

Canada. Laws, Statutes, etc.

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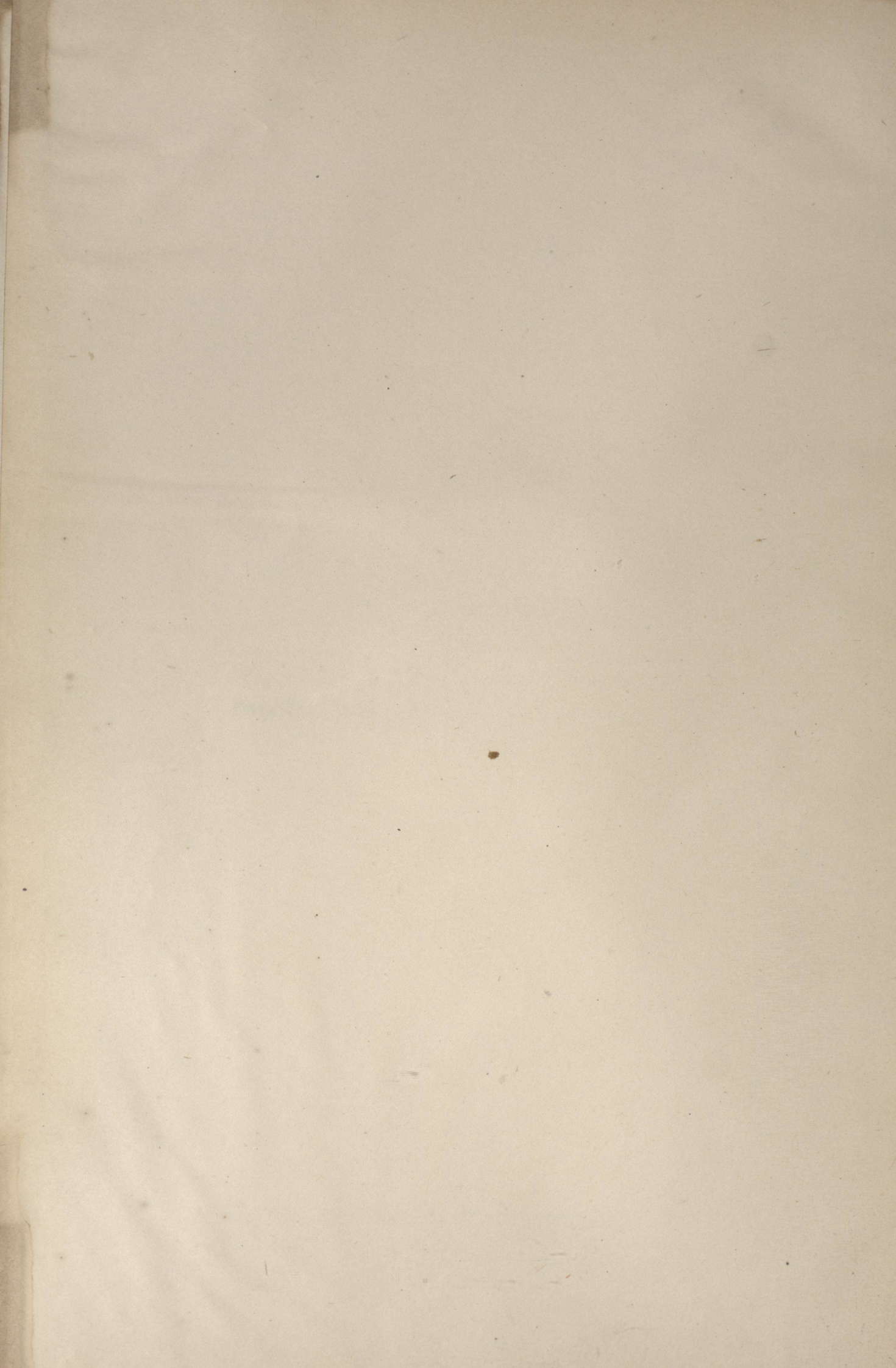
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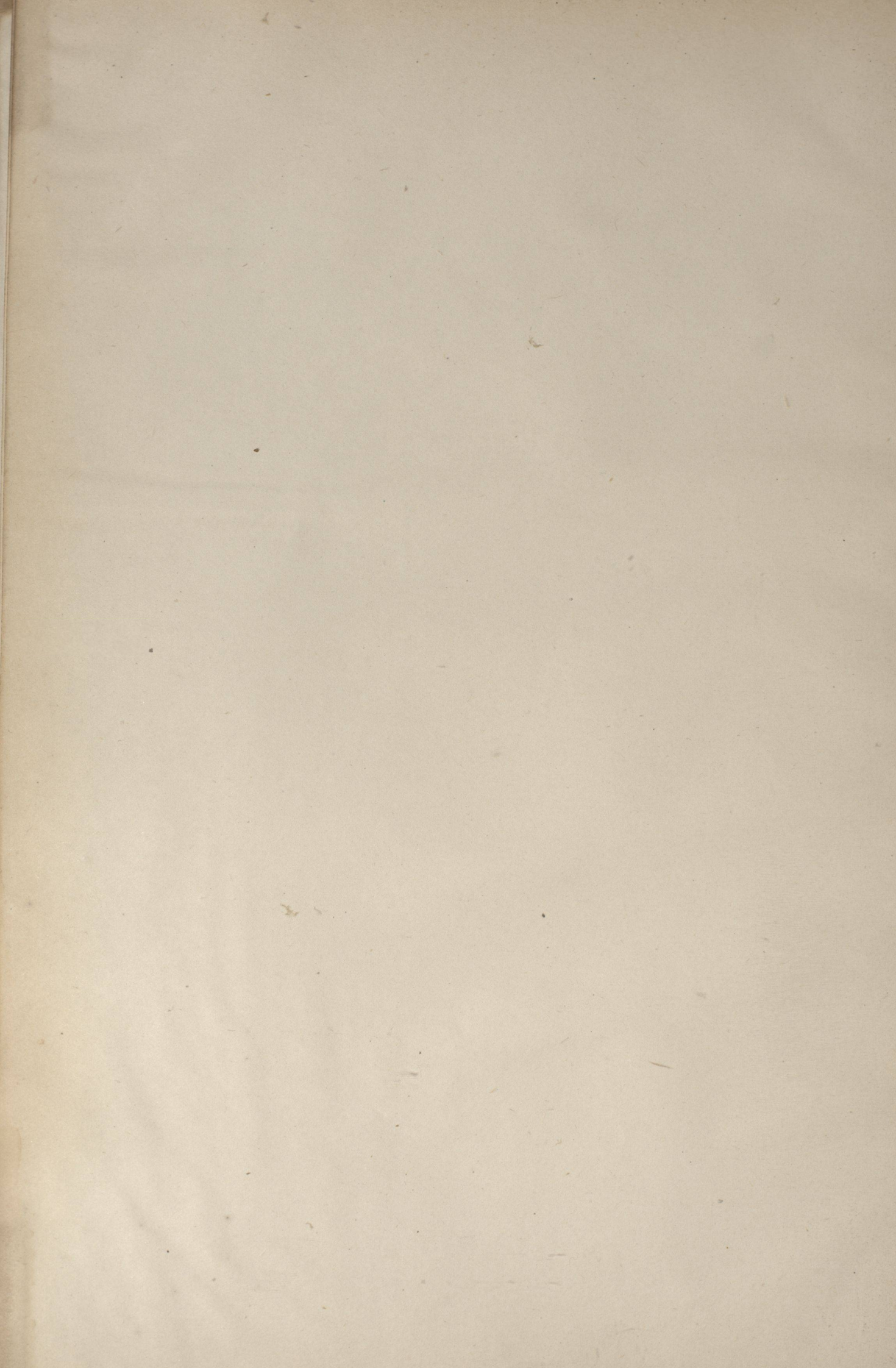
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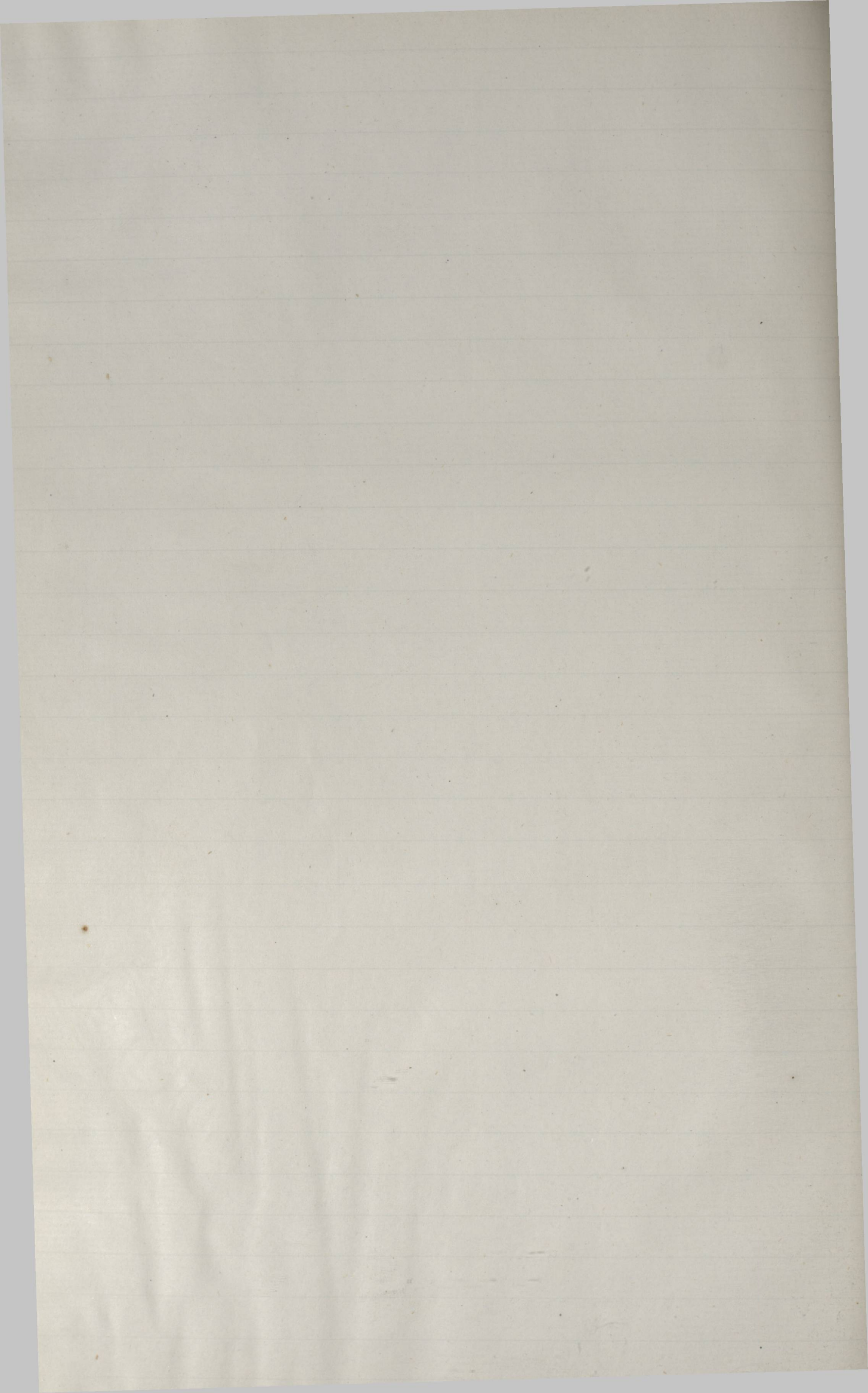
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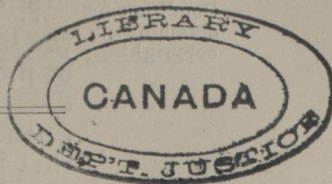
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Bill A-









