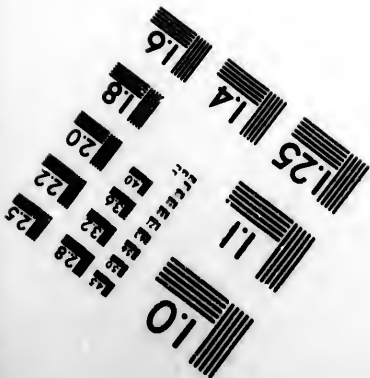
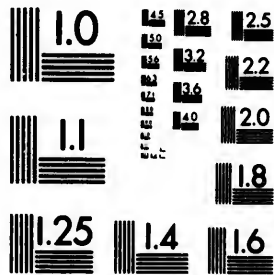


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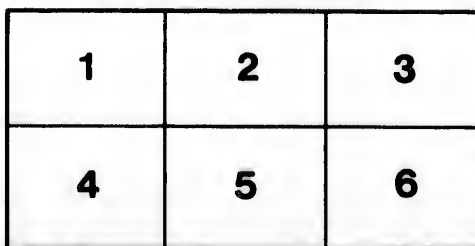
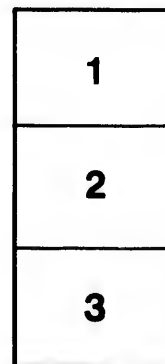
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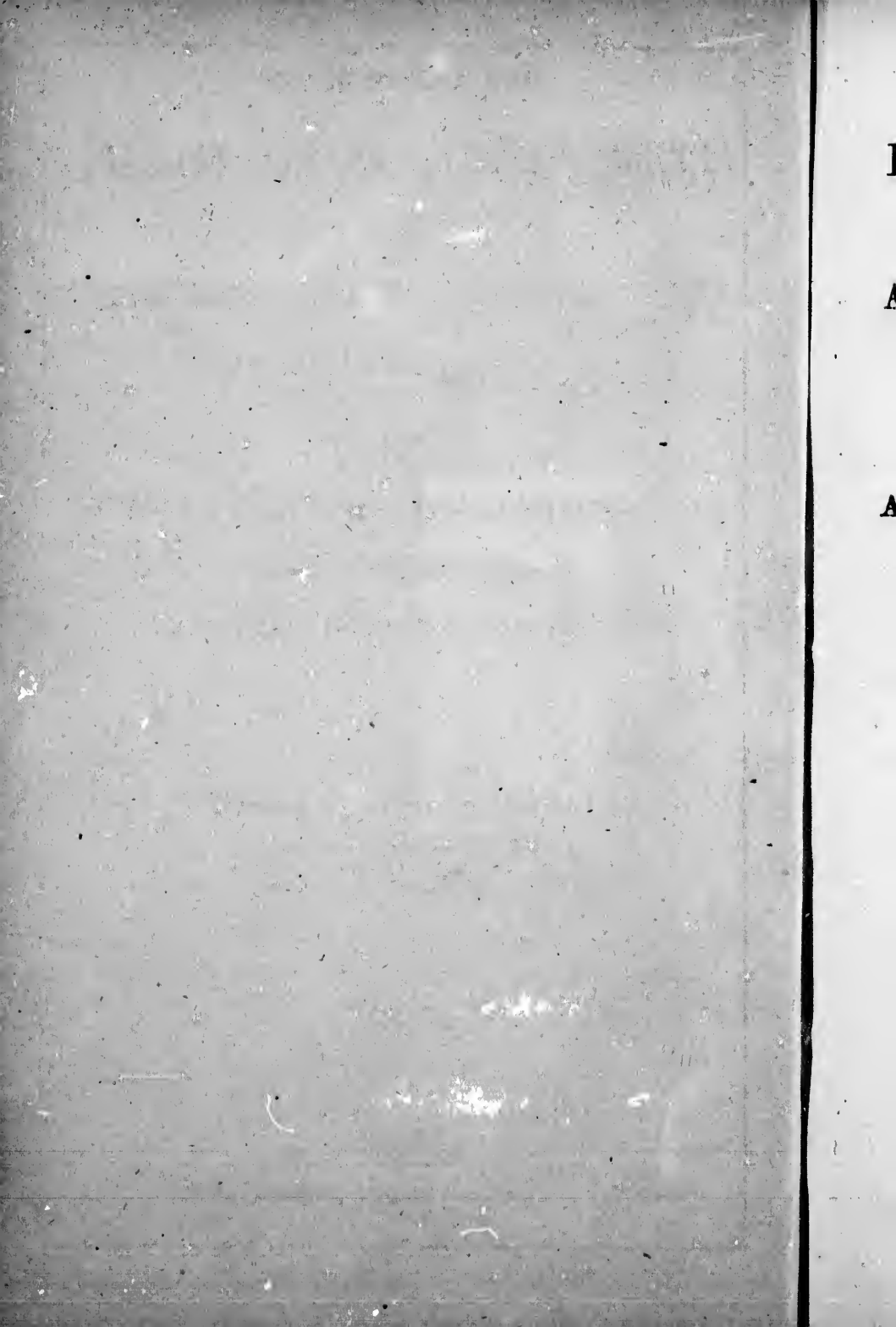
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HOW AND BY WHOM
LETTERS PATENT CAN BE SECURED,
FOR
AMERICAN, FOREIGN, AND OTHER INVENTORS,
IN THE DOMINION OF CANADA;
ALSO
A SYNOPSIS OF PATENT LAWS
OF ALL COUNTRIES IN THE WORLD,
WITH THE COST OF OBTAINING PATENTS, &c., &c.

BY
CHARLES LEGGE AND COMPANY,
Civil Engineers and Solicitors of Patents,
No. 48 GREAT ST. JAMES STREET, MONTREAL.



Montreal:
PRINTED BY JOHN LOVELL, ST. NICHOLAS STREET.
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ROYAL CANADIAN
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ESTABLISHED IN 1860.

HEAD OFFICE:—48 Great St. James St., Montreal, Dominion of Canada,
with Branch Offices in the capitals of all Foreign Countries.

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48 GREAT ST. JAMES STREET,

MONTREAL, *June*, 1868.

SIR,—On the first of January, 1867, we issued a circular, giving directions with reference to the steps which in our opinion should be taken by foreign inventors, in order to eventually secure their inventions or discoveries in the Dominion of Canada, prior to the passage of a general Patent Law, applicable to the whole Dominion, in the event of the provisions of that law being adverse to foreigners.

We stated that, prior to the date of Confederation of the Provinces of Canada, New Brunswick, and Nova Scotia, under the Dominion Act, which came in force the 1st day of July, 1867, and which would eventually include Prince Edward Island, Newfoundland, and the Provinces on the Pacific coast, each of these Provinces was in possession of a distinct Patent Law, differing in many respects from each other: that these various laws would, under the new constitution, continue in force in each respective Province up to the period of the passage of a general Patent Law by the Dominion Parliament, which would abrogate the local laws

and be substituted therefor ;—that any patent previously granted in any one Province would be confirmed, and in our opinion be extended over the entire Dominion, for the unexpired portion of the period it had to run : the functions of the general Government, as determined by the constitution, enabling it only to legislate or act for the whole Dominion, and not for a portion or part, independently of the remainder ; in this respect bearing a resemblance to the United States, composed of a number of independent States, analogous to our Provinces, each with a separate State Government, but all presided over by one federal Government, in whose hands is specially placed the granting of letters patent for inventions, and which, when granted, re-issued or renewed, necessarily cover the entire union ; in fact, it being impossible for the federal Government to issue a patent or legislate on one which would have effect in or cover only a limited number of States. We have always been of the opinion that a similar result would follow in the Dominion of Canada in relation to the unexpired periods of patents of invention, the moment they come under the provisions of the general law.

