

*Judgment of the Lords of the Judicial Committee
of the Privy Council on the Petition of Emil
Alexander Wuterich for an Extension of Letters
Patent granted to the Petitioner bearing date the
22nd February 1889, and numbered 3199,
delivered the 18th February 1903.*

Present :

LORD MACNAGHTEN.

LORD DAVEY.

LORD ROBERTSON.

LORD LINDLEY.

SIR ANDREW SCOBLE.

SIR ARTHUR WILSON.

[*Delivered by Lord Macnaghten.*]

THEIR Lordships do not doubt that the accounts of the Petitioner have been honestly kept, and that the accounts presented to their Lordships have been honestly made out by the accountant, nor do they doubt that the accountant has done his best to present the accounts in an intelligible form. Still the fact remains that their Lordships are unable to discover from the accounts put before them what remuneration the Patentee has actually received. The proper course to be adopted by a Patentee who wishes to put himself in a position to be able to apply at the proper time for an extension of his Patent, is stated very plainly in a Judgment of Lord Chelmsford, L.C., in *Betts' Patent* (1 Moore P.C. 49). It was stated again by Lord Cairns in, perhaps, stronger language, in *Saxby's Patent* (L.R. 3 P.C. 292), and it has been recently repeated in a Judgment delivered by Lord Davey in the matter of *Henderson's Patent* (1901 A.C. 616). It would be idle to read those passages once more, or to go through the cases again.

It seems clear to their Lordships that the Petitioner in this case has not done what he ought to have done. The accounts submitted to the Attorney-General and presented to this Committee must be intelligible and complete. It is not competent for an applicant for the extension of his Patent, except perhaps in very special circumstances, to recast or supplement the accounts which he has lodged by oral evidence at the hearing.

Their Lordships are therefore unable to advise His Majesty to extend the Patent.