BILL.

An Act respecting Copyrights.

[NOTE.—The clause and part of a clause printed between brackets thus [] are proposed to be struck out in Committee.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1. The Minister of Agriculture shall cause to be kept in his Office, books to be called the "Registers of Copyrights," in which proprietors of literary, scientific, and artistic works or compositions, may have the same registered in accordance with the provisions of this Act.

Registers of copyrights.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act.

Minister of Agriculture to make rules, &c.

3. If any person prints, or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any Court of competent jurisdiction.

Penalty for printing MSS. without owner's consent.

4. The person who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the copyright thereof in the manner hereinafter directed.

Who may have copyright.

Condition for
obtaining
copyright.

2. The condition for obtaining such copyright shall be that the said literary, scientific or artistical works be published or produced in Canada, whether they be so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere. Provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else. 5

Exception.

3. No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific or artistical work shall be the legitimate subject of such Registration or Copyright. 10

Renewal of
copyright.

5. If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors, when the work has been originally composed and made by more than one person, be still living; or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children, (as the case may be) for the further term of fourteen years: but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original Copyrights shall be complied with in respect to such renewed Copyright. 15 20

Record of re-
newal to be
published.

6. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette*. 25

Deposit of
copies in the
Minister of
Agriculture's
office.

7. No person shall be entitled to the benefit of this Act, unless he has deposited in the Office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculptures, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the Copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made, from time to time, as hereinbefore provided. 30 35

One to be
sent to the
Library of
Parliament.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in the Library of the Parliament of Canada. 40

Notice of
copyright
to appear in
work.

9. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title-page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title-page or frontispiece thereof, the following words, that is to 45 50

say : " Entered according to Act of Parliament of Canada, in
 " the year by A. B., in the Office of the
 " Minister of Agriculture." But as regards paintings, Exception.
 drawings, statuary and sculptures, the signature of the artist
 5 shall be deemed a sufficient notice of such proprietorship.

10 **10.** Pending the publication or republication in Canada of a literary, scientific or artistical work, the author or his legal
 representatives may obtain an Interim Copyright by depositing Interim
 in the office of the Minister of Agriculture a copy of the title, copyright.
 or a designation of such work intended for publication or
 republication in Canada, the said title or designation to be
 registered in an Interim Copyright Register in the said office,
 to secure to the author aforesaid the exclusive rights recog-
 nized by this Act, previous to publication or republication in
 15 Canada; the said Interim Registration, however, not to
 endure for more than three months from its date of entry in
 the said Interim Register.

20 **2.** A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles
 in a newspaper or periodical, may be the subject of registra- Registration
 tion within the meaning of this Act, while it is so of work first
 preliminarily published, provided that the title of the man- published in
 uscript and a short analysis of the work are deposited in separate
 the Office of the Minister of Agriculture, and that every sepa- articles.
 25 rate article so published is preceded by the words " Regis-
 tered in accordance with the Copyright Act of 1875;" but
 the work when published in book or pamphlet form, shall
 be subject, besides, to the other requirements of this Act.

30 **11.** If any other person, after the recording of the title of any book according to this Act, within the term herein limited,
 or after the Copyright is secured and for the term or terms of
 its duration, prints, publishes, or reprints, or republishes, or Penalty for
 imports, or causes to be so printed, published or imported, the infringe-
 any copy or any translation of such book without the consent ment of copy-
 35 of the person legally entitled to the Copyright thereof, first right of a
 had and obtained by assignment, or knowing the same book.
 to be so printed or imported, publishes, sells, or exposes
 for sale or causes to be published, sold or exposed for
 sale any copy of such book without such consent, such
 40 offender shall forfeit every copy of such book to the person
 then legally entitled to the Copyright thereof; and shall for-
 feit and pay for every such copy which may be found in his
 possession, either printed or printing, published, imported or
 exposed for sale, contrary to the intent of this Act such sum,
 45 not being less than *ten cents* nor more than *one dollar*, as the
 Court shall determine; of which penalty one moiety shall be
 to the use of Her Majesty, and the other to the legal owner
 of such Copyright, and such penalty may be recovered in any
 Court of competent jurisdiction.

50 **12.** If any person, after the recording of any painting, drawing, statuary or sculpture work, within the term or terms
 limited by this Act, reproduces in any manner or causes to be
 reproduced, made or sold, in whole or in part, copies of the
 painting, &c. Penalty for
 the infringe-
 ment of copy-
 right of a
 painting, &c.

said works of art, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the Copyright thereof, and shall 5 further forfeit for every sheet of the same reproduction so published or exposed for sale contrary to the true intent and meaning of this Act such sum, not being less than *ten cents* nor more than *one dollar*, as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or 10 proprietors and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Penalty for the infringement of copyright of a print, &c.

13. If any person after the recording of any print, cut or engraving, map, chart, musical composition or photograph, 15 according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the Law, or 20 prints, or reprints or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any part thereof, without the consent of the proprietor or proprietors of the Copyright thereof, first obtained as aforesaid, or knowing the same to be 25 so printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, 30 chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the Copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut or engraving 35 which may be found in his or their possession, printed or published or exposed to sale, contrary to the true intent and meaning of this Act such sum, not being less than *ten cents* nor more than *one dollar*, as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or 40 proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Proviso.

14. Nothing herein contained, shall prejudice the right of any person to represent any scene or object, notwithstanding 45 that there may be Copyright in some other representation of such scene or object.

Protection against negligent or unwilling author.

15. If, through the neglect or unwillingness of an author to obtain in the manner herein prescribed, the Copyright of his work, or through the want of republishing and registering 50 in Canada, within the three months, a work having been the subject of an Interim Copyright, any person has undertaken the republication of such work, or has imported foreign reprints of such works after paying the Royalty prescribed

in virtue of any Imperial law on the subject, such person shall have acquired the privilege of disposing by sale or otherwise of the number of copies thus actually reproduced or in process of being reproduced, or thus imported; the proof, however, in such a case shall lie with such person to establish the extent and regularity of the transaction.

16. Whenever the author of a literary, scientific or artistic work or composition which may be the subject of Copyright, has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such Copyright; which is by the said transaction virtually transferred to the purchaser, who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

Copyright to assignee of author.

17. If any person not having legally acquired the Copyright of a literary, scientific or artistic work, inserts in any copy thereof produced, reproduced or imported, or impresses on any such copy, that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian Copyright in relation thereto, every person so offending, shall incur a penalty not exceeding *three hundred dollars* (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

Penalty for falsely pretending to have copyright.

18. The right of an author of a literary, scientific or artistic work, to obtain a Copyright, and the Copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate and to be recorded in the Office of the Minister of Agriculture, on production of both duplicates [and payment of the fee hereinafter provided]. One of the duplicates shall be retained in the Office of the Minister of Agriculture, and the other returned, with certificate of Registration, to the party depositing it.