In the pamphlet referred to we stated a few facts with reference to the existing local patent laws of the different Provinces, and will now repeat the same.

1st. In the two Provinces of Ontario and Quebec (heretofore jointly known as the Province of Canada), letters patent are only granted to British subjects, who must also be residents in either of the Provinces aforesaid, and at the same time be the inventors or discoverers of the article for which a patent is sought. To the above requirements there is but one exception, as follows :—Any British subject being a resident in either of the Provinces, who, during his or her travels in any foreign country (Great Britain and the United States excepted) may become acquainted with any invention not known or in use in the two Provinces, may obtain a patent for the same, as the first introducer of the invention or discovery into the Provinces, which patent will have the same effect as if the applicant were the actual inventor. In Nova Scotia the applicant must have resided one year in that Province previous to making the application, but need not necessarily be a British subject. To this law of residence there is one exception, as follows :—Natives

and residents of other countries or provinces may obtain patents for any invention or discovery founded on the application of the principles of chemistry or of scientific secrets to any art or industry relating to the amalgamation, separation and production of gold from gold-bearing quartz or other substances, provided the applicants shall be the inventors or discoverers. From applicants of this class, however, a larger fee is demanded by the Government than from resident applicants. In the Province of New Brunswick the existing patent law is a very liberal one. Patents are granted to all foreign inventors on the same terms as those to its own subjects; in this manner obtaining reciprocity with the United States. The charge in the latter country for patents granted to subjects of New Brunswick is the reduced fee of \$35, in place of the large fee of \$500, demanded from subjects of the Provinces of Ontario, Quebec, &c., in return for their illiberality in refusing patents to American citizens on any terms. We have accordingly recommended foreign inventors to secure their patents in New Brunswick before the passage of the new general law. The patentees would in this manner, so to speak, have secured a foothold in the Dominion, with a good chance of the patent being extended over the entire Dominion when the proper time arrived. This course was more particularly recommended in the event of the new law being adverse to the granting of patents to foreigners, either with or without a residence in the Dominion, since after the New Brunswick liberal law has been abrogated, which in such case would exclude the foreign applicant from that Province; the foreigner having obtained his patent in New Brunswick, under the existing law, would, even in the extreme case of non-extension under the new law, preserve his right unimpaired to that large Province and important section of the Dominion. We have during the past two years earnestly advocated a liberal patent law, reciprocating with Great Britain, the United States, and other foreign countries, so as in this manner to obtain the great boon to Canadian inventors of patents in the United States, with its population of 37,000,000 of people, as a market, at a cost of \$35, in place of the discriminating fee of \$500, now demanded, a sum which but few of our Canadian inventors can afford to pay. That the Dominion legislature will eventually frame the patent law with a view of

securing this great advantage to Canadian inventors we have no doubt, although we fear some years must elapse before it is accomplished. The bill introduced into Parliament during the last session by the general Government was, to a certain extent, a step in the right direction, but, unfortunately, not sufficiently so to obtain reciprocity with the United States. In the bill submitted, the necessity of being a British subject was dispensed with, but a residence in the Dominion for one year immediately prior to making the application was required. This clause was assented to by both Houses of Parliament, although a large number of members were in favour of non-residence being substituted. The bill, moreover, had a clause, confining each patent, for its unexpired period, to the province for which it was originally granted. This objectionable clause was struck out of the bill in the Senate, and a second substituted, extending existing patents, which had been previously granted in any one province, over the entire Dominion. The Government then withdrew their bill from the Senate, with the excuse that they could not accept the responsibility of the alteration.

With some slight alterations in the original bill it was afterwards introduced into the House of Commons, near the end of the session, when but few members were present, and carried hurriedly and surreptitiously through the three readings, retaining the objectionable clause of non-extension. On sending it up to the Senate, to pass it through that branch of the Legislature, the senators recognised their old friend of the week before, in substantially the same form in which it had previously been presented to them. The Senate very justly refused to receive the bill which they had before rejected, on account of the objectionable clause of "non-extension of patents." The illiberal bill was therefore the second time withdrawn, and has consequently fallen through.

At the next session of Parliament, during the early part of the coming year, another Patent Bill must be introduced, with a full House of Commons and determined Senate. The probability is that the Government will not again risk defeat by endeavouring to insist on the objectionable clause, and that the clause *extending the Patents*, as passed by the Senate, will ultimately become law. This being the case, your New Brunswick patent, if previously obtained, will at

once cover the Dominion, without reference to the stipulation of a residence in the country for a period of one year prior to making the application for a Dominion Patent, which will, after the new Act is passed, become necessary.

We give the foregoing reasons for advising foreign inventors to secure, at once, their patents in New Brunswick—you will now determine as to the value of these suggestions and the risk you run of "non-extension" over the Dominion, but with a certainty of retaining that Province, one of the most important of the group—should you decide on proceeding with your application under the existing liberal law of New Brunswick. Full instructions will be found further on.

In Newfoundland, patents are also granted to all foreign inventors applying for the same, on the same terms as to residents. But as this Island does not yet form part of the Confederation, it will not come under our new law, until a union is effected, which may not take place for some years. We will now proceed to give instructions to enable parties, duly qualified under the existing local laws, to obtain patents in the respective Provinces, with such additional information as may be of interest.

1st. *Provinces of Ontario and Quebec.* (Formerly Province of Canada.) The applicant must be a resident, in either of the Provinces, a British subject, and the inventor. Term of Patent fourteen years, renewable at the option of the Government, for an additional period of seven years, assignable either in whole or in part. A small, neatly-constructed model is required for depositing in the Patent office, which should not exceed twelve inches in any one direction; the material may be either of wood or metal, or of both combined, and so arranged as to admit of any internal part being easily seen. It should also be painted or varnished. If the discovery is of a chemical nature, samples of each ingredient, with names marked thereon, in sufficient quantities to make an experiment, and also a sample of the compound itself, are required. In case of the death of the inventor the application may be made by his legal representatives, and the patent issue to them. Patents may issue to the assignees of inventors, the necessary assignments and applications having first been executed and enregistered at the Patent office.

When the invention or discovery results from the combined

operations of two or more persons, the application for the patent requires to be in their joint names.

The article manufactured under the patent must be stamped as patented, with date of same, under a penalty. Persons stamping articles as patented, when no patent has been granted, with intention of deceiving the public, are also liable to a penalty. No time is fixed in which to commence manufacturing after patent is granted: patentees may either manufacture or not, as they please.

