargains between inventors and the public. For a knowledge of their inventions, it consents to give them a monopoly for a certain period. How its interests can be represented before such a committee, who is at once wise enough to know the interests of the public, and is sufficiently confided in to be its witness, we are not aware, and the public interest was left, of course, to the care of the committee, having, as the rule, no other evidence placed before it by such an inquiry than that of partial and interested persons. In running over what they said, nothing strikes us more forcibly than the many tricks and frauds to which the patent system gives rise. Besides the caveats, by which one man attempts wrongly to appropriate to himself the bounty which the State gives for invention and which properly belongs to another, the granting patents "inflames cupidity," excites fraud, stimulates men to run after schemes that may enable them to levy a tax on the public, begets disputes and quarrels betwixt inventors, provokes endless lawsuits, bestows rewards on the wrong persons, makes men ruin themselves for the sake of getting the privileges of a patent. Patents are like lotteries, in which there are a few prizes and a great many blanks. Comprehensive patents are taken out by some parties, for the purpose of stopping inventions, or appropriating the fruits of the inventions of others, &c. Such consequences, more resembling the smuggling and fraud caused by an ill-advised tax than anything else, cause a strong suspicion that the principle of the law from which such consequences flow cannot be just.

We read, therefore, with great pleasure, Earl Granville's manly declaration, that "he had gone into the committee "with some doubt, and he was sorry to say, such was the "obstinacy of his nature, that all the evidence in favour and "against had sent him forth confirmed in the belief that it "was inadvisable for the public, of no advantage for the inventor, "and wrong in principle, to have any patents for inventions at all." That conclusion is not less remarkable than correct; though we are inclined to be somewhat sceptical as to the following assertion by the Noble Earl, that "if the whole country were polled, the great mass of the people would be in favour of the Patent Laws." Such a conclusion is naturally inspired by living for the moment in an atmosphere of inventors and patent agents; but believing, like the Noble Lord, that the principle of such laws is erroneous, we have confidence in the intelligence and reason of the community, and cannot so readily admit that which appears to us to be obviously wrong is generally approved of. What the community requires is, that inventors be rewarded; that skilful men who contribute to the progress and improvement of society shall be well paid for their exertions. The Patent Laws are supported because it is erroneously supposed that they are means to this end. It is only necessary to show, as Earl Granville and the inquiries of the committee have shown, that they completely fail to answer this purpose, to disabuse the community of the prejudice in their favour. To poll the community on such a question, the arguments *pro* and *con* should be placed before it, and from them it would ratify Earl Granville's view, and decide against all Patent Laws.

From Mr Ricardo's evidence before the Lord's committee, they would learn, whatever attributes imagination may subsequently have given to the grant of patents, that it was intended at its origin merely to raise a revenue. To encourage inventors and promote invention were after and secondary considerations, more like pretexts to justify a wrong than the real grounds of the measure. That taxing inventions can tend to promote them, is not agreeable to the common understanding of the influence of taxation. James the 1st raised 200,000*l* a year by granting patents. At present about five hundred patents are taken out every year; the expense of each patent is about 350*l*, or a tax of about 175,000*l* is annually levied on the grant of patents. To encourage invention it is very heavily taxed. Only a few patents are very profitable, not more probably than 1 per cent.; and by the Patent Laws inventors are annually mulcted, independently of the sums they are obliged to disburse for specifications, &c., &c., of upwards of 170,000*l*. The State in return for this confers on inventors nothing but what they actually before possessed—the right to use their invention, and recover by its use from the bulk of the community, if they can, the cost of their invention, and the money the State has taken from them. All that the State does and can do, is to promise that no other person than the inventor shall put his invention into use; but the State, as we know from experience, cannot fulfil its promise, and cannot with its utmost power ensure an inventor a return of one sixpence for his disbursements. The power to recover them from the rest of the community depends entirely on the utility of the invention, which exists wholly irrespective of any guarantee from the State. It is, therefore, one of the delusions of greediness, fostered by the Patent Laws, to suppose that the State can ensure an inventor, by a patent, a certain reward for his invention.