Copyright and right to obtain it assignable.

19. In case of any person making application to register as his own, the Copyright of a literary, scientific or artistic work already registered in another person's name, or in case of simultaneous conflicting application, or of an application made, by any person other than the person entered as proprietor of a registered Copyright, to cancel the said Copyright, the party so applying shall be notified that the question is to be settled before a Court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced maintaining, cancelling or otherwise settling the matter; and this registration or cancellation or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision.

Cases of conflicting claims in respect of copyright to be settled before a court.

20. Clerical errors happening in the framing or copying of any instrument drawn in the Office of the Minister of

Clerical errors.

Agriculture, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

Copies or extracts.

21. All copies or extracts certified, from the Office of the Minister of Agriculture shall be received in evidence, without further proof and without production of the originals. 5

Provision for the case of a copyrighted work being out of print.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the Copyright owner of the complaint and of the fact, and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a licence to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the Copyright owner. 10 15

Application for registration may be made through an agent.

23. The application for the Registration of an Interim Copyright, of a Temporary Copyright and of a Copyright, may be made in the name of the author or of his legal representative, by any person purporting to be the agent of the said author, and any fraudulent assumption of such authority shall be a misdemeanor and shall be punished by fine and imprisonment accordingly, and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any Court of competent jurisdiction. 20 25

Penalty for making false entries, &c.

24. If any person shall wilfully make or cause to be made any false entry in the Registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanor, and shall be punished accordingly. 30

Anonymous books may be entered in the name of first publisher.

25. If a book be published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof either on behalf of the unnamed author or on behalf of such first publisher, as the case may be. 55

Second and subsequent editions.

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books, unless the same shall contain very important alterations or additions. 40

Limitation of actions.

27. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose.

Fees payable under this Act.

[28. The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say: 45

On Registering a Copyright.....	\$1 00
On Registering an Interim Copyright.....	0 50
On Registering a Temporary Copyright...	0 50

On Recording an assignment.....	1 00
On Certified copy of Registration.....	0 50
On Registering any decision of a Court of Justice, for every folio.....	0 50

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On office copies of documents not above mentioned, the following charges shall be made :

For every single or first folio certified copy \$0 50

For every subsequent hundred words

(fractions from and under fifty being not counted and over fifty being counted

10

for one hundred)..... 0 25

2. The said fees shall be in full of all services performed under this Act by the Minister of Agriculture or by any person employed by him in pursuance of this Act. Proviso.

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3. All fees received under this Act shall be paid over to the Receiver-General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of exemption in favour of any person ; and no fee, exacted by this act, once paid, shall be returned to the person who paid it.] Proviso.

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29. "The Copyright Act of 1868," being the Act Thirty first Victoria, Chapter Fifty-four, and all other Acts or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section. Repeal of inconsistent Acts.

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30. All Copyrights heretofore acquired under the Acts or parts of Acts repealed, shall in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed. Unexpired copyrights to continue unimpaired.

30

31. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875." Short title.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

A

BILL

An Act respecting Copyrights.

Received and read, first time, Friday, 12th
February, 1875.

Second reading, Thursday, 18th February,
1875.

HON. MR. LEFEBVRE DE ST. JUST.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

B I L L .

An Act respecting Copyrights.

(As amended by the Select Committee of the Senate, to whom it was referred.)

[NOTE.—The clause and part of a clause printed in red ink were struck out in Committee.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Minister of Agriculture shall cause to be kept in his Office, books to be called the "Registers of Copyrights," in which proprietors of literary, scientific, and artistic works or compositions, may have the same registered in accordance with the provisions of this Act. Registers of copyrights.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act. Minister of Agriculture to make rules, &c.

3. If any person prints, or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any Court of competent jurisdiction. Penalty for printing MSS. without owner's consent.

4. Any person domiciled in Canada or in any part of the British Possessions, or being a citizen of any country having an international copyright treaty with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing and Who may have copyright.

vending such literary, scientific or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the copyright 5 thereof in the manner hereinafter directed.

**Condition for
obtaining
copyright.**

2. The condition for obtaining such copyright shall be that the said literary, scientific or artistic works be printed and published or reprinted and republished in Canada, or in the case of works of art that it be produced or reproduced in 10 Canada, whether they be so published or produced for the first time, or contemporaneously with or subsequently to publication or production elsewhere. Provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else. 15

Exception.

3. No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific or artistic work shall be the legitimate subject of such Registration or Copyright.

**Renewal of
copyright.**

5. If at the expiration of the aforesaid term of twenty-eight years, such author, or any of the authors, when the 20 work has been originally composed and made by more than one person, be still living, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children, (as the case may be) for the further 25 term of fourteen years: but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original Copyrights shall be complied with in respect to such re- 30 newed Copyright.

**Record of re-
newal to be
published.**

6. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette*. 35

**Deposit of
copies in the
Minister of
Agriculture's
office.**

7. No person shall be entitled to the benefit of this Act, unless he has deposited in the Office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculpture, unless 40 he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the Copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and 45 forms which may be made, from time to time, as hereinbefore provided.

**One to be
sent to the
Library of
Parliament.**

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in 50 the Library of the Parliament of Canada.

9. No person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title-page, 5 or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title-page or frontispiece thereof, the following words, that is to 10 say : " Entered according to Act of Parliament of Canada, in " the year by A. B., in the Office of the " Minister of Agriculture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

Notice of
copyright
to appear in
work.

Exception.

15 10. Pending the publication or republication in Canada of a literary, scientific or artistic work, the author, or his legal representatives or assigns, may obtain an Interim Copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publica- 20 tion or republication in Canada, the said title or designation to be registered in an Interim Copyright Register in the said office, to secure to the author aforesaid, or his legal representatives or assigns the exclusive rights recognized by this Act, previous to publication or republication in Canada; the 25 said Interim Registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

Interim
copyright.

2. In all cases of Interim Registration under this Act, the 30 author or proprietor shall cause notice of such registration to be inserted once in the *Canada Gazette*.

3. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registra- 35 tion within the meaning of this Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the Office of the Minister of Agriculture, and that every separate article so published is preceded by the words " Regis- 40 tered in accordance with the Copyright Act of 1875;" but the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act.

Registration
of work first
published in
separate
articles.

4. The importation of newspapers and magazines published in foreign countries, and containing, together with foreign 45 original matter, portions of British Copyright works republished with the consent of the author or his assigns or under the law of the country where such copyright exists shall not be prohibited.

11. If any other person, after the Interim Registration of 50 the title of any book according to this Act, within the term herein limited, or after the Copyright is secured and for the term or terms of its duration, prints, publishes, or reprints, or

Penalty for
the infringe-
ment of copy-
right of a
book.

republishes, or imports, or causes to be so printed, published or imported, any copy or any translation of such book without the consent of the person legally entitled to the Copyright thereof, first had and obtained by assignment, or knowing the same to be so printed or imported, publishes, sells, or exposes for sale or causes to be published, sold or exposed for sale any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the Copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported or exposed for sale, contrary to the intent of this Act such sum, not being less than *ten cents* nor more than *one dollar*, as the Court shall determine; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such Copyright, and such penalty may be recovered in any Court of competent jurisdiction.

Penalty for the infringement of copyright of a painting, &c.

12. If any person, after the recording of any painting drawing, statue or other work of art, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in whole or in part, copies of the said works of art, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the Copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale contrary to the true intent and meaning of this Act such sum, not being less than *ten cents* nor more than *one dollar*, as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

Penalty for the infringement of copyright of a print, &c.

13. If any person after the recording of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the Law, or prints, or reprints or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any part thereof, without the consent of the proprietor or proprietors of the Copyright thereof, first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print has been copied, and also every sheet thereof, so copied or printed as aforesaid, to the proprietor or proprietors of the Copyright thereof, and shall further forfeit for every sheet

of such map, musical composition, print, cut or engraving which may be found in his or their possession, printed or published or exposed to sale, contrary to the true intent and meaning of this Act such sum, not being less than *ten cents* 5 nor more than *one dollar*, as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

10 **14.** Nothing herein contained, shall prejudice the right of Proviso.
any person to represent any scene or object, notwithstanding that there may be Copyright in some other representation of such scene or object.

15 **15.** Works of which the Copyright has been granted and Protection against negligent or unwilling author.
is subsisting in the United Kingdom, and Copyright of which is not secured or subsisting in Canada, under any Canadian or Provincial Act, shall, upon being printed and published, or reprinted and republished in Canada, be entitled to Copyright under this Act; but nothing in this Act 20 shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there.

2. In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom any person who may have, previous to the date of entry 25 of such work upon the registers of copyright, imported any foreign reprints shall have the privilege of disposing of such reprints by sale or otherwise, the burden of proof, however, in such a case will lie with such person to establish the extent and regularity of the transaction.

30 **16.** Whenever the author of a literary, scientific or artistic work or composition which may be the subject of Copyright, has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the pro- 35 prietorship of such Copyright, which is by the said transaction virtually transferred to the purchaser, who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

40 **17.** If any person not having legally acquired the Copyright of a literary, scientific or artistic work, inserts in any copy thereof printed produced, reproduced or imported, or impresses on any such copy, that the same hath been entered according to this Act, or words purporting to assert the existence of a 45 Canadian Copyright in relation thereto, every person so offending, shall incur a penalty not exceeding *three hundred dollars* (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty,) to be recovered in any Court of competent jurisdiction.

