

ginal description and specification; and the Commissioner shall certify, on the margin of the annexed description and specification, the time of its being annexed and recorded; and the same shall thereafter have the same effect in law, to all intents and purposes, as though it had been embraced in the original description and specification: *Provided, how-* *Proviso.*  
 ever, that in every such application for an improvement, the Commissioner shall not add any such improvement to the Patent granted, until the applicant shall have altered his specification of claim in accordance with the decision of the Commissioner, *experts* or Board; and in all  
 10 such cases, the applicant, if dissatisfied with such decision, shall have the same remedy, and be entitled to the benefit of the same privileges and proceedings, as are provided by law in the case of original applications for Patents: *Provided always, that any person other than the ori-* *Proviso.*  
 ginal inventor or his assigns, who shall have discovered an improvement  
 15 in any thing which shall have been patented, and shall have obtained a Patent for such improvement, shall not be at liberty to make, use or vend the original invention, but the improvement only; and the first inventor shall not be at liberty to use the improvement: And it is *Proviso.*  
 hereby enacted and declared, that simply changing the form or proportion of any machine or composition in any degree shall not be deemed a discovery.

**43.** Nothing herein contained shall be construed to deprive an original and true inventor, of the right to a Patent for his invention by reason of his having previously taken out Letters Patent therefor in a foreign country, and of the same having been published at any time previous to the fying of his application in this Province as required by this Act. *Right of inventor not affected by his having taken a Patent in a foreign country.*

**44.** Every such application shall be subject to the provisions herein before made respecting applications for Letters Patent, save that such Patents shall only be granted for the term of the unexpired foreign Patent. *Subject to this Act.*

**45.** Every person or corporation established in this Province, who has or shall have purchased, constructed, invented or discovered any new machine, manufacture or composition of matter prior to the application for a Patent therefor, by any other person claiming to be the inventor or discoverer thereof, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture or composition of matter so made, purchased or introduced, without liability therefor to the Patentee or any other person interested in such invention; and no Patent shall be held to be invalid by reason of such purchase, sale or use prior to the application for such Patent as aforesaid, except on proof of abandonment of such invention to the public, or that the Patentee was aware of such purchase, sale or use at the time of or prior to the application for a Patent. *Rights of persons purchasing machine, &c., before the Patent.*

**46.** All Patentees and assignees of Patents hereafter to be granted, shall stamp, engrave, or cause to be stamped or engraved, on each article which will admit of stamping or engraving, and upon each wrapper or vessel containing articles which will not admit of stamping or engraving, vended or offered for sale, the name of each Patentee and the date of the Patent thereof; and any patentee or assignee neglecting to do shall be deemed to have committed a misdemeanor, and shall be liable therefor in the same penalties as are provided in the following section. *Patented articles to be marked as such. Penalty for default.*