From the evidence of other gentlemen the public will learn that patents are artificial stimuli to improvident exertions; that they cheat people by promising what they cannot perform; that they rarely give security to really good inventions, and elevate into importance a number of trifles; that they much more impede than promote invention; that most great modern improvements, such as mule spinning, lighting streets with gas, travelling by railroads, and adapting steam to ocean navigation, like the inventions of arithmetic and

printing in ancient times, were introduced independently of the influence of patents; and that patents impoverish, not enrich inventors. In fact, the whole of the evidence lands us in this conclusion, that patents are, as Mr Brunel states, productive of "unmixed evil to every party connected with them, those for the benefit of whom they are given and the public." The advocates of the patent system—the societies which are getting up all the agitation on the subject, admit this—they complain of it. The only difference between them and Mr Brunel, Lord Granville, Mr Lloyd, and others is, that they attribute all the evils, which they acknowledge, to our peculiar Patent Laws, and they suppose that by some improvement in the law these evils would be avoided; while the other gentlemen justly suppose that the evils are inherent in the system itself, and cannot be got rid of by any change in the terms and form of the law. That the Patent Laws, as they exist, cause immense mischief to inventors and the public—that they are prolific of expense, litigation, and fraud, all are agreed; and it is quite proper therefore to amend the laws, that further experience of an improved law may demonstrate to the most sceptical the real source of the evil. That kind of practical conclusion will alone satisfy the inventors and public. With Lord Granville, therefore, we think that the improved law, such as the inventors and the societies and the public demand, or is supposed to demand, should be passed; at the same time we agree with the Noble Lord, and the very respectable authorities he referred to, that the principle of the law is erroneous, that the system of patents is altogether wrong, and that no possible good can ever come of a Patent Law, however admirably it may be framed.

The principle of such a law is to bestow on one individual the exclusive use of some particular instrument or object which he claims to have discovered or invented. As long as he uses the invention himself or for his own gratification, no interference is required; it is only asked for to prevent some other persons from using his invention. An essential part of such a law, therefore—its main principle—is to impose restraints and restrictions on all others than the inventor. On him it confers nothing positive, it only imposes restrictions on others for his presumed advantage. To them it does a certain injury; on him it confers only a contingent and doubtful benefit; and before any such law ought to be passed, a rigid inquiry is necessary in every individual case, whether the probable benefit to the individual will outweigh the certain injury to society. When patents are granted for the purpose of raising a revenue, the case is different. But when they are granted for the advantage of individuals, such an inquiry is absolutely necessary. Accordingly, under the old law a reference was made to the law officers of the Crown for this purpose. Caveats were allowed and a host of regulations were adopted to ensure the preliminary examination. Under the new law the duty is to be performed by a board of examiners.

A preliminary inquiry of this kind is adopted in the United States, in Prussia, and in Austria; but in France, where the grant of patents is regarded only as a matter of revenue, any man may have a patent for any thing he chooses, on paying a certain stipulated sum, leaving the question of the validity of his claim to the invention to be settled by a contest with his fellow-citizens before the ordinary tribunals, should any one question his patent. In England, too, the inquiry has been, in practice, limited to ascertain whether the new patent claimed infringed on some previous patent. But the right of patentees are only thought of as part of the rights of the general public, and it is against the whole public that the privileges of every individual patentee are guaranteed, as well as against other patentees. The principle involved in the inquiry is the propriety of granting the claims of the inventor to the exclusive use of his invention as against the whole society. Before granting his claims an inquiry into them is indispensable, and the new law, in order to secure a full inquiry, appoints a tribunal of appeal, should the examiners not satisfy the claimants.

This circumstance shows that what is called the right of property in inventions—the right, namely, of an inventor to exclude every other person from using his invention after it has been made known—is different from most other rights of property. It resembles, certainly, some other exclusive uses created by Government, but they constitute only a small part of the property of all the individuals of a nation; are, in all cases, more privileges than rights; and even in them it is sufficient to establish the right that the individual is in possession. No previous inquiry is necessary to confer it on him, and inquiry only becomes necessary if an adverse claim be made.