The cost of a patent in these two Provinces ranges from fifty to one hundred dollars, according to the amount of labour involved, and includes solicitors' and Government fees. In the great majority of cases, the fee will be fifty dollars, but special arrangements as to charges may be made in difficult cases, prior to the work being undertaken. In order to enable us to prepare the necessary papers, including duplicate drawings and specifications, send the model or samples by express, prepaid, notifying us at the same time by post, and enclosing the express receipt, with a draft payable to our order in Montreal, for twenty-five dollars, or if in bank notes, in an enregistered letter.

At the same time send a full written description clearly explaining each part and its mode of action, stating finally what you claim as your improvement or invention, and wish secured by the letters patent. This description may also be illustrated by rough sketches, shewing the various parts of the invention, if a machine, and referring and connecting the same with the description by letters of reference, thus *a* is the cylinder of the engine; *b*, the piston head; *c*, the packing; *d*, the steam chest, &c., &c., marking each distinct part in the sketch with its appropriate letter. On the receipt of this, a written bond signed by our firm, is returned to the inventor, stating that he has placed the invention in our hands with the view of obtaining *Her Majesty's Royal Letters Patent*, for the same, in the Provinces of Ontario and Quebec, and binding ourselves to prepare and prosecute the application on his behalf, with all due diligence and secrecy, and to hand over the Letters Patent, immediately on being obtained, to the Patentee; also, to obtain letters patent for the same invention, in no other country, except at the instance of, and under instructions to be received from the inventor, or from his legal representation.

The preparation of the papers, drawings, &c., for the application, is then pushed on with all possible speed, and when completed, these are forwarded, accompanied by a letter of instructions to our client, for his examination and signature. This being accomplished, the papers are returned to us, with a draft for the balance of the fee, which will usually amount to twenty-five dollars, as before stated. Where numerous and elaborate drawings, with lengthy specifications, are required, involving much extra work, the final payment will exceed twenty-five dollars, but our charges in all cases will be moderate, in proportion to the amount of work performed, and made satisfactory to our clients, with the view of obtaining additional business.

On the receipt of the papers properly executed, they will be immediately forwarded to the Patent office at Ottawa, and the application pressed on with all convenient speed; when the parchment is completed it will at once be forwarded to our clients. The existing law does not permit the fying of *caveats*. Assignments for whole or partial rights are drawn up in the most approved manner, and to be legal, should be enregistered at the Patent office, within two months of their dates of execution. Our charge for preparing assignments and enregistering the same, is five dollars.

Trade marks, labels and designs are also drawn up and enregistered at a cost of from fifteen to twenty dollars each.

*New Brunswick.*—In this Province Letters Patent are granted to any inventor or discoverer, irrespective of nationality or residence, for a term of fourteen years. The article must be manufactured or introduced into the Province within three years of the date of the patent, or it becomes void. The Lieutenant-Governor has, however, the power of granting a further time, not to exceed three years additional, during which to introduce the invention. The application requires to be made by the inventor, or in case of his death, by his executor, for the benefit of his estate. Patents may issue to any assignee in New Brunswick upon a proper assignment thereof: when an inventor has obtained in any country a patent for his invention, and a patent is granted in this Province for the same discovery, the last patent shall expire with the first.

When any person shall improve upon any invention, he shall obtain no right to the original invention; neither has the original inventor any right to the improvement.

All patents are assignable in whole or in part; and all assignments must be duly recorded in the proper office within *three* months from date of execution.

If a patentee, without fraud, claim for any material part which he has not invented, his patent shall be valid for so much as is really his own, if it is distinguishable from the part patented without a right. In such a case, a disclaimer must be fyled in the proper office, and will form part of the original specification. If a patentee make an improvement, he can have a description of the same annexed to his original specification by the payment of a fee. The proper officer will, in such case, certify the time of annexing, which will have the same effect as issuing an original patent.

Patents may issue for a term not exceeding seven years for any original design of art or ornament, or for a manufacture, or the printing of any material.

Patents granted in England subsequent to 3rd May, 1853, and extending to the colonies, are of no force here, until copies of original specifications and drawings are fyled, and duplicates of models are lodged in the proper office. (This provision is virtually inoperative, as the Commissioner of Patents in England has for some time past refused to extend the grants to those colonies having legislatures.) Such Commissioner has the power to extend English patents to the colonies, under the authority of an imperial enactment, 15 and 16 Victoria, c. 83, sec. 18. We are not aware, however, that this power has ever been exercised so far as New Brunswick is concerned. Copies of all documents fyled in the Patent Office, properly certified, shall be evidence in all courts, and any person may obtain a copy of any such document, on payment of fees.

If any person shall in any way infringe on the right of any patentee, he shall forfeit three times the actual damage occasioned by such offence, to be recovered with costs in the Supreme Court.

The law provides for the disposal of an application for a patent, when it apparently interferes with another application then pending. The proceedings in such cases are complicated, dilatory, and expensive, and it is not likely they will often be resorted to.

Any person making a discovery or invention, and desiring further time to mature the same, may fyle a *caveat*, setting forth the



purpose, principle, and distinguishing characteristics of the discovery or invention praying that his rights may be protected. The *caveat* shall be filed in the Patent Office, preserved in secrecy, and be in force one year. If application be made within the year by any person for a patent, which apparently will interfere with the rights of the party filing the *caveat*, the proper officer shall deposit the description, specification, and drawings of the applicant in his office, preserving secrecy, and give notice of the application by mail or otherwise, to the person filing the *caveat*, who, within three months after receiving such notice, shall file his description, specifications, and drawings, or the *caveat* shall be void.

Any person affixing to any article the name, or a fraudulent similarity of the name, of any patentee of any such article, without his consent, or the words "Patent," "Patented," or "Letters Patent," or words of similar import, on any unpatented article, for the purpose of deceiving the public, is liable to a penalty of \$100, one-half to be paid to the Government, the other to the prosecutor.

Patentees must stamp or affix on each patented article offered for sale, or on the package containing it, the date of the patent, under a penalty of \$20 for each offence.

When a defendant in an action relies on a previous invention, he must give notice thereof with his plea, and must state the names and residences of his witnesses. If judgment pass for the defendant in such case, the patent becomes void. Whenever a plaintiff fails in his action, on the ground that his specification or claim embraces more than that to which he is entitled as first inventor, and it shall appear that the defendant had used any part of the invention truly specified, and claimed as specified, or claimed as new, the court may make such order as to costs as shall be equitable.

No action can be sustained for any offence recognized by the Patent Law, unless the same is commenced within six months after the knowledge is acquired of the offence having been committed.

To enable us to draw up the application for New Brunswick, which must be done with great care, send a copy of the drawings and specifications attached to your United States, or other patent, with a model of the invention, or samples, similar to those described for the Provinces of Ontario and Quebec; send also a draft, pay-

able to our order, for fifty dollars, Canadian currency. The model and papers may be sent by Express, pre-paid, or the first by Express and the latter by post, at your option.

In case you have not obtained a patent in any other country, send us a full description, with sketches, in the same manner as before pointed out for Ontario and Quebec.

