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72
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Bill A-

LIST OF ACTS

2888

SESSION 1935

SIXTH SESSION, SEVENTEENTH PARLIAMENT, 25-26 GEORGE V, 1935

LIST OF PUBLIC ACTS OF CANADA WITH CHAPTER NUMBERS AND DATES OF ASSENT

ASSENTED TO MARCH 21, 1935

CHAP.		BILL No.
1.	Auditors for National Railways	20
2.	Canada-France Trade Agreement (Additional Protocol)	32
3.	Canadian National Railways Refunding Act	19
4.	Electricity Inspection Act (French Version)	18
5.	Fisheries Act	26
6.	Interpretation Act (Remembrance Day)	3
7.	Ottawa Agreement	23
8.	Pension Act	6
9.	Precious Metals Marking Act	2
10.	Representation Act	4

ASSENTED TO APRIL 4, 1935

11.	Appropriation Act, No. 1	49
12.	Appropriation Act, No. 2	47
13.	Relief Measures Act	41
14.	Weekly Day of Rest	22

ASSENTED TO APRIL 17, 1935

15.	Appropriation Act, No. 3	59
16.	Canadian Farm Loan Act	15
17.	Canadian National Financing Act	24
18.	Copyright Amendment Act	58
19.	Economic Council	39
20.	Farmers' Creditors Arrangement Act	10
21.	Gold Export Act	42
22.	Income War Tax Act (Special Tax)	54
23.	Prairie Farm Rehabilitation Act	55
24.	Radio Broadcasting	60
25.	Royal Canadian Mounted Police Act	9
26.	Salary Deduction Act	53

ASSENTED TO JUNE 13, 1935

CHAP.		BILL NO.
27.	Appropriation Act, No. 4	84
28.	Customs Tariff	83
29.	Excise Act	82
30.	Interpretation Act (Clerical error)	74
31.	Meat and Canned Foods Act	25
32.	Patent Act, 1935	A–48
33.	Special War Revenue Act	81
34.	Supplementary Public Works Construction	63

ASSENTED TO JUNE 28, 1935

35.	Admiralty Act	E2–88
36.	Criminal Code	M2–107
37.	Dominion Franchise Act	109
38.	Employment and Social Insurance Act	8
39.	Fair Wages and Hours of Labour Act	75
40.	Income War Tax Act	80
41.	Juvenile Delinquents Act	L2–106
42.	Live Stock and Live Stock Products Act	72
43.	Loan Act	110
44.	Minimum Wages Act	40
45.	Pension Act (Chairman of Board)	119
46.	Post Office Act	100
47.	Second Narrows Bridge (Burrard Inlet)	118
48.	Weights and Measures Act	70

ASSENTED TO JULY 5, 1935

49.	Appropriation Act, No. 5	116
50.	Appropriation Act, No. 6	122
51.	Canada-Poland Convention of Commerce Act	121
52.	Canadian Fisherman's Loan Act	120
53.	Canadian Wheat Board Act	98
54.	Combines Investigation Act	79
55.	Companies Act	85
56.	Criminal Code	73
57.	Dominion Elections Act	105
58.	Dominion Housing Act	112
59.	Dominion Trade and Industry Commission Act	86
60.	Exchange Fund Act	101
61.	Farmers' Creditors Arrangement Act (British Columbia)	114
62.	Fruit, Vegetables and Honey Act	95
63.	Limitation of Hours of Work Act	21
64.	Natural Products Marketing Act	117
65.	Radio Broadcasting Act	99
66.	Soldier Settlement Act	62

LIST OF LOCAL AND PRIVATE ACTS OF CANADA WITH CHAPTER NUMBERS AND DATES OF ASSENT

ASSENTED TO APRIL 4, JUNE 13, JUNE 28 AND JULY 5

CHAP.		BILL No.
	Railway and Bridge Companies	
67.	Sarnia-Port Huron Vehicular Tunnel Company	A2–96
	Insurance Companies	
68.	Portage la Prairie Mutual Insurance Company	D2–97
69.	Wapiti Insurance Company	C2–87
	Other Companies	
70.	Canadian Marconi Company	B–27
71.	The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa	O2–111