50 **2.** If any person causes any work to be inserted in the Register of Interim Copyright and fails to print and publish,

or reprint and republish the same within the time prescribed he shall incur a penalty not exceeding *one hundred* dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any Court of competent jurisdiction. 5

Copyright
and right to
obtain it

18. The right of an author of a literary, scientific or artistic work, to obtain a Copyright, and the Copyright when obtained shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate and to be recorded in the Office of the Minister of Agriculture, on production of both duplicates **and payment of the fee hereinafter provided.** One of the duplicates shall be retained in the Office of the Minister of Agriculture, and the other returned, with certificate of Registration, to the party depositing it. 10 15

assignable.
Cases of con-
flicting claims
in respect of
copyright
to be settled
before a
court.

19. In case of any person making application to register as his own, the Copyright of a literary, scientific or artistic work already registered in another person's name, or in case of simultaneous conflicting application, or of an application made, by any person other than the person entered as proprietor of a registered Copyright, to cancel the said Copyright, the party so applying shall be notified that the question is to be settled before a Court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced maintaining, cancelling or otherwise settling the matter; and this registration or cancellation or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision. 20 25 30

Clerical
errors.

20. Clerical errors happening in the framing or copying of any instrument drawn in the Office of the Minister of Agriculture, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture. 35

Copies or
extracts.

21. All copies or extracts certified, from the Office of the Minister of Agriculture shall be received in evidence, without further proof and without production of the originals.

Provision for
the case of a
copyrighted
work being
out of print.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the Copyright owner of the complaint and of the fact, and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a licence to any person to publish a new edition or to import the work, specifying the number of copies and the royalty to be paid on each to the Copyright owner. 40 45

Application
for registra-
tion may be
made through
an agent.

23. The application for the Registration of an Interim Copyright, of a Temporary Copyright and of a Copyright, may be made in the name of the author or of his legal representative, by any person purporting to be the agent of the 50

said author, and any fraudulent assumption of such authority shall be a misdemeanor and shall be punished by fine and imprisonment accordingly, and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any Court of competent jurisdiction.

24. If any person shall wilfully make or cause to be made any false entry in the Registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanor, and shall be punished accordingly.

Penalty for making false entries, &c.

25. If a book be published anonymously, it shall be sufficient to enter it in the name of the first publisher thereof either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

Anonymous books may be entered in the name of first publisher.

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books, unless the same shall contain very important alterations or additions.

Second and subsequent editions.

27. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose.

Limitation of actions.

28. The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say:

Fees payable under this Act.

	On Registering a Copyright.....	\$1 00
	On Registering an Interim Copyright.....	0 50
	On Registering a Temporary Copyright...	0 50
30	On Recording an assignment.....	1 00
	On Certified copy of Registration.....	0 50
	On Registering any decision of a Court of Justice, for every folio.....	0 50

On office copies of documents not above mentioned, the following charges shall be made:

35	For every single or first folio certified copy	\$0 50
	For every subsequent hundred words (fractions from and under fifty being not counted and over fifty being counted	
40	for one hundred).....	0 25

2. The said fees shall be in full of all services performed under this Act by the Minister of Agriculture or by any person employed by him in pursuance of this Act.

Proviso.

3. All fees received under this Act shall be paid over to the Receiver-General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of exemption in favour of any person; and no fee, exacted by this act, once paid, shall be returned to the person who paid it.

Proviso.

Repeal of
inconsistent
Acts.

29. "The Copyright Act of 1868," being the Act Thirty first Victoria, Chapter Fifty-four, and all other Acts or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

5

Unexpired
copyrights
to continue
unimpaired.

30. All Copyrights heretofore acquired under the Acts or parts of Acts repealed, shall in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

10

15

Short title.

31. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

2nd Session, 3rd Parliament, 38 Victoria, 1875.

A

BILL.

An Act respecting Copyrights.

(As amended by the Select Committee.)

Hon^r Mr. LETHBRIDGE DE ST. JOST.

OTTAWA:

Printed by Maclean, Rogers & Co., Wellington Street,
1875.

BILL.

An Act to incorporate the "Canadian Gas Lighting Company."

WHEREAS Charles Dewey Day, Charles Joseph Coursol, P. eamble
John Hamilton, Thomas Edwin Foster, William Angus,
Andrew Buchanan Stewart, Robert Mitchell, Walter Munson
Rice, Frank Bond, John William Post, and Duncan McMartin,
5 have by their petition represented that they have formed
themselves into an Association, for the purpose of working
certain valuable inventions and processes for which letters
patent for the Dominion of Canada are held by them, for the
illumination by gas, of cities, towns, villages, churches,
10 factories and private houses, in a safe and economical man-
ner, and are desirous of obtaining an Act of incorporation
under the name of the "Canadian Gas Lighting Company:"
Therefore Her Majesty, by and with the advice and consent
of the Senate and House of Commons of Canada, enacts as
15 follows:—

1. The said petitioners and all such other persons as shall
be shareholders in the Corporation hereby created, shall be
and they are hereby made a body corporate and politic, by
the name of the "Canadian Gas Lighting Company." Petitioners
and others
incorporated.
Corporate
name.

2. All the rights in the said inventions and letters patent,
and all the property of the said unincorporated Association,
existing before the passing of this Act, and all debts and
claims now due or belonging to them shall hereby im-
mediately pass to and become vested in this Corporation,
20 which shall in like manner become and be held liable for all
debts and liabilities of the said unincorporated Association. Property and
rights, debts
and liabilities
of former
Association
to pass to
Company.

3. The capital stock of the Corporation shall be three
hundred thousand dollars current money of this Dominion,
in shares of one hundred dollars each; and such stock shall
30 be transferable upon the books of the Corporation, and shall
be allotted, paid up, applied and disposed of in such manner
as shall be provided and determined by resolutions or by-
laws of the said Corporation. Capital stock,
\$300,000, in
shares of
\$100 each.

4. One thousand shares of the said stock shall be held by
35 the petitioners or their assigns, and entered upon the books
of the Corporation as paid-up stock, representing the value
of the said inventions and letters patent, and the claims,
contracts and other property belonging to the unincor-
porated Association and hereby vested in this Corporation.
40 And the said one thousand shares of paid-up stock shall be One thousand
shares to be
held by peti-
tioners as
paid up
stock.

allotted and divided among the several petitioners, according to the proportions in which they may be entitled thereto, and shall be free from all claims and demands on the part of the said Corporation, or the creditors thereof, to the same extent as if all the instalments thereof had been regularly called in by the Corporation, and paid by the holders thereof in full ; Provided always that the liability of the petitioners, or any of them, under and by reason of any claim, covenant or obligation incurred by the said Association and existing before the passing of this Act, shall not hereby be lessened or in any manner affected.

Proviso.

Contracts made by Association to be binding on Company.

5. All contracts made and entered into by the said Association shall enure to the benefit of and be binding upon the said Corporation, and from henceforth the same shall be treated as if the said Association had been incorporated at the time of making the same. And the said Corporation may sue and be sued upon or in respect of any such contract, as if the same had been made and entered into by and with the said Corporation.

Provisional Directors.

6. Until the election of Directors, the said Charles Dewey Day, Charles Joseph Coursol, John Hamilton, Thomas Edwin Foster, William Angus, Andrew Buchanan Stewart, Robert Mitchell, Walter Munson Rice, and Frank Bond, shall be the Directors of the said Corporation.

General meeting for first election of Directors.

7. The first election of Directors shall be made at a general meeting of the stockholders of said Corporation, to be held for that purpose, at the City of Montreal, after such notice as is specified in the "Canada Joint Stock Companies Clauses Act, 1869," and at such meeting nine Directors shall be elected, to hold office until the first Wednesday in the month of January then next following ; and after such first election, the Directors shall be annually elected at the meeting of stockholders to be held for that purpose on the first Wednesday of the month of January of each year ; notice of which annual meeting shall be given in the manner provided by the by-laws of the said Corporation ; and no person shall be a Director of the said Corporation unless he be the proprietor of at least ten shares of stock therein.

One Act with 32-33 V., c.12.

8. The provisions of the "Canada Joint Stock Companies Clauses Act, 1869," in so far as they are applicable to this undertaking, and are not expressly varied or excepted by this Act, shall be incorporated herewith and form part hereof, and shall be construed herewith as forming one Act.

Public Act.

9. This Act shall be deemed and be a public Act.

2nd Session, 3rd Parliament, 38 Victoria

B

BILL.

An Act to incorporate the "Gas Lighting Company."

Received and read, first time, Monday February, 1875.
Second reading, Thursday, 18th Fe 1875.

Hon. Mr. CAMPBELL

OTTAWA :
Printed by MacLean, Roger & Co., Wellington 1875.

BILL.

An Act to amend "*The Interpretation Act*," as respects the printing and distribution of the Statutes, and the territorial application of Acts amending previous Acts.

WHEREAS the publication and distribution of the Public Preamble.
General Acts passed in each session of Parliament is greatly delayed by the publication of the Local and Private Acts of the same session in the same volume, and it is expedient that Acts of the Imperial Parliament, Orders in Council, and Proclamations of a public general nature should be published and distributed with the Public General Statutes: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

I. Sections ten and eleven of the Act known as "*The Interpretation Act*," being chapter one of the Acts passed in the thirty-first year of Her Majesty's reign, are hereby repealed, and the following are substituted for them, and shall be read as the tenth and eleventh sections of the said Act:—

New sections substituted for sections 10 and 11 of 31 Vic., c. 1.

