

the expiration of the original term; the certificate of the Board to the Lieutenant Governor, and his order thereupon for an extension of the term of the patent, with a copy of the certificate endorsed on the patent, shall be recorded in the Provincial Secretary's Office, and thereupon the said patent shall have the same legal effect as if the additional term so added had been included in the term originally granted, and the benefit of such extension of term shall extend to all grantees and assignees of the original patentee to the extent of their respective interests in the patent; provided always, that no extension of a patent shall be granted after the expiration of the term for which it was originally granted.

28. If any person shall affix to any thing made, used or sold by him, the name or imitation of, or a fraudulent similarity to the name of any other person who shall have obtained Letters Patent for the sole making or vending of such thing, without consent of the patentee or his legal representatives, or shall affix the words "Patent," "Patentee," or "Letters Patent," or other words of the same meaning or import on any unpatented article for the purpose of deceiving the public, the person so offending shall be liable for each offence to a penalty of twenty five pounds with costs, to be recovered by action in the Supreme Court of this Province; one half of such penalty when recovered to be paid into the Provincial Treasury, and the other half to the party who shall sue for the same.

Penalties for falsely marking patented articles, or vending unpatented articles as being patent.

29. Patentees and their representatives are hereby required to stamp or affix on each patented article offered for sale, or on the vessel or package containing the same, the date of the patent, and every party offending shall for each offence be liable to a penalty of five pounds, to be recovered and applied as provided in the preceding section.

Date of patent to be affixed to each patented article.

30. In actions brought under this Act no special plea shall be allowed; but every defendant may plead the general issue and give this Act in evidence, and also any special matter of which he shall have given notice in writing at the time of delivering the general issue; and whenever a defendant relies on a previous invention, knowledge or use of the thing patented, he shall state in his notice of special matter to be given in evidence the names and places of residence of those by whom he intends to prove the same; and if a verdict and judgment shall pass for the defendant, the patent under which the plaintiff claims shall thenceforth be void and of no effect; and whenever a plaintiff fails to sustain his action on the ground that in his specification or claim for a patent is embraced more than that of which he is the first inventor, and it shall appear that the defendant had used any part of the invention justly and truly specified and claimed as new, the Court may make such order as to costs as shall be just and equitable, but no action shall be sustained for an offence committed under the provisions of this Act, unless the same shall be commenced within six months next after the knowledge of the offence committed.

Special pleas prohibited; special matter may be given in evidence under general issue; provisions as to costs.

31. Quakers may affirm in all cases where an oath is required by this Act; and all oaths or affirmations under this Act, unless otherwise provided, may be taken in this Province before a Judge of the Supreme Court, or a Commissioner for taking affidavits in the same, or in Great Britain or Ireland before the Mayor of a City or Borough, the depositions being certified under the Corporate Seal; or in a Foreign Country before a British Consul or Vice Consul, and certified by his Seal of Office.

Quakers may affirm. Before whom oath or affirmation may be taken.

32. The fees to be demanded and received under this Act shall be as stated in the Schedule annexed.

Fees established as in Schedule annexed.

33. All Letters Patent granted under this Act shall become utterly null and void, if within three years after the granting thereof the patentee shall not establish

Letters Patent null and void, if manufacture not established.