DIVORCES

72.	Aronoff, Ray Leitman	H
73.	Bennett, Eva	H2
74.	Bennett, Mary Wynifred Bayford	C
75.	Brockwell, Agnes Mabel Potter	N
76.	Bruker, Lily Usheroff	Q2
77.	Campbell, Charles Henry	K
78.	Campbell, Dora Eleanor Mathieson	T2
79.	Dafoe, Minnie Elizabeth Lyons	E
80.	de Beaujeu, Albertine Roberte Montpellier	Q
81.	de Boissière, Hilda High	R2
82.	Eardley-Wilmot, Trevor	F
83.	Fossion, Emile	G2
84.	Gauthier, Mary Frances Isobel Brown	U
85.	Gorman, Amy May Wells	V
86.	Harfield, Jean Taggart	P2
87.	Henderson, Stuart Lewis Ralph	J
88.	Kinnon, Maria Elphinstone Hastie	L
89.	Ley, John Henry	O
90.	McCabe, Nora Ellen Moore	X
91.	McCaffrey, Marie Philomene Florence Maher	I
92.	McGuire, Charles Michael	W
93.	McIntyre, Lillian Gurden	D
94.	Muttart, Muriel Mabel	F2
95.	Nicholson, Mary Elizabeth Taylor	K2
96.	Randles, Ethel Ellis Callow	Z
97.	Rice, Isabelle Hume Sadlier	T
98.	Soucy, Hildur Emilia Hill	Y
99.	Stokolsky, Emma Gelfman Goldman	P
100.	Weeks, Gladys Sarah Jenkinson	J2
101.	Wilson, Helen Gertrude Bryant	I2

LIST OF LOCAL AND PRIVATE ACTS OF CANADA WITH CHAPTER NUMBERS AND DATES OF ASSENT

Assented to April 4, June 13, June 25 and July 5

Chap.		Bill No.
	Railway and Bridge Companies	
67.	Sarnia-Port Huron Vehicular Tunnel Company	A2-S5
	Insurance Companies	
68.	Cie d'assurance La Prairie Mutual Insurance Company	D2-S7
69.	Wright Insurance Company	C2-S7
	Other Companies	
70.	Canadian Marconi Company	D-S7
71.	The Community, General Hospital, Alma Home and Seminary of Learning of the Sisters of Charity at Ottawa	O2-S11

DIVORCES

72.	Aronoff, Hay Leitman	H
73.	Bennett, Eva	H2
74.	Bennett, Mary Wynifred Bayford	C
75.	Bucknell, Agnes Mabel Potter	N
76.	Bruker, Lily Ustenoff	O2
77.	Campbell, Charles Henry	K
78.	Campbell, Dora Eleanor Mathieson	T2
79.	Clarke, Minnie Elizabeth Lyons	S
80.	De Beaujeu, Albertine Roberta Montpellier	G
81.	Dobbelsteen, Hilda Hirsh	K2
82.	Duffy, Wilmot Trevor	P
83.	Fossion, Emile	O2
84.	Gooch, Mary Frances Isabel Brown	U
85.	Hamlin, Amy Mary Wells	V
86.	Herbert, Joan Taggart	T2
87.	Henderson, Stuart Lewis Ralph	J
88.	Lemon, Maria Elphinstone Hastie	L
89.	Ley, John Henry	O
90.	McCabe, Nora Ellen Moore	X
91.	McCaffrey, Marie Philomene Florence Maher	I
92.	McCuaig, Charles Michael	W
93.	McIntyre, Lillian Garden	D
94.	Millikin, Muriel Mabel	P2
95.	Nicholson, Mary Elizabeth Taylor	M2
96.	Pyles, Ethel Hollis Cullen	Z
97.	Rice, Isabelle Hume Saulter	T
98.	Searcy, Hilda Emilia Hill	Y
99.	Stokolsky, Emma Gelman Goldman	P
100.	Weeks, Gladys Sarah Jenkinson	J2
101.	Wilson, Helen Gertrude Bryant	I2

DROPPED BILLS, 1935

	Bill No.
Bank Act (Mr. Coote) (only second reading)....	69
Canadian and British Insurance Act (Mr. Coote) (Mr. Coote decided not to proceed).....	13
Cornwall Bridge Company (Senate) (Six months' hoist).....S2-108	
Criminal Code (Minister of Justice) (withdrawn).....	5
Criminal Code (Libels) (Mr. Luchkovich) (only first reading).....	51
Dominion Elections Act (Mr. McInnis) (negatived).....	16
Dominion Elections Act (Alternative Vote) (Mr. Beynon) (included in Bill 105 but dropped)..	52
Fisheries Act (Mr. Reid) (negatived).....	17
Foreign Insurance Act (Mr. Coote) (Mr. Coote decided not to proceed).....	14
Hamilton Life Insurance Company (Senate) (Preamble not proven).....U2-115	
Industrial Disputes Investigation Act (Minister of Labour) (Lost in B. and C. Committee of Senate).....	71
Interest Act (Mr. Coote) (dropped).....	11
Joseph, Frances Goldberg (Divorce) (lost in M.P.B. Committee of the House).....	R-64
New Westminster Harbour Commissioners Act (Minister of Marine) (only first reading)...	61
Patent Act (Secretary of State) (withdrawn)...	7