Immediately on receipt of the papers we forward you the usual Patent bond, and set about the preparation of the application. When completed, the papers are sent to you for signature, to be then returned to us with balance of fee, which will usually amount to fifty dollars; making a total for the Government and solicitors' fees of one hundred dollars, Canada currency. When the invention is one of great intricacy, and very elaborate and numerous drawings are required, with lengthy specifications, the total charge will vary from \$100 to \$150; the Government fees being considerably higher in New Brunswick than in the two other Provinces described, which, together with the Crown Law officer's charges, varying with the time required in the examination of the application, will account for the excess of cost in New Brunswick.

The total charge for drawing up and registering an assignment is \$10; for drawing up and filing a caveat, \$50; for preparing and registering a design, \$50.

Immediately on receipt of the papers, if properly executed, the application is forwarded to the New Brunswick Patent Office, and the application urged on with all possible despatch. When the Patent parchment is returned to us, it is at once forwarded to our client.

*Nova Scotia.*—The term for which patents are granted in this Province is fourteen years, with no definite period fixed in which to commence manufacturing or selling the article patented. Patents are assignable in whole or in part. With the exception previously mentioned, patents are granted only to residents. The total cost of a patent to a foreign inventor, under the circumstances mentioned, will be about one hundred dollars. Total cost of an assignment is ten dollars, including registration fees. *Caveats* are not filed in this province. The ordinary clauses regulating the patentee's interests, &c., are similar to those contained in the laws of the other Provinces.

*Newfoundland.*—By the existing law of this island, patents are granted to any inventor or discoverer for a period of fourteen years, irrespective of nationality or residence, and an additional term of seven years may be granted at the option of the Government. The total cost of a patent will be about *two hundred dollars*, Canada currency. A model is required if the invention is of a mechanical description, or if the discovery is of a chemical nature, samples of ingredients, in sufficient quantities for making an experiment, are required, and also a sample of the compound itself. The patent is assignable in whole, or it may issue direct to an assignee of the inventor.

Patents are void if not in operation within a period of two years from date of issue. All applicants must give notice in *Royal Gazette* and in one other newspaper published in the colony, for four weeks, stating the intention of applying for a Patent. Original patentees may add improvements to Patent by payment of fees. Cost of assignment, including registration fees, twenty dollars. Inventors requiring patents in this Colony will require to forward us the necessary information in a similar manner to that described for other Provinces. *Caveats* are not allowed.

With the foregoing brief synopsis of the laws governing the granting of patents, &c., in the various Provinces, and the necessary steps to be taken for obtaining them, we may be permitted a few words personal to ourselves. We have now been engaged for eight years in the important business of obtaining patents, and number our clients by hundreds, throughout the Dominion, United States, Great Britain and Europe, and have much satisfaction in stating that we have never yet lost a client through any want of skill or attention to his interests. The speed with which we transact our business, at the various Provincial Patent Offices, is due to the correct and beautiful manner in which the various specifications and drawings are prepared; to our personal acquaintance with the Government officials, and to the large number of Patents we are instrumental in obtaining, which give us, so to speak, the right of way.

We do not wish to draw invidious comparisons with other solicitors, but in justice to ourselves state the simple fact, that more patents are obtained through our agency, than through that of all other Canadian solicitors.

In many instances cases have been brought under our notice, of applications having been made, through inexperienced or dishonest solicitors, in which from six months to a year have elapsed before the Patents were obtained, while frequently they have not been obtained at all. A delay like this is fatal to the interests of the inventor. We pride ourselves upon the successful management of our clients' applications, in fact regard their interests as our own, being sure that if they have reason to be pleased with our promptness and skill in obtaining one Patent, additional business will come in the form of fresh applications, either from themselves or from their friends. We wish to make the name of our firm a "Household Word," for skill, probity, and dispatch, wherever inventive or mechanical genius exists, and are fast doing so.

The senior member of our firm is a civil engineer, of great experience in drawing up the applications, both in a mechanical and legal point of view. The drawings are prepared by skilled draughtsmen, under his immediate supervision. Our clients may rest assured, therefore, that the work will be well and correctly performed.

We are in almost daily communication with the leading manufacturers in "The Dominion," many of whom are our clients, and have excellent opportunities of bringing under their notice inventions, after the Patents have been obtained, and do so, if requested by the Patentee. In this manner many good sales of Patent rights have been made through our instrumentality. Our offices are, in fact, the head-quarters in Canada for obtaining and giving information on all subjects appertaining to the mechanical arts and manufactures, and should be visited by all inventors, whether desirous of obtaining Patents or not. A cordial invitation is tendered, and a courteous reception given to all, whether inventors or not.

We give a list of a few of our principal clients for whom Patents have been obtained in Canada and Foreign Countries, to whom we refer those requiring similar services, for information as to the manner in which their business has been transacted.

#### FOREIGN COUNTRIES.

Our facilities for obtaining Letters Patent in Great Britain, France, Holland, Belgium, Russia and other foreign countries, are unrivalled. Our business partners are found in the capitals of every

country where Patents are granted, and are first class reliable men. We have no connection with men who are not thoroughly trustworthy and skilful. Inventors may consequently safely trust their interests in our hands, and should give orders for their Foreign Patents as soon after making application in New Brunswick or Canada as possible. In Great Britain and in other European countries, Patents are granted for foreign inventions, to those who first introduce them into these countries, irrespective of the original inventor. For this reason many important and valuable inventions have been lost to the discoverer, from the delay in making his application; and frequently from placing the business in the hands of irresponsible or dishonest parties styling themselves "Patent agents," many of whom may be styled "Patent sharks," seeking what they may seize and appropriate. Avoid all such, and employ none but responsible, well known, skilful solicitors, thoroughly posted up in the business, and who have a name to uphold.

Our foreign business is yearly increasing, and we recommend inventors to give us a trial, promising, if they do so, to give every satisfaction. We also, if so instructed, undertake the sale of foreign patents, on a reasonable commission.

Models are not required, as a rule, in any of the European countries, but the drawings and specifications require to be made with the utmost care in order to comply with their legal requirements, which are very strict. Many valuable patents have been lost to the inventors by minor errors having been made in some of the documents. Our papers are revised by first-class legal men of each foreign country before being deposited in the respective Patent offices; and we have peculiar pleasure in stating that, up to the present time, not a single error has been detected in any of the numerous applications we have filed.

The average cost of obtaining letters patent in some of the leading European countries is given, provided no opposition is made, by parties claiming to be the inventors, to the granting of the same. When such cases occur, we contest the point, and have succeeded, in many instances, in carrying our clients successfully through.

Where such instances occur our charges are very moderate, and these occur principally in Great Britain, where each application has to be advertised in the *London Gazette*, for the purpose of giving

opposing parties, if any, an opportunity of examining and ascertaining whether the application in question interferes with patents previously granted to them. If the application pass this ordeal, the Royal Letters Patent are granted shortly after. In passing through the various stages, up to this point, the application is watched and defended by skilled engineers and legal solicitors, on behalf of our client. In a large majority of instances no opposition is offered, and the patent issues at the cost given.

A synopsis of the Patent Laws of any foreign country, with cost of obtaining letters patent, will be forwarded to persons requiring the same on the receipt of *five dollars* for each country so indicated. The information given in every case will convey a clear idea of the nature of the law at present existing, and the obligations entailed both on the Government issuing the letters patent and on the patentee.

