

under any patent, to make and use, and to grant to others the right to make and use the thing patented in this Province or in any part thereof, shall be recorded in the Office of the Provincial Secretary within three months after the execution thereof, such execution being duly proved by the oath of a subscribing witness; and thereafter every such grantee or assignee shall, in all respects, and to all intents and purposes, stand in the stead or place of the original patentee to the extent or proportion of the interest so granted or assigned.

9. If without the consent in writing of a patentee or of his legal representatives, any person shall make, devise, use or sell the thing, invention or discovery, whereof the exclusive right is secured to such patentee, the person so offending shall forfeit and pay to the patentee or his legal representatives a sum equal to three times the actual damage sustained by reason of such offence; which sum shall be recoverable, with costs of suit, by action on the case founded on this Act in the Supreme Court.

Damages for infringement of patent right.

10. Copies of specifications, depositions, assignments, grants, and of all other papers or documents filed in the Provincial Secretary's Office in connection with a patent under the provisions of this Act, certified under the hand of the Secretary of the Province, shall be received as competent evidence in all Courts where any matter or thing concerning such patent shall come in question.

Copies of documents and drawings certified by Provincial Secretary, to be received in evidence.

11. Any person desiring the same shall be entitled to demand and obtain from the Provincial Secretary a copy of any Letters Patent, or of any petition, deposition, drawing, specification or document whatsoever in connection therewith, or on which the same were granted.

Copies of patents, documents and drawing, to be furnished by Provincial Secretary, to any person applying.

12. When an application is made for a patent, and Her Majesty's Attorney General shall decide that it will interfere with any other application then pending, or with any unexpired patent already granted, it shall be the duty of the Provincial Secretary, upon the representation of the Attorney General, to give notice to the several applicants or patentees; and if any of them shall be dissatisfied with the decision of the Attorney General, he may appeal from such decision to the Lieutenant Governor in Council.

If Attorney General is of opinion that application interferes with previous application or patent, appeal may be made to the Lieutenant Governor in Council.

13. On such appeal being made in writing, the Lieutenant Governor in Council shall appoint a Board of Examiners, to consist of three disinterested persons, one of whom at least shall be selected, if practicable and convenient, for his knowledge and skill in the particular art, manufacture or branch of science to which the alleged invention appertains; the Examiners shall be sworn before a Justice of the Peace to the faithful and impartial performance of the duty confided to them; they shall be furnished with a certified copy of the opinion and decision of the Attorney General, stating the particular grounds thereof, and specifying what part of the invention he considers not entitled to be patented; they shall give reasonable notice to the Attorney General, and to the several parties interested, of the time and place of their meeting, and it shall be the duty of the Attorney General to furnish to the Examiners such information as he may possess relative to the matter referred to.

Board of Examiners to be appointed to hear appeal.

14. The Board of Examiners shall have power to examine on oath all parties giving *viva voce* testimony before them, which oath any one of the Examiners may administer, and after examination and consideration, the Examiners or a majority of them, may either reverse or confirm the decision of the Attorney General in whole or in part, and their opinion being certified in writing to the Attorney General, he shall be governed thereby in any further proceedings; provided always, that before a Board of Examiners shall be instituted in any case, the party applying for the same shall pay into the Office of the Provincial Secretary

Powers and duties of Board of Examiners.