	Bill No.
Post Office Act (Newspaper Ownership) (lost in B. and C. Committee of the Senate)....	50.
Railway Act (Rates on Grain) (Mr. Reid) (defeated).....	38
Railway Act (Traffic by Water) (Mr. Neill) (negatived).....	12
Roberts, Clarence MacGregor (Divorce) (negatived).....	M-43
Weights and Measures (Minister of Trade and Commerce) (withdrawn).....	46

SENATE BILLS DROPPED IN SENATE

Combines Investigation Act and Criminal Code (Six months' hoist).....	G
Northern Telephone Company, to incorporate (withdrawn).....	N2
Remarriage of divorced Persons (withdrawn).	S
Towy, Lillian (Patent) (Preamble not proven)	B2

Sixth Session, Seventeenth Parliament, 25 George V, 1935

SENATE OF CANADA.

BILL A.

An Act to amend and consolidate the Acts relating to Patents of Invention.

Read a first time, 13th February, 1935.

The Rt. Hon. Senator Meighen, P.C.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

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Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL A.

An Act to amend and consolidate the Acts relating to Patents of Invention.

R.S., c. 150.

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Patent Act, 1935*. R.S., c. 150, s. 1.

INTERPRETATION.

Definitions.

2. In this Act, and in any regulation or order made hereunder, unless the context otherwise requires,

"Applicant,"

(a) "applicant" includes an inventor and the legal representatives of an applicant or inventor;

"Commissioner."

(b) "Commissioner" means the Commissioner of Patents;

"Invention."

(c) "invention" means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter;

"Legal representatives."

(d) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns or other legal representatives;

"Minister."

(e) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may from time to time be appointed by the Governor in Council to administer this Act;

"Patent."

(f) "patent" means letters patent for an invention;

"Patentee."

(g) "patentee" means the person for the time being entitled to the benefit of a patent;

"Work on a commercial scale."

(h) "work on a commercial scale" means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent in or by means of a definite and substantial establishment or organization, and on a scale which is adequate and reasonable under the circumstances. R.S., c. 150, s. 2, Am.

Note.—Sections and subsections in italics do not form part of the Bill. They are printed for information only and will be struck out at the Third Reading of the Bill, the intention being that they shall originate in the House of Commons.

Explanatory Notes.

In this revision all short amendments are underlined, and longer amendments are indicated by vertical lines at the side of new sections or sections amended.

The sections of general application which in the existing Act are inserted at the end of the Act, are transposed and inserted in the earlier sections of this revision in their proper connection.

The principal amendments are made by sections 3, 26, 28, 33, 43, 47, 63 and 64 of this revision, being respectively, sections 3, 7, 9, 14, 22, 26, 40 and 41 of the existing Act, relating to the appointment of the Commissioner, applications for patents, oath of inventor, specification and claims, conflicting applications, the term of patents, conditions applicable to all patents, and revocation of patents.

2. (a) "Applicant". This definition is for the purpose of confining the use of the word to an applicant or inventor, or their legal representatives as defined in this section.

2. (f) "Patent". This is the same as the British definition.

2. (h) "Work on a commercial scale". This is the same as the British definition. (Patent and Design Acts, 1907-1932, s. 93).

PATENT OFFICE AND OFFICERS.

Patent Office.

3. (1) There shall be attached to the Department of the Secretary of State of Canada or to such other department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office. R.S., c. 150, s. 3 (1), Am.

Commissioner of Patents. Salary.

(2) *A Commissioner of Patents may be appointed by the Governor in Council, who shall hold office during pleasure and who may be paid an annual salary not exceeding seven thousand dollars, as may be determined by the Governor in Council.* R.S., c. 150, s. 3, Am.

Duties of Commissioner.

4. The Commissioner shall receive all applications, fees, papers, documents and models for patents, and shall perform and do all acts and things requisite for the granting and issuing of patents of invention; and he shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office. R.S., c. 150, s. 4.

Powers of Commissioner.

5. (1) The Commissioner shall, under the direction of the Minister, exercise the powers conferred and perform the duties imposed upon him by this Act.

Absence or inability to act.

(2) In the absence or inability of the Commissioner to act, the Assistant Commissioner or another officer designated by the Minister, shall exercise the powers and perform the duties of the Commissioner.