"10. The Acts of the Parliament of Canada passed in the present or any future session thereof, shall be printed in two separate volumes, the first of which shall contain such of the said Acts and such Orders in Council and Proclamations or other documents, and such Acts of the Parliament of the United Kingdom, as the Governor in Council may deem to be of a public and general nature or interest in Canada, and may direct to be inserted in the said volume; and the second volume shall contain the remaining Acts of the session and shall be printed after the first volume. Copies of the said volumes shall be printed in the English and French languages respectively, by Her Majesty's printer, who shall, as soon after the close of each session as may be practicable, deliver, or send by post, or otherwise, in the most economical manner, the proper number of copies to the parties hereinafter mentioned, respectively, and in either or both languages as he may be directed; that is to say:—

Acts to be printed in two separate volumes.

Copies of each volume to be printed in the English and French languages respectively.

"To the members of the two Houses of Parliament respectively, such number of copies each as may from time to time be directed by joint resolution of the said Houses, or, in default of such resolution, in such numbers as shall be directed by order of the Governor in Council,—and to such public departments, administrative bodies and officers

Distribution of copies.

throughout Canada, (including justices of the peace in the distribution of the first but not of the second volume) as may be specified in any order to be for that purpose made from time to time by the Governor in Council.

Proviso.

“Provided that when any Bill receives the Royal Assent during and before the termination of any session of Parliament, Her Majesty’s printer shall, if so directed by the Secretary of State of Canada, cause distribution of such Act to be made, to the same parties and in like manner and numbers as hereinbefore provided with respect to the Acts of any session ; or such Act may by order of the Governor be published in the *Canada Gazette*, and printed afterwards in the proper volume of the Statutes.”

Duties of the Secretary of State.

“11. The Secretary of State of Canada shall within fifteen days after the close of each session of Parliament, transmit to Her Majesty’s printer a list of the public departments, administrative bodies and officers to whom the first and second volumes respectively, of the Statutes of such session are to be transmitted as aforesaid, and shall also as occasion requires, furnish him with copies of all Orders in Council made under the provisions of this Act.”

Sub-section 18 of section 7 of 31 V., c. 1, amended.

2. And for amendment of the eighteenth sub-section of the seventh section of the said Act, it is enacted, that the following words shall be added to and read as part of the sub-section, that is to say : “In the Province of Manitoba the said words shall denote the Court of Queen’s Bench for the said Province ; in the Province of British Columbia the said words shall denote the Supreme Court of British Columbia, and in the Province of Prince Edward Island the said words shall denote the Supreme Court of Judicature of the said Province.”

Territorial application of Acts amending previous Acts.

3. And for the avoidance of doubt as to the effect of Acts amending previous Acts which do not apply to the whole Dominion of Canada, it is declared and enacted, that no Act amending a previous Act which does not apply to all the Provinces of Canada, nor any enactment in any such amending Act, although of a substantive nature or form, does or shall apply to any Province to which the amended Act does not apply, unless it is expressly provided that such amending Act or enactment shall apply to such Province or to all the Provinces of Canada.

2nd Session, 3rd Parliament, 38 Victoria, 1

C

BILL.

An Act to amend the “Interpretation Act,” as respects the printing and distribution of the Statutes and the territorial application of Acts amending previous Acts.

Received and read, first time, Wednesday, February, 1875.

Second reading, Friday, 19th February, 8

Hon. Mr. SCOTT

OTTAWA:

Printed by Maclean, Roger & Co., Wellington St
1875.

BILL.

An Act for the relief of Henry William Peterson.

WHEREAS, Henry William Peterson, of the town of Guelph, in the County of Wellington, and Province of Ontario, Barrister-at-Law, hath by his petition humbly set forth, that on the twenty-first day of November, in the year of Our Lord one thousand eight hundred and sixty, he was lawfully married to Emma Grange, at Guelph, in the County of Wellington, in accordance with the rites and ceremonies of the Church of England in Canada—That the said marriage was duly authorized by license duly issued—That the said Henry William Peterson and Emma Grange lived and cohabited together as husband and wife from the date of such marriage up to the early part of the month of August, one thousand eight hundred and seventy-two—That the said Emma Grange, although the lawful wife of the said Henry William Peterson, did commit adultery with one Herbert F. Tuck at various times and in various places, and especially at the places and about the times hereinafter mentioned, that is to say: At the Village of Preston, in the County of Waterloo, in the said Province of Ontario, on various occasions during the month of July in the said year of Our Lord one thousand eight and seventy-two; in particular on the tenth and eleventh days of the said month of July, in the said Village of Preston, and also at the Town of Berlin, in the said County of Waterloo, on various occasions in the month of August of the said year one thousand eight hundred and seventy-two, in particular on the eighth and ninth days of the said month of August at the said Town of Berlin—That the said Henry William Peterson made discovery of the said adultery on or about the ninth day of August in the year of Our Lord one thousand eight hundred and seventy-two, but the said Henry William Peterson did not discover the said criminality of the said Emma Grange at Preston aforesaid until a considerable time after the discovery of that at Berlin aforesaid—That the said Henry William Peterson has since the discovery of the said adultery, so committed as aforesaid, refused to cohabit with his said wife, and has since lived apart from her—That the said Emma Peterson has since the discovery of the said adultery lived at the said Town of Guelph, for the most part with her father George John Grange, Esquire, with whom she at present resides, and for many months past has continuously resided—That the said Henry William Peterson hath subsequent to the discovery of the said adultery brought an action for criminal conversation in Her Majesty's Court of Queen's Bench for Ontario, against the

said Herbert F. Tuck, and recovered a verdict in the said action against the said Herbert F. Tuck for five thousand dollars, and entered judgment thereon, and the said Henry William Peterson has exhausted every lawful means for the recovery of the amount of the said judgment and costs, without effect—That the said Henry William Peterson and the said Emma Grange so living apart as aforesaid, the said Emma Grange brought a suit against the said Henry William Peterson in Her Majesty's Court of Chancery for Ontario, seeking to recover and obtain an allowance for alimony, which suit was defended by the said Henry William Peterson on the ground of said adultery hereinbefore mentioned having been committed by the said Emma Grange, and which said suit was on the twenty-fourth, twenty-sixth, twenty-seventh, and twenty-eighth days of October, the thirtieth day of November and the first day of December, all in the year of Our Lord one thousand eight hundred and seventy-four, tried at the said Town of Guelph before the Honorable the Chancellor for the said Province of Ontario, who sustained the defence of the said Henry William Peterson, and ordered and adjudged that the bill of complaint of the said Emma Grange and the said suit should be, and the same were dismissed out of the said Court, and a decree by the said Court thereupon has been duly issued to such effect—That the said Henry William Peterson is desirous of having the said marriage dissolved, annulled and put an end to, so that he may be free from the same and can contract matrimony with any other person or persons with whom it would have been lawful for him to contract matrimony if they the said Henry William Peterson and Emma Grange had not intermarried, and that there are five children issue of the said marriage;

And whereas it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage
made void.

1. That the said marriage between the said Henry William Peterson and Emma Grange, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Petitioner
may marry
again.

2. It shall and may be lawful for the said Henry William Peterson at any time hereafter to contract matrimony, and to marry with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized.

Issue of any
such mar-
riage de-
clared legiti-
mate.

3. In case of the said Henry William Peterson again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they the said Henry William Peterson and Emma Grange had not intermarried, and having any issue born to him, the said issue so born shall be and are hereby declared to be to all intents and purposes legitimate, and the rights of them

the said issue and each of them and of their respective heirs as respects their and each of their capacity to inherit, have, hold, enjoy and transmit all and all manner of property, real or personal, of what nature or kind soever, from any
5 person or persons whomsoever, shall be and remain; the same as they would have been to all intents and purposes whatsoever if the said marriage between the said Henry William Peterson and Emma Grange had not taken place.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

D

BILL.

An Act for the relief of Henry William
Peterson.

Received and read, first time, Thursday, 18th
February, 1875.

Second reading, Friday, 5th March, 1875.

Hon. Mr. VIDAL.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

BILL.

An Act to amend the Act providing for the organization
of the Department of the Secretary of State of Canada.

HER Majesty, by and with the advice of the Senate and
House of Commons of Canada, enacts as follows:— Preamble.

1. The following words are hereby added to, and shall
form part of the fourth section of the said Act, passed in the
5 thirty-first year of Her Majesty's reign, chapter forty-two,
that is to say:— Addition
made to sec.
4 of 31 V.,
c. 42.

“ And the Deputy Registrar-General of Canada from time
“ to time appointed under the second section of this Act, may
“ sign and certify the registration of all instruments and do-
10 “ cuments required to be registered, and all such copies of
“ the same as may be required to be certified or authenti-
“ cated as being copies of any instruments or documents so
“ registered as aforesaid.” Signature of
Deputy
Registrar
General of
Canada to
avail in
certain cases.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

B

BILL.

An Act to amend an Act providing for the organization of the Department of the Secretary of State of Canada.

Received and read, first time, Friday, 19th
February, 1875.

Second reading, Monday, 22nd February,
1875.

Hon. Mr. SCOTT.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

B I L L .