### GREAT BRITAIN.

(Average cost supposing no opposition is encountered.)

1st 3 years \$313, if one skin of parchment is required.

2nd 4 " \$250 ; stamp attached to letters patent at end of third year.

3rd 7 " \$500 ; stamp attached to letters patent at end of seventh year.

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Total, 14 " \$1063

A prior search through the Patent Office, if required, will cost thirty dollars more.

In Great Britain patents are assignable, either in whole or in part; and the fees to Government, for the succeeding terms, may be paid by the assignees.

Foreign applications for patents in Great Britain are usually made in the form of "Communications from abroad." The patents issue to our agent in trust for the applicants, and are transferred to the respective parties by deeds of assignment. This course prevents the transmission of documents back and forth, which would cause considerable expense and delay, as well as risk of loss by shipwreck or otherwise.

The various steps which are necessary to be taken in order to obtain a British patent may be briefly stated as follows :—

### THE TITLE.

When an inventor has resolved to apply for letters patent, the first thing to be considered is the title which must be given to the invention in the petition. There is often a good deal of difficulty in selecting a proper title, and inventors have not unfrequently lost the benefit of their patents in consequence of an error in this point.

The title must point out distinctly and specifically the nature of the invention ; it must not be too general, and it is desirable not to make it too narrow—faults which a professional person is more likely to avoid than those not accustomed to the preparation of patent documents.

The title having been framed, and the petition prepared, it must be lodged at the office of the Commissioners of Patents, along with a declaration, made before some competent authority, and a

### PROVISIONAL SPECIFICATION.

This document is required to state distinctly and intelligibly the whole nature of the invention, so as to show in what it consists, and the means by which it is carried into effect. It is not necessary, however, to go into minute details.

### PROVISIONAL PROTECTION.

The title and the provisional specification are then referred to the law officer, for his approval. If dissatisfied with them, he may require them to be amended. If he approve of them, he issues his certificate to that effect, and this being filed in the Commissioners' office, the invention becomes provisionally protected—that is to say, for six months, commencing at the date of the application—it may be used and published by the inventor. We would advise an inventor to be cautious how he makes his invention public until the time for opposing the grant has gone by.

The object of compelling an inventor to lodge a provisional specification with his petition, is to provide against the introduction

into the final specification of any matter not contemplated by him at the time of his application. Improvements in mere details may be inserted in the final specification with perfect propriety; but such improvements must require the use of the original matter of invention set forth in the provisional specification. Although the latter is only a temporary document, great care should be bestowed on its preparation.

In place of lodging a provisional specification, an inventor may, if he chooses, lodge a complete specification along with his petition. In such a case, his invention is protected from the day the documents are deposited at the Commissioners' office. The disadvantage of this proceeding is, that he has no further opportunity of perfecting his invention in its details. The trials and experiments which an inventor may openly make for six months after obtaining provisional protection, generally suggest a variety of improvements, which may be embodied in the final specification; but, when a complete specification is lodged at starting, he is debarred from the benefit of further improvements, which, if very important, must form the subject of another patent.

### THE NOTICE TO PROCEED.

An applicant, as soon as he thinks fit, after obtaining protection in either of the above-mentioned modes, may give notice of his intention to proceed with his application; whereupon the Commissioners will cause the application to be advertised in the *London Gazette*, with the view of giving persons who have an opposing interest the opportunity of objecting to it. This notice of the applicant's intention to proceed must be given at least eight weeks before the expiration of the provisional protection.

In case of opposition, the matter is referred to one of the law officers of the Crown, whose decision guides the Commissioners, unless it is overruled by the Lord Chancellor.

Objections to the issue of a patent cannot be delivered after the expiration of twenty-one days from the appearance of the notice to proceed in the *Gazette*. It is very desirable that the applicant should advance as quickly as possible to that stage of the proceedings where he is safe from objection; and he will do well



to place himself in the position of being able to demand the law officer's warrant, whenever he pleases.

### THE GREAT SEAL.

Application for the law officer's warrant and for the patent must be made at least fourteen clear days before the expiration of provisional protection, or the protection by reason of the deposit of a complete specification, and the patent must issue during the continuance of that protection. The Lord Chancellor, under special circumstances, has, however, power to extend the sealing of the patent for a month.

One patent now embraces the whole of the United Kingdom of Great Britain and Ireland.

Patents taken out in this kingdom for inventions previously patented in a foreign country, become void at the expiration of the foreign patent.

### THE COMPLETE SPECIFICATION.

In case the applicant did not lodge a complete specification with his petition, he is obliged to file a specification fully describing the nature of his invention, and the manner of carrying it into effect, within six months from the date of the patent. Very great care must be given to the preparation of this instrument, to make it comply with the decisions of the Courts. The instances of the fatal effect of unskilfulness in preparing specifications are innumerable. If drawings are required to the understanding of the invention, they must be prepared in duplicate, and one copy attached to the specification, and the other lodged at the Commissioners' office. Each specification is engrossed on parchment bearing a £5 stamp. All specifications and the accompanying drawings are printed by the Queen's printer, and may be purchased for a small sum.

### AUSTRIA.

Alimentary preparations, beverages, and medicines cannot be patented. Inventions from abroad must have been previously patented in the country where they were made. Only one inven-

tion is allowed to be included in a single patent, unless the several inventions relate to the same subject matter. The patent must be worked within a year of the grant, otherwise it becomes void, and the working must not cease for two consecutive years. Patents granted for any number of years up to fifteen. The Government tax is \$10 a year for the first five years, afterwards it is annually increased so that the total tax for fifteen years amounts to \$350. The whole tax for the years applied for must be paid at the time the petition is presented.

The expense of a patent for five years will average about \$180.

### BAVARIA.

Patents are granted for any term from one to fifteen years. There is an examination into the novelty and utility of the invention to be patented, but a patent is seldom refused. The patent must be worked within a year from the grant, and the working must not be suspended for two years. The cost of a patent for five years will average \$160.

### BELGIUM.

Patents are obtainable in Belgium for twenty years, but in the case of inventions previously patented elsewhere, they will expire at the same time as the original patent. The government tax begins with the payment of 10 francs for the first year and increases annually at the rate of 10 francs, so that in the twentieth year 200 francs are payable. In case the tax is not paid in one year, the patent becomes void; and it is also rendered void by a failure to work the invention within a year from the date of its being worked abroad, or by a cessation of the working for the space of one year. The average expense of obtaining a patent with first year's tax paid is \$108.

### DENMARK.

There is no special law on the subject of patents within this kingdom, but exclusive privileges are granted usually for a term of five years at an average cost of \$187.

## FRANCE.

Pharmaceutical compounds and medicines cannot be patented. Patents for foreign inventions will not endure longer than the patents originally granted. Patents may be procured for fifteen years. A single patent will be restricted to one principal object. The weights and measures employed must be those of the Empire. The necessary drawings and descriptions must be lodged in duplicate. Alterations and additions may be made to the original invention during the existence of the patent. If the invention be not worked within two years from the date of patent, or if the working shall cease for two consecutive years, the patent will be void. An annual payment of \$20 must be made to Government during the existence of the patent. In case of default in making any one payment the patent becomes void.