It is the very nature of knowledge and skill, totally distinct from most kinds of property, to be improved and extended by being imparted. To limit the exclusive use of knowledge and skill to one person, as is done in degree by the Patent Laws, is, in fact, to take measures to stop their growth. Before the privilege to use exclusively any particular species of knowledge and skill, which by mere inspection can be acquired by others, be conferred by a law on any individual, a strong case must be made out that the exclusive use is more for the advantage of society than a free participation in it for all. If a right to such exclusive use were a natural right of property, like the right of the savage to own the game he has run down and begun to cook, no considerations of fancied expediency would lead us to oppose it. But it is no such right, and those who clamour for the exclusive use, and those who bestow it, are the persons who fancy an expediency that experience proves not to exist. Far from there existing in any individual a natural right, or even power to confine to himself exclusively any knowledge or skill, by using which he may convey that knowledge to other persons, or enable them to acquire the skill; there exists, on the contrary, a natural right in every individual to use any knowledge or skill he acquires from beholding it in others; and there is, moreover, a strong desire implanted in most men for the wisest of purposes, as a means of promoting the general improvement, to imitate and use any knowledge or skill they acquire by inspection or observation. We deny, therefore, that the claims made by inventors to the exclusive use of inventions is a right of property; and we deny, on the broad general principle, that the utmost diffusion of knowledge is advantageous to society, that it can ever be expedient to bestow patents on individuals for the exclusive use of inventions.

The only doubt that can arise springs from the supposition, that an individual may discover something of such pre-eminent importance that society will be injured if he be not encouraged by a Patent Law to make his discovery known—to inform the public of his secret, and receive in return, as one of the witnesses expressed it, protection from robbery. Such a statement reminds us of the "Long Range" of Captain Warner; but the conclusion to be deduced from that case, and probably all similar cases is, that it was of no real importance, and that society would not be in the least injured though all such secrets died with their possessors. It is more conclusive, because more general against all such suppositions, that nearly all useful inventions depend less on any individual than on the progress of society. A want is felt, as stated by one of the witnesses; ingenuity is directed to supply it; and the consequence is, that a great number of suggestions or inventions of a similar kind come to light. "The ideas of men," said Mr Ricardo, "are set in motion by exactly the same circumstances." So we find continually a great number of similar patents taken out about the same time. Thus the want suggests the invention, and though the State should not reward him who might be lucky enough to be the first to hit on the thing required, the want growing from society, and not from the individual or from the Government, would most certainly produce the required means of gratifying it. The notion, therefore, that any individual discovers secrets which it would be very advantageous for society to know; that if he were not artificially rewarded for discovering them that they would never be known—that society would for ever want his peculiar kind of knowledge; and that, because it does not reward the possessors of such secrets, it will lose a great number of such valuable pieces of knowledge, are all delusions. The progress of knowledge, and the progress of invention and discovery, like the progress of population and the progress of society, have their ordained and settled course, which cannot be hastened, though perhaps it may be retarded, by Patent Laws.

We say thus much in support of the very enlightened views which Earl Granville has taken on this question, and which are shared by the Lord Chief Justice of England, the Chief Justice of the Common Pleas, the Master of the Rolls, Mr Ricardo, Mr Brunel, Mr Cubitt, Mr Lloyd, and a number of gentlemen of the highest eminence, who have taken the trouble to study the subject. We have already discussed it at considerable length on Dec. 21, 1850 and Feb. 1, and we can only be gratified at finding our conclusions against the presumed rights of inventors supported by such very high authority.

COFFEE AND CHICORY *VERSUS* TEA.

In our present number we give insertion to another communication from "A Ceylon Planter," in reply to whose former letter we entered into a full examination of the Chicory question a fortnight ago. Our correspondent, agreeing with many of the most intelligent persons interested in this subject, arrived at the conclusion that it would be impolitic to establish a new excise duty on an article of home growth, and the only remedy which he suggested, was that the duty on coffee should be further reduced or entirely repealed. To this we replied, that the duty on coffee had already been reduced successively from 1s on colonial, and 2s 6d on foreign, to 6d and 1s 3d, to 4d and 6d, and latterly to 3d on all kinds; while the duty on tea has not been reduced at all, but on the contrary, owing to the substitution of a specific for an *ad valorem* duty, it has practically been much increased. The old duty was 100 per cent. on the short price; but in consequence of the great reduction in the short price, owing to the opening of the China trade, the specific duty substituted for the *ad valorem* duty is now equal to 200 per cent. in place of 100 per cent. On these considerations, we contend that before any further reduction can be asked for in the duty on coffee, those interested in the China trade are entitled to have their claims considered for a reduction of the present enormous duty on tea. For it must be borne in mind that no two articles come so much into competition with each other as tea and coffee, and that any reduction in the duty of the latter, must act prejudicially upon the consumption of the former.