An Act to provide for the Amalgamation of the Niagara District Bank with the Imperial Bank of Canada.

WHEREAS, the Imperial Bank of Canada and the Niagara District Bank have by their petitions represented that the said Banks are desirous of entering into an agreement for the amalgamation of the said Niagara District Bank with the said Imperial Bank of Canada, and that it would be for the interests of the said Banks that such an amalgamation should be effected, and have prayed that an Act of the Parliament of Canada shall be passed for the purpose ; and whereas, it is expedient that the prayer of the petitions shall be granted : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. The Directors of the said Imperial Bank of Canada and the Directors of the said Niagara District Bank may enter into an agreement for the amalgamation of the said Niagara District Bank with the said Imperial Bank of Canada, and may determine upon the terms of such amalgamation and the relative values of the stocks of said Banks, and such other terms and conditions as they shall deem fit ; Provided always, that nothing in such agreement contained shall give any other or greater powers to the said Imperial Bank of Canada than are conferred by its Act of Incorporation, or this Act, or the Act respecting Banks and Banking, and any amendments thereto. Such agreement, however, shall not be valid until confirmed by a majority of votes of the respective shareholders of the said Banks present in person or by proxy, at special general meetings of shareholders respectively called for the purpose by the Directors of the respective Banks, and held at their respective chief offices, of which meetings four weeks' previous notice shall be given in the *Canada Gazette*, and in one newspaper published in Toronto, and one in St. Catharines, Ontario.

Agreement for amalgamation authorized;

Proviso.

2. The terms of the agreement of amalgamation shall be set forth in a formal indenture of union, executed by the said respective Banks, and after confirmation by the shareholders, upon the filing of a duplicate thereof in the office of the Secretary of State of Canada, such amalgamation shall be taken to be fully complete, and the said Niagara District Bank shall thereupon be merged into the said Imperial Bank of Canada, and thereafter be deemed to be one Corporation therewith. And thereupon a notice of such filing shall be published by the said Imperial Bank of Canada in four con-

Indenture of union to be executed, &c. and thereupon amalgamation to be complete.

secutive numbers of the *Canada Gazette*, and in four consecutive numbers of a newspaper published in the City of Toronto, and in four consecutive numbers of a newspaper published in the Town of St. Catharines, Ontario.

What shall be evidence of the complete union and incorporation of the two banks.

3. The production of the said indenture of union or amalgamation, with the certificate thereon indorsed of the Secretary of State of Canada of the filing of the duplicate thereof in his office, or the production of a copy of such duplicate indenture certified by the said Secretary of State, shall be conclusive evidence in all courts and proceedings of the execution, confirmation by the shareholders, and filing of the said indenture without further or other proof, and shall also be conclusive evidence in all courts and proceedings of the complete union and incorporation of the said Niagara District Bank with the said Imperial Bank of Canada. 5 10 15

Effects of such union as to shares.

Proviso.

1. Immediately upon such union or amalgamation taking place, the shareholders of the said Niagara District Bank shall become (*ipso facto*) the shareholders of the said Imperial Bank of Canada in the amount and according to the relative values of the stocks of the said Banks, as provided for and set forth in said indenture of union; and the said Imperial Bank of Canada shall, within thirty days of the filing of said indenture of union, allot to the shareholders of the said Niagara District Bank, in proportion and in lieu of the extinguishment of their stock in that Bank, paid-up capital stock in the said Imperial Bank of Canada to the amount of the value of such extinguished stock, as agreed upon in said indenture of union; Provided that the said Imperial Bank of Canada shall adjust any difference less than one hundred dollars by allotment of a share of stock paid up to the amount of such difference, or any fractional sum less than a share shall be allowed to such shareholders towards the payment of a share of such stock at its par value. 25 30 35

Estate and effects, &c., of Niagara District Bank to become vested in the Imperial Bank of Canada.

2. And thereupon also all the estate and effects, real and personal rights, property, credits, choses in action, claims and demands of whatsoever nature or quality, or wherever situate, of the Niagara District Bank (save and except any assets or claims of the said Niagara District Bank as may be otherwise disposed of or reserved by the provisions and terms of said indenture of union), shall forthwith become vested in the said Imperial Bank of Canada, its successors and assigns, as and for its own use and benefit absolutely, and it may in its own name sue for, collect, and get in all and every part of the said estate, rights and effects, and generally do all acts and take all proceedings necessary therefor, either at law or in equity, as fully and effectually as the said Niagara District Bank could have done. 40 45 50

And the latter to become liable to discharge all the debts, &c., of the former.

3. And thereupon also, the said Imperial Bank of Canada shall forthwith become subject and liable to pay and discharge all the debts, obligations, bills, promissory notes or other liabilities of the said Niagara District Bank, and may be directly sued and proceeded against in respect thereof as 55

fully and effectually as if the same were originally the debts, obligations, bills, promissory notes and liabilities of the said Imperial Bank of Canada.

4. And thereupon also, all such actions or proceedings
 5 in any court in which suits, actions, or proceedings the
 Niagara District Bank is plaintiff or defendant, may be con-
 tinued to judgment and execution in the name of the said
 Imperial Bank of Canada, upon a suggestion being entered
 at any stage in the pleadings, or on the record at any time
 10 before judgment, or upon the judgment roll after judgment
 by virtue of this Act, that the Niagara District Bank became
 by virtue of this Act on the day of filing such indenture of
 union amalgamated with the said Imperial Bank of Canada.

Actions, &c.,
 to be con-
 tinued.

5. The amalgamation taking effect as hereinbefore pro-
 15 vided for shall in no way affect, release or discharge the lia-
 bility or obligation of any surety to the said Niagara District
 Bank for or in respect of any bill, note, debt, claim, service
 or employment, or matter, or thing whatsoever, but the said
 liability and obligation shall continue in full force and effect
 20 and shall be taken and construed to be a liability or obli-
 gation in favor of the said Imperial Bank of Canada as if the
 same had been originally and directly given to or entered
 into with the said Imperial Bank of Canada.

Sureties to
 the Niagara
 District Bank
 not to be
 discharged by
 union.

6. The Imperial Bank of Canada shall in all respects stand
 25 and be in the place and stead of the Niagara District Bank,
 and all bills of exchange, promissory notes, drafts or cheques
 made payable at or drawn upon the Niagara District Bank
 or any of its branches or agencies, shall, after the amalgama-
 tion is completed, be deemed to be payable at the Imperial
 30 Bank of Canada or any of its branches or agencies in the
 same city, town or place, and presentment and notice thereof
 of such bill, note, cheque or draft at the said Imperial Bank
 of Canada or any of its branches or agencies, shall be as
 good and valid to all intents and purposes to charge all the
 35 parties to such bill, note, cheque or draft as if such present-
 ment had been made at the Niagara District Bank or any of
 its branches or agencies in the same city, town or place, and
 notice had been given thereof.

As to place of
 presentment
 of bills,
 notes, &c.,
 payable at or
 drawn upon
 the Niagara
 District
 Bank.

Hon. Mr. BROWN.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

F

BILL.

An Act to provide for the Amalgamation
of the Niagara District Bank with the
Imperial Bank of Canada.

Received and read, first time, Monday, 22nd
February, 1875.

Second reading, Monday, 1st March, 1875.

HON. MR. BENSON.

OTTAWA:

Printed by Melezes, Roger & Co., Wellington Street,
1875.

BILL.

An Act to amend the Act incorporating the Western Assurance Company and other Acts affecting the same, and to extend the powers of the said Company.

WHEREAS the Western Assurance Company have petitioned for certain amendments to their charter, and other Acts affecting the same, and that their powers may be extended thereunder, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. Section two of the Act of incorporation of the said Company is hereby amended by substituting the words "two million dollars" for the words "two hundred and fifty thousand pounds" in the second last line of the said section.

Section 2 of 14 & 15 V., c. 162, amended.

2. So much of the fourth section of the Act amending the Act of incorporation of the said Company, and passed in the thirty-fifth year of Her Majesty's reign, chaptered ninety-nine, as relates to investments by the said Company shall be and is hereby repealed, and from and after the passing of this Act it shall be lawful for the said Company to invest the capital stock, funds and money of the said Company temporarily or otherwise in Dominion, Provincial, Municipal and Foreign Securities, in bonds and mortgages, and the stocks of the incorporated moneyed institutions of the Dominion of Canada, and to change and re-invest the same as occasion may from time to time require.

Section 4 of 35 V., c. 99, amended.

3. To enable the Company to extend their business to parts abroad as contemplated by the Act of incorporation, it shall be lawful for the said Company to make deposits of money or securities there in compliance with the laws of the country, State or States, wherein it may be desirable to carry on their business of Assurance.

Company may make deposits abroad.



BILL.

An Act to amend the Act incorporating the Western Assurance Company and other Acts affecting the same, and to extend the powers of the said Company.

Received and read, first time, Thursday, 25th February, 1875.

Second reading, Tuesday, 2nd March, 1875.

HON. MR. ALVAN.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

BILL.

An Act to amend the Act incorporating the Canada Car and Manufacturing Company.