The average expense of a French patent is \$108, including the first year's tax to Government.

## HANOVER.

## BADEN.

## HESSE CASSEL.

## WURTEMBERG.

Patents are granted in these States, and in all the smaller States of the German Confederation. The conditions are similar to those in force in Bavaria and Saxony, and the expense of a patent for five years in each State is about \$160.

## HOLLAND.

Patents are obtainable for five, ten, or fifteen years at the option of the applicant, the government charges increasing with the length of the privilege. The total expense for a patent of five years is \$108, exclusive of the government tax, which for a period of five years is \$75 ; for a ten year's tax from \$135 to \$180 ; and for a fifteen year's patent from \$270 to \$330. The entire charges must be paid within three months from the date of the patent ; a patent

obtained for an invention patented abroad will cease with the original patent. The invention must be worked within two years of the grant or the patent will become void.\*

### ITALY.

Patents of invention are granted to inventors, native or foreign, for any new industrial product or result, instrument, machine, or mechanical arrangement, process, or method of industrial production, motor or industrial application of known forces or technical application of a scientific principle to the production of direct and industrial results.

No previous examination, as regards novelty. Inventions relating to food and drinks are examined as to their fitness to be patented. Medicines, or inventions merely theoretic, are not patentable.

Patents are granted for terms of from one to fifteen years at the option of the applicant; but a patent for an invention already patented abroad, expires with the foreign patent, having the largest term, providing it be not more than fifteen years. Patents demanded for a term less than fifteen years may be prolonged.

The Government taxes are divided into a fixed tax proportionate to, and payable in advance for the number of years demanded, and an annual and triennially increasing tax, payable in advance, on the first day of each year of the patent's term.

In addition to these there are small taxes, payable upon applications for prolongation, or for certificates of addition or of reduction.

The ordinary cost of an Italian Patent of six years, including entire proportional and first annual tax, is about \$200.

The annual tax (including commission) is for the

|                                                                                  |      |          |
|----------------------------------------------------------------------------------|------|----------|
| first three years .....                                                          | \$17 | per year |
| Second year .....                                                                | 22   | "        |
| Third " .....                                                                    | 27   | "        |
| Fourth " .....                                                                   | 32   | "        |
| Last " .....                                                                     | 37   | "        |
| Tax on application for an extension of the original term (with commission) ..... | 15   | "        |

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\* The Dutch law invalidates a patent in case the patentee shall afterwards obtain a foreign patent for the same invention. This is a silly and easily evaded regulation.

## PORTUGAL.

Patents of invention or of introduction are granted to natives or foreigners, without previous examinations or guarantee of the priority or merit of the invention.

Patents of invention are granted for fifteen years, or for a less term, at the option of the applicant, no subsequent prolongation being granted. To inventors already having foreign patents no longer term will be granted than will make up fifteen years, from the date of the foreign patent, and the importer of an invention (not being himself the inventor) cannot obtain a Patent for more than five years.

Tax—Government tax in advance, for the number of years demanded for a Patent.

|                                                  |       |
|--------------------------------------------------|-------|
| A Portugese Patent will cost for five years..... | \$180 |
| “ “ “ ten years.....                             | 330   |
| “ “ “ fifteen years.....                         | 490   |

The patentee's privilege commences from the delivery of the patent. If the invention is a chemical process, a bond of \$1250 must be given by the patentee, that at the expiration of the patent, he will exhibit the process three times in public. The patent becomes void if the invention be not practiced within the first half of the term granted, and patentees are required to publicly expose their manufacture in operation, twice a month, three days previous notice having been given in the official journal.

## PRUSSIA.

The Government does not countenance patents for imported inventions, and they are seldom granted, and if granted, it is not often that a longer term than five years is obtained. Certain vexatious conditions are frequently imposed, and on the whole we cannot recommend the application for a patent in this State, except under special circumstances. The expense of a patent, for five years, if obtained, is about \$135, and, if not granted, an expense of \$75 is incurred by the application.

## RUSSIA.

Foreign inventions are patentable for one, two, three, four, five, six or ten years, at the option of the Government. The total cost

of a six years patent is about \$400, and for ten years about \$600. A patent for an imported invention will not be valid after the expiration of the original patent. The invention must be worked within one quarter of the space of time for which the patent was granted.

### SARDINIA.

Patents are procurable for fifteen years, but in the case of imported inventions, they expire with the original patents—only a single invention can be included in one patent—medicines and purely theoretical inventions cannot be patented. Where the patent is for five years or less, the invention must be put into operation within the first year, and must not cease to be worked for the space of one year. If the patent is for more than five years, then it must be worked within two years, and must not cease to be worked for a similar length of time. In addition to the Government tax payable when the patent is applied for, there is an annual tax to be paid, increasing from 30 francs for each of the first three years, to 110 francs for each of the years beyond the twelfth. The total cost of obtaining a patent for fifteen years, exclusive of the annual payment, amounts to about \$130.

### SAXONY.

Patents are granted for five years, which may be extended to ten on petition. There is an examination into the subject of the patent prior to its grant, and patents are seldom refused. The patent must be worked within one year from the date of its grant; but this period can be extended by petition. The total expense of a patent for five years is \$160.

### SPAIN.

Patents for imported inventions are granted for five or ten years. The patent must be limited to one invention. The total cost of a patent in Spain is from \$170 to \$300, according to the term granted. The invention must be carried into effect within a year and a day from the grant, otherwise the patent will become void, and the same effect will follow if there be a cessation of the working of the invention for a similar length of time.

## SWEDEN AND NORWAY.

Separate patents are granted for each kingdom. Imported inventions are patentable for five years, but this term may be extended to ten years, if it can be shown that they require complicated machinery, or are attended with considerable expense. The invention must be carried into operation within two years from the grant. The expense of a patent amounts to about \$160 for each country.

## BRITISH COLONIES—AUSTRALIA.

Patents are regulated by the law of March, 1857, the proceedings under which are very like those for obtaining British patents. The duration is fourteen years, or the term of a foreign patent for the same invention. The cost of a Victoria patent for first term, will vary from \$200 to \$300. A Government tax of \$75 is payable before the expiration of the third year and a further tax of \$100, before the expiration of the seventh year.

## INDIA.

Patents are here granted to inventors or their personal representatives or assignees for new and useful improvements in any art, process or manner of producing, preparing or making an article, or any article prepared or produced by manufacture.

An invention is considered new, if at the time of application it has not been publicly used or publicly known by means of written or printed publications in any part of India, or of the United Kingdom; but any inventor who has obtained letters patent in the United Kingdom, may, on making application within six months after fying his complete English specification, obtain protection in India.

The mere fying of the applicant's specification confers upon him the rights of a patentee for fourteen years, leave for such fying having been previously obtained from the Government.

The ordinary cost of an Indian patent will be \$300.

## CAPE OF GOOD HOPE.

Patents are here regulated by a system very much resembling that of Great Britain.

Cost about \$200, subject to a tax of about \$50, at the end of the third, and of \$100, at the end of the seventh year.

Cost of patent in Jamaica, \$375—Term, 14 years.

