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No. 225.

3rd Session, 5th Parliament, 20 Victoria, 1857.

B I L L .

An Act to extend Patents for Inventions granted for one section of the Province to both sections thereof, on certain conditions.

Received and read first time, Tuesday, 21st April, 1857.

Second reading, Friday, 24th April, 1857.

Hon. Mr. LEMIEUX.

S. Derbishire & G. Desbarats, Queen's Printer.

An Act to extend Patents for Inventions granted for one section of the Province to both sections thereof, on certain conditions.

WHEREAS by the Act passed in 1849, in the twelfth year of Her Majesty's Reign, and intituled, *An Act to consolidate and amend the Laws of Patents for Inventions in this Province*, it is provided that Patents thereafter granted should extend to the whole Province, and by the Act passed in the Session held in 1851, in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to enable parties holding Patents for Inventions confined to one section of this Province, to obtain the extension of the same to the other section thereof, and for other purposes therein mentioned*, provision is made for such extension of Patents issued for either Upper or Lower Canada before the Union thereof, to both sections of this Province ; but though it was equally expedient that provision should be made for the like extension of Patents issued after the Union but before the passing of the said Act of 1849, and it appears to have been the intention of the Legislature to make such provision, yet from the wording of the said Act, it is at least doubtful whether such provision is thereby made : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. Every Patent for an Invention issued after the Union of Upper and Lower Canada, but before the passing of the said Act of 1849, shall from and after the passing of this Act, and by virtue thereof, extend and apply to and throughout the whole Province of Canada, and shall be subject to all the provisos, conditions, reservations and restrictions mentioned and contained in the said Act of 1849, and the provisions thereof and of the said Act of 1851, applicable to Patents generally, shall apply to such Patents, and all matters incident thereto ; and any such Patent shall, as regards that section of the Province for which it was not originally granted, convey to the holder of such Patent all the privileges conferred by the said Act of 1849, for and during the remainder of the term for which such Patent was originally granted, and shall be renewable for the whole Province for the period and under the conditions prescribed in the eleventh section of the said Act of 1849 : Provided always, that every person or corporation in that section of the Province to which such Patent shall extend solely by virtue of this Act, who has or shall have purchased, constructed or used within such section of the Province, prior to the passing of this Act, any machine, manufacture or composition of matter included in such Patent, shall be held to possess the right to use and vend to others to be used, the specific machine, manufacture or composition of matter so actually purchased, constructed or used by him before the passing of this Act, without liability to the Patentee or other person interested in the invention for which such Patent was granted, as regards such section of the Province.

Preamble.

12 V. c. 24.

14, 15 V. c. 79.

Patents issued between the Union and the Act of 1849, extended to the whole Province.

Proviso : in favor of persons who have used the Invention before the passing of this Act.