WHEREAS the Canada Car and Manufacturing Company Preamble
have prayed for certain amendments to the Act
relating to the said Company passed in the thirty-sixth year
of Her Majesty's reign, chapter one hundred and fourteen,
5 and it is expedient to grant their prayer: Therefore Her
Majesty, by and with the advice and consent of the Senate
and House of Commons of Canada, enacts as follows:—

1. Section three of the said Act is hereby amended by Proviso to
section 3 of
36 V., c. 114
adding to it the following words: "Provided always that
10 the said number of Directors may at any time be reduced to
not less than five by a by-law of the Company passed by a
two-third majority of shareholders present in person or by
proxy at a general meeting specially called for that purpose."

2. Section four of the said Act is hereby amended by in- Sections 4 &
13 of 36 V., c.
114, amended.
15 serting the words "or resolutions" after the word "by-laws"
and before the word "not" in the fifth line of the said
section; and section thirteen is hereby amended by striking
out the word "daily" in the fifteenth line of the said section.

3. The Directors of the Company may at any time after Power to
issue prefer-
ence stock.
20 the passing of this Act, on receiving the consent of a two-
third majority of shareholders of the said Company, present
at any general meeting of the Company specially called for
the purpose of obtaining their consent to the issue of pre-
ference stock issue as preference stock, either any portion of
25 the present capital of the said Company unissued, or if the
whole of the said original capital amounting to five hundred
thousand dollars has been issued the Directors may, having
obtained the consent of the shareholders to increase the
capital stock of the Company as provided by the twelfth
30 section of the said Act, issue as preference stock a portion or
all of the said new capital stock.

4. The holders of the said preference stock shall be entitled Rights of
holders of
preference
stock.
to receive in priority to all holders of ordinary stock out of
the profits made by the said Company a dividend on their
35 said stock up to but not exceeding eight per cent. per annum
on such stock, the holders of the ordinary stock shall then
be entitled to receive a similar dividend on their stock, and
if any fund remains thereafter out of which a dividend may
properly be paid the said preference and ordinary stock shall
40 rank *pro rata* on such fund for such dividend.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

H

BILL.

An Act to amend the Act incorporating
the Canada Car and Manufacturing
Company.

Received and read, first time, Thursday, 25th
February, 1875.
Second reading, Monday, 1st March, 1875.

HON. MR. CAMPBELL.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

BILL.

An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section ninety-eight of the Act passed in the Session held in the 32nd and 33rd years of the reign of Her Majesty, entitled "*An Act to amend the Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law*," is hereby repealed, and the following substituted therefor:—

"98. Provided always that the Court before which any offender whose age at the time of his trial does not, in the opinion of the Court, exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment, may, in its discretion, sentence such offender to imprisonment in the Reformatory Prison (if any) in the Province in which such conviction takes place, and such imprisonment shall in such case be substituted for the imprisonment in the Penitentiary or other place of confinement by which the offender would otherwise be punishable under any Act or law relating thereto, which shall be construed subject to this provision: Provided that in no case shall the sentence be less than two years or more than five years confinement in such Reformatory Prison, and in every case where the term of imprisonment is fixed by law to be more than five years, then such imprisonment shall be in the Penitentiary.

New Section substituted for Section 98 of 32 and 33 Vict. c. 29.

Juvenile offenders may be sent to Reformatory Prison.

Proviso.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

I

BILL.

An Act to amend the Act respecting
Procedure in Criminal Cases and other
matters relating to Criminal Law.

Received and read, first time, Thursday, 25th
February, 1875.

Second reading, Tuesday, 2nd March, 1875.

Hon. Mr. Scott.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

BILL.

An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with Felonies or Misdemeanors.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In case any person is charged in Ontario before a Police
5 Magistrate or before a Stipendiary Magistrate in any county, district or provisional county in Ontario, with having committed any offence for which he may be tried at a Court of General Sessions of the Peace, or in case any person is committed to a gaol in the county, district or provisional county
10 under the warrant of any Justice of the Peace for trial on a charge of being guilty of any such offence, such person may with his own consent be tried before such Magistrate, and may, if found guilty, be sentenced by the Magistrate to the same punishment as he would have been liable to if he had
15 been tried before the Court of General Sessions.
2. The proceedings upon and subsequent to such trial shall be, as nearly as may be, the same as upon a trial under the Act of the Parliament of Canada passed in the Session held in the thirty-second and thirty-third year of Her
20 Majesty's reign, entitled "An Act respecting the prompt and Summary Administration of Criminal Justice in certain cases."
3. Every conviction under this Act shall have the same
25 effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture beyond the penalty (if any) imposed in the case.
4. Every person who obtains a certificate of dismissal, or
30 or other criminal proceedings for the same cause.
5. No conviction, sentence or proceeding under this Act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein if it be therein alleged that the offender
35 has been convicted, and there be a good and valid conviction to sustain the same.

Trial before Magistrate instead of Court of General Sessions, by consent of accused.

Proceedings as under 32 and 33 V., c. 32.

Effect of conviction.

Effect of dismissal.

Conviction, &c., not to be quashed for want of form.

Effect of election of trial before a jury, under 32 and 33 V., c. 32.

6. If any person has, under this Act or under the said Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, chaptered thirty-two or under any other Act giving such election, been asked to elect whether he should be tried by the Magistrate or before a jury, 5 and has elected to be tried before a jury, then in case such election is stated in the warrant of committal for trial or upon the depositions, the Sheriff or the County Judge, or Junior or Deputy Judge, shall not be required to take the proceedings directed by the Act passed in the said Session, and 10 chaptered thirty-five, entitled "An Act for the more speedy trial in certain cases of persons charged with Felonies and Misdemeanors in the Provinces of Ontario and Quebec;" and in all such cases it shall be the duty of the committing Magistrate to state in the warrant the fact of such election 15 having been made.

Magistrate not bound to adjudicate summarily.

7. If the Magistrate is of opinion from any circumstances appearing in the case that the charge cannot be properly disposed of before him, he may at any time before the person charged has made his defence, decide not to adjudicate summarily thereon, and may thereupon deal with the same as if this Act had not been passed, and in such case such prisoner may be afterwards tried summarily by his own consent at the County Judge's Criminal Court. 20

2nd Session, 3rd Parliament, 38 Victoria, 1875.

J

BILL.

An Act for the more speedy trial before Police and Stipendiary Magistrates in the Province of Ontario of persons charged with Felonies or Misdemeanors.

Received and read, first time, Thursday, 25th February, 1875.

Second reading, Tuesday, 2nd March, 1875.

Hon. Mr. SCOTT.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street.
1875.

BILL.

An Act to make further provisions respecting the
Central Prison for Ontario.

IN amendment of an Act passed in the the thirty-sixth Preamble.
year of Her Majesty's reign, entitled "*An Act respecting*
the Central Prison for the Province of Ontario," Her Majesty,
by and with the advice and consent of the Senate and
5 House of Commons of Canada, enacts as follows :—

1. Any Sheriff or other person having the custody of an
offender sentenced to imprisonment in the said Central
Prison, may detain the offender in the common gaol of the
county or district in which he is sentenced, or other place
10 of confinement in which he may be, until a Central Prison
Bailiff or other person lawfully authorized in that behalf
requires his delivery for the purpose of being conveyed to
the Central Prison. Temporary
detention of
convict in a
common gaol
provided for.

2. In case the Gaol Surgeon, or other medical practitioner
15 acting in this behalf, shall certify that any offender sentenced
as aforesaid is in such a weak state of health that he is
unable to perform hard labour, such offender may be detained
in the common gaol or other place of confinement in which
he may be, until he is sufficiently recovered to be employed
20 at hard labour. Convict too
ill to be able
to perform
labor may
so detained

3. The time for which any person sentenced to imprison-
ment in the Central Prison, is held in custody under the
provisions of this Act shall be reckoned in computing the
time served by such person in the said Central Prison. Time of any
such dete-
tion to be
reckoned.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

K

BILL.

An Act to make further provisions respecting the Central Prison for Ontario.

Received and read first time, Thursday, 25th
February, 1875.

Second reading, Tuesday, 2nd March, 1875.

HON. MR. SCOTT.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street,
1875.

B I L L .

An Act still further to amend "The Patent Act of 1872," and to extend the same, as amended, to Prince Edward Island.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.

1. The following words are hereby added to section nineteen of "The Patent Act of 1872" after the word "patent" in the last line thereof, that is to say, "and the Commissioner may entertain separate applications and cause several patents to be issued for distinct and separate parts of the thing patented (upon payment of the fee for a re-issue for each of such re-issued patents)"

Addition to sec. 19, of 35 V., c. 26.

2. The sub-section of section twenty-eight of "The Patent Act of 1872" is hereby repealed, and the following sub-section is hereby substituted therefor, and shall be read as the sub-section of the twenty-eighth section of the said Act.

New sub-sec. substituted for sub-sec. of sec. 28, of 35 Vic., c. 26.

2. Whenever a patentee has been unable to carry on the construction or manufacture of his invention within the two years hereinbefore mentioned, the Commissioner may at any time not more than three months before the expiration of that period grant to the patentee a further delay on his adducing proof to the satisfaction of the Commissioner that he was for reasons beyond his control prevented from complying with the above-mentioned condition."

Commissioner may extend the term for manufacture in Canada, and when.

3. The forty-ninth section of "The Patent Act of 1875" is hereby repealed, and the following section is hereby substituted therefor, and shall be read as the forty-ninth section of the said Act:—

Sec. 49, of 35 V., c. 26 repealed and new sec. substituted.