- “ “ New South Wales, \$425—Term, 7 to 14 years, at discretion of Governor.
- “ “ New Zealand, \$300—Term, 14 years.
- “ “ Queensland, \$425—Term, 7 to 14 years, at discretion of Governor.
- “ “ Tasmania, \$300—Term, 14 years.
- “ “ Trinidad, \$300—No special time.
- “ “ British Guiana, \$500—Term, 14 years.
- “ “ Ceylon, \$300, exclusive of Government, for 14 years.

## MEXICO.

Patents are granted to natives or foreigners for inventions or improvements. The duration is, in the case of an invention, ten years; in that of an improvement, six years. The patent fees vary considerably, so that no estimate of cost can be given.

## STATES OF SOUTH AMERICA—BRAZIL.

Patents are granted without previous examination or guarantee, to natives or foreigners, for any invention or improvement.

Patents of *invention* only are granted, but the importer of a foreign discovery is entitled to a premium, the value of which depends upon that of the discovery.

The duration of a patent is fixed by the Government, and varies from five to twenty years.

There is no Government tax upon patents, but expenses for the great seal, and other administrative formalities, must be paid. Cost about \$300.

A patented invention must be worked within two years, dating from the delivery of the patent. Patents become void if not worked within the specified time, *if the patentee afterwards obtain a foreign patent for the same invention*, or if the invention be proved to be old.



## CHILI, PERU, NEW GRENADA.

Patents are granted in these states for inventions, original or imported, to natives or to foreigners, upon condition that they initiate a certain number of natives in the operation of the discovery or invention.

The Governments fix the duration of patents, the term being at least twenty-five years.

The operation of patented inventions must take place with the least possible delay, the importation of the patented object being deemed operation.

The cost of each of these patents is about \$300.

## ARGENTINE CONFEDERATION.

Patents are granted, without previous examination or any guarantee, to inventors or first importers. Absolute novelty within the republic is requisite, and medicines, and merely theoretic inventions, are not patentable. The duration, at most, ten years, and only five for importations or improvements. A patent dates from the filing of the application, must be worked within the first year, and is somewhat costly.

## PARAGUAY.

To non-residents, patents of introduction *only* are granted for inventions made or patented abroad. Such patents expire six months after the foreign patent. There is no regular tax, but there are variable administrative expenses. Two years are allowed for operation. A patentee forfeits his patent if he afterwards obtain one abroad, without permission of the Government.

## UNITED STATES.

Patents are granted in the United States for a period of seven years, commencing with the date of the foreign patent. Foreign inventors are charged the same fees as demanded from American citizens, providing the Governments of the country to which they belong do not discriminate against citizens of the United States. Inventions of a foreign origin should be worked within

eighteen months after the patent is granted. A model of the invention, or samples, if the discovery is of a chemical nature, are required to be lodged in the Patent Office. The total cost of an American patent may be put down at about \$150, American currency, to an inventor whose Government does not discriminate against citizens of the United States. To Canadians, the total charge will be about \$650, American currency. This extra charge to Canadians is owing to the illiberal Patent Law now existing in the Provinces of Ontario and Quebec (formerly known as the Province of Canada). The United States Patent Law is so framed, that so soon as the Canadians pass a reciprocating law, the United States fee at once drops from \$500 to \$35, without any further legislation.

It is to be hoped the New Dominion Parliament will soon wipe this "relict of the dark ages," (the existing patent law,) off the Statute Books, and replace it with one more in accordance with the laws of all other countries, and the spirit of the nineteenth century.

The foregoing prices are on a gold basis, with the exception of those named for the United States. Parties desirous of making applications in any foreign country will send us full particulars, in the form of drawings and descriptions; or, if possible, a copy of those attached to the United States Patent, if already granted in that country, with a draft for the money, payable to our order in Montreal. A power of attorney, to enable us to act on behalf of the applicant, will be sent for his signature, and its receipt by us will enable the application to be made. In all cases in corresponding with this office, write distinctly, giving the names in full, of the applicant, his occupation, place of residence, town, county, state, &c.

Deeds of assignments of Patent Rights, carefully drawn up, in the forms prescribed by law, and enregistered in Patent offices.

Many inventors think a trip to Montreal necessary to enable them to give the required information—this is not so, for while always glad to welcome clients to our offices, we may state that the business can be equally well performed by correspondence, except when the invention is more than ordinarily complex, in which case a personal explanation might be preferable.

If, however, the inventor can afford the time and expense, a trip

to this city would no doubt be a delightful one, and a few days occupied in visiting and examining its wonderful manufacturing hives of human industries; the Mammoth Victoria Bridge, Docks, Lachine Rapids, &c., &c., would be time well and profitably spent. At any rate, either by letter or in person, we will be glad to hear from or see the inventor, and aid him to the full extent of our ability, both with his applications, and in making the time pass pleasantly.

It is scarcely necessary to observe, that all communications, either verbal or by letter, are, in the *strictest sense of the word, confidential.*

(ADDRESS.)

**CHARLES LEGGE & COMPANY,**

*Civil Engineers and Solicitors of Patents,*

48 GREAT ST. JAMES STREET, MONTREAL,

DOMINION OF CANADA.

The following are a few names taken from a list of gentlemen for whom Patents have been obtained in Canada, New Brunswick, and in Foreign countries, by Charles Legge & Company, and to whom reference can be made.

| NAMES.                | RESIDENCES.                       |
|-----------------------|-----------------------------------|
| S. Skinner .....      | Gananoque, Province of Ontario.   |
| D. Rodgers.....       | St. Eustache, Province of Quebec. |
| James Arless.....     | Montreal, P. Q.                   |
| Wm. H. Sutton.....    | Brantford, P. O.                  |
| Richard Healy.....    | Bedford, P. Q.                    |
| James Dougall.....    | Montreal, P. Q.                   |
| Edward Payne.....     | Cobourg, P. O.                    |
| J. H. Foudrinier..... | Lyn, P. O.                        |
| Wm. Inglis .....      | Manchester, England.              |
| Alexander Fleck.....  | Montreal, P. Q.                   |
| Wm. Gibson.....       | Brantford, P. O.                  |
| James Inglis.....     | Montreal, P. Q.                   |
| R. T. Sutton .....    | Lindsay, P. O.                    |
| Cowie & Alison.....   | Montreal, P. Q.                   |
| Wm. Stephenson.....   | " "                               |
| Henry Wood.....       | " "                               |
| James Foley.....      | " "                               |
| C. S. Dewitt.....     | " "                               |
| Geo. R. Prowse.....   | " "                               |
| Capt. McLeod.....     | Halifax, N. S.                    |
| John Harris.....      | Montreal, P. Q.                   |
| John Williams.....    | " "                               |
| J. F. D. Black.....   | " "                               |