49. Every patentee under this Act, shall stamp or engrave on each patented article sold or offered for sale by him the year of the date of patent applying to such article, thus:—"Patented 1872," or as the case may be; or when from the nature of the article this cannot be done, by fixing to it, or to every package whereon one or more of such articles is or are enclosed, a label marked with a like notice; and any such patentee selling or offering for sale any such patented article not so marked, or not enclosed in a package so marked shall be liable to the punishment of a

Patented articles and packages containing patented articles to be marked as such.

Penalty for default.

fine not to exceed *one hundred* dollars, and, in default of the payment of such fine, to imprisonment not to exceed two months."

Provisions of 35 V., c. 26, and its amending Acts and patents issued under them extended to Prince Edward Island.

4. From and after the passing of this Act all and every the provisions of "*The Patent Act of 1872*," as amended by this Act, and of the Acts amending the same, shall have the same force and effect in Prince Edward Island as the same then respectively have in the other Provinces forming this Dominion; and every patent theretofore issued under the said Acts or any of them shall extend over the said Province for the remainder of the term mentioned therein. 5 10

Inconsistent enactments of Acts of General Assembly of Prince Edward Island repealed. 7 W. 4, c. 21, 32 V., c. 20, and 33 V., c. 19.

5. The following Acts of the General Assembly of Prince Edward Island are hereby repealed, that is to say: The Act passed in the seventh year of the reign of His late Majesty King William the Fourth, chapter twenty-one, intituled "*An Act for granting Patents for useful Inventions*;" the Act passed in the thirty-second year of Her Majesty's reign, chapter twenty, intituled "*An Act to add to and amend the Act relating to Patents for useful Inventions*;" and the Act passed in the thirty-third year of Her Majesty's reign, chapter nineteen, intituled "*An Act to amend the Act relating to Patents for useful Inventions*,"—but in so far only as such Acts, or any of them, may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said Acts or any of them, before the coming into force of this Act, as to which the said Acts shall remain in force; and nothing in this Act contained shall affect any suit pending in any Court of law or equity at the time of the coming into force of this Act. 15 20 25 30

PATENTS ISSUED UNDER FORMER LAWS.

Existing Provincial Patents to remain in force.

6. All patents issued under the said Acts of the General Assembly of Prince Edward Island, or any of them, to the date of the passing of this Act shall remain in force in the said Province for the same term as if the Act or Acts under which such patents respectively were issued had not been repealed, but subject to all the provisions of this Act, in so far as such provisions, or any of them, may be applicable to such patents respectively. 35

Extension of Provincial Patents provided for.

2. And it shall be lawful for the Commissioner, upon the application of the patentee named in any such patent, being the inventor of the subject matter of the patent, if the subject matter of the patent has not been known or used, nor with the consent of the patentee on sale, in any of the other Provinces of the Dominion, to issue, on payment of the proper fees in that behalf, a patent under this Act extending such Provincial patent over the whole of the Dominion, for the remainder of the term mentioned in the Provincial patent. 40 45

Records of Patent Office of Prince Edward

7. All the records of the Patent Office of the Province of Prince Edward shall be handed over by the officers in charge of them to the Commissioner of Patents of Invention, to form 40

part of the records of the Patent Office for the purposes of the Act hereby amended and of the Acts amending the same and of this Act.

Island to be handed over to commissioner.

8. Any person desiring to impeach any patent issued under "*The Patent Act of 1872*," as amended by subsequent Acts and by this Act, the petitioner for which has elected his domicile at any place in Prince Edward Island, may obtain a sealed and certified copy of the patent and of the petition, affidavit, specification, and drawings thereunto relating, and may have the same filed in the office of the Clerk of the Supreme Court of Judicature in that Province, which Court shall adjudicate on the matter and decide as to costs. The patent and documents aforesaid shall then be held as of record in such Court, so that a writ of *scire facias* under the seal of the Court grounded upon such record may issue for the repeal of the patent, for cause as aforesaid, if upon proceedings had upon the writ in accordance with the meaning of this Act, the patent be adjudged to be void.

Proceedings for impeachment of patent.

9. This Act shall be read and construed as one Act with the Act hereby amended, and the two Acts amending the same; and the said four Acts may be cited together as "*The Patent Acts, 1872 to 1875*."

One Act with former Acts. Short title.

2nd Session, 3rd Parliament, 38 Victoria, 1875.

I

BILL.

An Act still further to amend "The Patent Act of 1872," and to extend the same, as amended, to Prince Edward Island.

Received and read, first time, Friday, 5th March, 1875.
Second reading, Monday, 8th March, 1875.

Hon. Mr. LAFLEUR DE ST. JUST.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

BILL.

“ An Act respecting defective Letters Patent and the discharge of Securities to the Crown.”

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

Preamble.

1. Whenever Letters Patent other than such as grant
5 lands have been issued under the Great Seal of Canada to or
in the name of the wrong party, or contain any clerical error
or misnomer or wrong description of any material fact
therein, the Secretary of State of Canada may direct the
defective Letters Patent to be cancelled, and correct Letters
10 Patent under the Great Seal to be issued in their stead,
which said new Letters Patent shall relate back to the date
of those so cancelled.

Defective letters patent may be cancelled and correct ones issued in their stead.

2. Whenever the lien created by any mortgage or other
instrument on any real or personal property to Her Majesty
15 shall have been satisfied, the Governor General may, by
Order in Council, declare that the same has been satisfied
and discharged ; and a copy of such Order in Council, certified
by the clerk of the Queen's Privy Council for Canada, shall
operate as a release and discharge of any claim of Her
20 Majesty, her successors or assigns, in respect of the same.

How securities to the Crown may be discharged

2nd Session, 3rd Parliament, 38 Victoria, 1875.

M

BILL.

An Act respecting defective Letters
Patent and the discharge of Securities
to the Crown.

Received and read first time, Wednesday 10th
March, 1875.
Second reading, Friday, 12th March, 1875.

Hon. Mr. SCOTT.

OTTAWA:

Printed by MacLeam, Roger & Co., Wellington Street
1875.

BILL.

An Act to enable Damon Rivers Averill to obtain
Letters-Patent for improvements in Paint.

WHEREAS, Damon Rivers Averill, of New Centreville, Preamble.
in the State of New York, has, by his petition,
represented that he is the inventor of certain improvements
in paint, for which he has obtained Letters-Patent of inven-
tion from the Patent Office of the United States of America,
and that he is desirous of having the said invention
patented in the Dominion of Canada, with the view to secure
to him for a limited time the exclusive use of the same ;
and whereas it is expedient to grant the prayer of the said
petition : Therefore Her Majesty, by and with the advice
and consent of the Senate and House of Commons of
Canada, enacts as follows :—

1. Notwithstanding anything to the contrary contained Grant of Let-
ters-Patent
authorized.
in "*The Patent Act of 1872*," or in any Act amending the
same, it shall be lawful for the Governor General, if he
shall see fit, and upon being satisfied that Damon Rivers
Averill is the original inventor thereof, to grant Letters-
Patent to the said Damon Rivers Averill for the said inven-
tion and improvement, securing to him and his representa-
tives and assigns, the exclusive right to make use of such
invention and improvement within the Dominion of Canada
for the usual period allowed by law.

2. Any such Letters-Patent to be granted as aforesaid, Conditions of
any such Let-
ters-Patent.
shall nevertheless be granted on the following conditions :—

1. That the Patentee shall within year from the
date of such Letters-Patent, establish or cause to be estab-
lished, within the limits of this Dominion, a factory for the
manufacture of paint under his patent.

2. That the privileges granted by such Letters-Patent
shall cease upon the stoppage of such factory for a period of
not less than one year at any time during the term for which
the Patent is granted.

3. Before any Patent is granted under this Act, the Petitioner to
give notice of
intention to
apply for a
Patent.
Petitioner shall give one month's notice in the *Canada Gazette*
of his intention to apply for the same, stating the name of
the original inventor, the date of the Patent obtained in the
United States of America, and such other particulars as will
sufficiently identify the invention.

N

BILL.

**An Act to enable Damon Rivers Averill,
to obtain Letters-Patent of invention
for certain improvements in Paint.**

Received and read, first time, Thursday, 11th
March, 1875.

Second reading, Monday, 15th March, 1875.

Hon. Mr. PENNY.

OTTAWA:

Printed by Maclean, Roger & Co., Wellington Street,
1875.

BILL.

“An Act to extend to the Province of Manitoba the Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors in the Provinces of Ontario and Quebec.”

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The Act passed in the session held in the thirty-second and thirty-third years of Her Majesty's reign, intituled: Act 32 & 33,
Vict. c. 35, ex-
tended to
Manitoba.
5 “An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec,” is hereby extended and shall apply to the Province of Manitoba.

2. As respects the Province of Manitoba, the expression Interpreta-
tion clause.
10 “a Court of General Sessions of the Peace” in the said Act shall mean and include the Court of Queen's Bench of that Province, and the expression “the Judge” shall mean “the Chief Justice” or “a Puisne Judge” of the said Court of
15 Queen's Bench, and the expression “County Attorney or Clerk of the Peace” shall mean the Prothonotary of the said Court of Queen's Bench.



BILL.

An Act to extend to the Province of Manitoba the Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec.

Received and read, first time, Monday, 15th March, 1875.
Second reading, Wednesday, 17th March, 1875.

Honorable Mr. Scott.

OTTAWA:

Printed by MacLean, Roger & Co., Wellington Street
1875.