| NAMES.                          | RESIDENCES.           |
|---------------------------------|-----------------------|
| John Hart.....                  | Bedford, P. Q.        |
| James Hodges.....               | Montreal, P. Q.       |
| Charles Esplin.....             | Ottawa, P. Q.         |
| Dr. Welles.....                 | Stanbridge, P. Q.     |
| J. Paradis.....                 | Hochelaga, P. Q.      |
| C. Anderson.....                | Montreal, P. Q.       |
| A. Champion.....                | Stratford, P. Q.      |
| Cox and Murphy.....             | Montreal, P. Q.       |
| Wm. Gibson.....                 | South Granby, P. Q.   |
| Hon. L. A. Desaulles.....       | Montreal, P. Q.       |
| A. Woodward.....                | " "                   |
| Ira Gould.....                  | " "                   |
| Dr. Brewster.....               | " "                   |
| F. A. Lamontagne.....           | " "                   |
| Pierro B. Jay.....              | " "                   |
| George Cowles.....              | Cleveland, Ohio.      |
| James M. Mott.....              | Toronto, P. O.        |
| C. D. Chase.....                | Sutton, P. Q.         |
| Charles Dion.....               | Montreal, P. Q.       |
| A. Farewell.....                | Oshawa, P. O.         |
| T. Fahrland.....                | Montreal, P. Q.       |
| Alexander Buntin.....           | " "                   |
| Joseph Morin.....               | " "                   |
| J. McDowell.....                | " "                   |
| S. R. Warren.....               | " "                   |
| A. McD. Forster.....            | Hamilton, P. O.       |
| Normand Wiard.....              | Ancaster, P. O.       |
| George Watt.....                | Beauharnols, P. Q.    |
| T. L. Wilson.....               | Montreal, P. Q.       |
| Wm. Notman.....                 | " "                   |
| Charles W. Barry.....           | " "                   |
| Joseph Marks.....               | " "                   |
| J. Wark.....                    | " "                   |
| J. B. Phreynne.....             | " "                   |
| J. A. Woodworth.....            | " "                   |
| Crevier & Poltras.....          | " "                   |
| Alfred Pilky.....               | Stratford, P. O.      |
| C. Taylor.....                  | St. John, N. B.       |
| A. G. Gray.....                 | " "                   |
| R. Mitchell.....                | Montreal, P. Q.       |
| D. H. Gould.....                | Troy, N. Y.           |
| Capt. Bolton, British army..... | London, Engiand.      |
| J. Batchelder.....              | Montreal, P. Q.       |
| Dr. M. H. Utley.....            | " "                   |
| G. H. Pierce, C. E.....         | Richmond, P. Q.       |
| J. Devlen.....                  | New Jersey City.      |
| J. Millar.....                  | San Francisco, Cal.   |
| J. Meigs.....                   | St. Guillaume, P. Q.  |
| R. Mushet.....                  | London, England.      |
| J. H. Daley.....                | Montreal, P. Q.       |
| Wm. Muir.....                   | " "                   |
| A. Pollok.....                  | Washington, D. C.     |
| A. Tyler.....                   | Hartford, Con.        |
| Munn & Co.....                  | New York City.        |
| R. Copeland.....                | Montreal, P. Q.       |
| Ewarts & Meigs.....             | " "                   |
| John McBean.....                | " "                   |
| A. Greenleaf.....               | " "                   |
| J. W. Stewart.....              | " "                   |
| T. Abel.....                    | " "                   |
| T. Finegan.....                 | " "                   |
| John Leeming.....               | New York.             |
| Brown, Combes & Co.....         | Montreal, P. Q.       |
| Canada Horse Nail Co.....       | Melbourne, P. Q.      |
| H. C. Lloyd.....                | Montreal, P. Q.       |
| Dr. Ehrhardt.....               | Boston.               |
| S. Nicolson.....                | Montreal, P. Q.       |
| G. Lomer.....                   | Nova Scot a.          |
| Mr. Jones.....                  | St. Marieville, P. Q. |
| Rev. J. Bte. Ponton.....        | Washington, D. C.     |
| Mr. Barr.....                   | Hamilton, P. O.       |
| S. R. Corbay & Co.....          | Montreal, P. Q.       |
| Francis Ellershausen.....       | " "                   |
| D. Vass.....                    | " "                   |

| NAMES.                 | RESIDENCES.             |
|------------------------|-------------------------|
| Wm. McKenzie Robertson | Eldorado, P. O.         |
| L. Kirkup              | Montreal, P. Q.         |
| Thos. Izod             | New York City           |
| Mr. Boynton            | Hartford, Con.          |
| Wm. P. Bartley         | Montreal, P. Q.         |
| Wilson & McDougall     | " "                     |
| Richard Coleman        | Lyn, P. O.              |
| E. L. Cowling          | Montreal, P. Q.         |
| Mr. Jamieson           | New York City           |
| Thos. M. Hammond       | Montreal, P. Q.         |
| Jacob Scott            | Richmond, P. Q.         |
| G. H. Hinton           | Montreal, P. Q.         |
| E. E. Gilbert          | " "                     |
| Wm. G. Pullan          | " "                     |
| Howes, Babcock & Co.   | Silver Creek, New York. |
| Schuyler Smith         | Stanstead, P. Q.        |
| Wm. Owen               | Toronto, P. O.          |
| Nicholas Paint         | Halifax, N. S.          |
| Edwin Chesterman       | Montreal, P. Q.         |
| J. J. Johnson          | Alleghany City, Pa.     |
| Samuel Perry           | Montreal, P. Q.         |
| Homer Taylor           | " "                     |
| J. B. Burbank          | Danville, Q. Q.         |
| Horace A. Taylor       | Malone, N. Y.           |
| Benjamin Irvine        | Boston.                 |
| Davies & Hunt          | London, England.        |
| Samuel Gorley          | Paris, France.          |
| C. H. R. Gosset        | Quebec, P. Q.           |
| Henry Porter           | Montreal, P. Q.         |
| Robert Alsop           | " "                     |
| Adolphus Davis         | " "                     |
| Charles Carty          | Richmond, P. Q.         |
| Dr. Murphy             | Montreal, P. Q.         |
| J. Livesey             | Halifax.                |

We also give the following gentlemen as references :

- HON. JOHN YOUNG, Montreal.  
 T. B. ANDERSON, Esq., President Bank of Montreal, Montreal.  
 THE HON. THE MINISTER OF AGRICULTURE AND PATENT OFFICE, Ottawa.  
 J. C. TACHE, Esq., M.D., Deputy to the Minister of Agriculture and Patent Office,  
 Ottawa.  
 LIEUT.-COL. BARNARD, A.D.C., Examiner of Patents, Crown Law Department,  
 Ottawa.  
 LIEUT.-COL. IRVINE, A.D.C. to His Excellency the Governor General, Ottawa.  
 WALTER SHANLY, Esq., C. E., Montreal.  
 R. J. REEKIE, Esq., Montreal.  
 G. D. FERGUSON, Esq., Bank of Montreal, Fergus, P. O.  
 J. D. HALL, Esq., Chicago, U. S.  
 S. S. BOWERS, Esq., M.D., Fond du Lac, Wis., U. S.  
 S. P. TILTON, Milwaukee, Ill., U. S.  
 J. B. FRANCIS, Esq., C. E., Lowell, Mass., U. S.  
 J. H. JOHNSON, Esq., 47 Lincoln's Inn Fields, London, England.  
 H. BONNEVILLE, Esq., 24 Rue du Mont Thabor, Paris, France.  
 GEORGE LINCOLN & CO., Boston, Mass., U. S.