Inquiries.

(3) For the purposes of this Act the Commissioner shall have all the powers that are or may be given by the *Inquiries Act* to a commissioner appointed under Part II thereof. R.S., c. 150, s. 5, Am.

Assistant Commissioner.

6. *An Assistant Commissioner may be appointed who shall be a technical officer of experience in the administration of the Patent Office.*

Staff.

7. *There may be appointed from time to time in the manner authorized by law, such principal examiners, examiners, associate examiners and assistant examiners, clerks, stenographers and other assistants as are necessary for the administration of this Act.* R.S., c. 150, s. 3 (2), Am.

Officers of Patent Office not to deal in patents.

8. No officer or employee of the Patent Office shall buy, sell or acquire or traffic in any invention or patent or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employee, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor or to any acquisition by bequest. R.S., c. 150, s. 56.

3. This is amended to provide for the appointment of the Commissioner by the Governor in Council. The existing section reads as follows:—

"**3.** There shall be attached to such department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed."

4. No change.

5. This amends section 5 of the Act to provide for the Assistant Commissioner or another designated officer acting in the absence or inability to act of the Commissioner. The existing section reads as follows:—

"**5.** The Commissioner shall exercise the powers conferred and perform the duties imposed upon him by this Act subject to the Minister, and in the absence or inability to act of the Commissioner, any officer or clerk named by the Minister to perform the duties of the Commissioner may as Acting Commissioner exercise such powers and shall perform such duties.

2. For the purposes of this Act the Commissioner shall have all the powers that are or may be given by the *Inquiries Act* to a Commissioner appointed under Part II thereof."

6. New. There has been an Assistant Commissioner in the Patent Office for years, but the existing Act is silent in respect to the appointment and qualifications required.

7. This is subsection 2 transposed from section 3 of the Act, and amended as indicated by the underlined words to establish the organization required in the Patent Office.

8 to **12.** These sections are transposed without change from the latter part of the Act. In each case the original number of the section is cited at the end.

Clerical errors.

9. Clerical errors which occur in the framing or copying of any instrument in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected under the authority of the Commissioner. R.S., c. 150, s. 53.

Destroyed or lost patents.

10. If any patent is destroyed or lost, a certified copy thereof may be issued in lieu thereof upon the person who applies therefor paying the fees hereinafter prescribed for office copies of documents. R.S., c. 150, s. 54.

Inspection by the public.

11. All specifications, drawings, models, disclaimers, judgments, returns, and other papers, except *caveats*, and except those filed in connection with applications for patents which are still pending, shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 150, s. 52, Am.

RULES AND REGULATIONS.

Regulations and forms.

12. (1) The Governor in Council, on the application of the Minister, may make, amend or repeal such rules and regulations and prescribe such forms as may be deemed expedient

(a) for carrying into effect the objects of this Act, or for ensuring the due administration thereof by the Commissioner and other officers and employees of the Patent Office; and

(b) for carrying into effect the terms of any treaty, convention, arrangement or engagement which then subsists between Canada and any other country; and

(c) in particular with respect to the following matters:—

(i) The form and contents of applications for patents;

(ii) The form of the Register of Patents and of the indexes thereto;

(iii) The registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any patent; and

(iv) The form and contents of any certificate issued pursuant to the terms of this Act.

ffect.

(2) Any rule or regulation made by the Governor in Council shall be of the same force and effect as if it had been enacted herein. R.S., c. 150, s. 59, Am.

SEAL.

Seal of office.

13. (1) The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., c. 150, s. 6.

12. This is new.

13. Subsection 2 is taken from the amendment made in 1930, c. 34, s. 2, and inserted here, as it relates to judicial notice of the seal of the Patent Office.

Seal to be evidence.

(2) Every court, judge and person whosoever shall take notice of the seal of the Patent Office, and shall receive the impressions thereof in evidence in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without productions of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. 1930, c. 34, s. 2.

PROOF OF PATENTS.

Certified copies of patents as evidence.

14. In any action or proceeding respecting a patent of invention authorized to be had or taken in Canada under the provisions of this Act, a copy of any patent granted in any other country or any official document connected therewith, purporting to be certified under the hand of the proper officer of the Government of the country in which such patent has been obtained, may be produced before the Court, or a judge thereof, and the copy of such patent or document purporting to be so certified may be received in evidence without production of the original and without proof of the signature or of the official character of the person appearing to have signed the same. 1930, c. 34, s. 2, Am.

PATENT ATTORNEYS.

Register of attorneys.

15. (1) A register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to represent applicants in the presentation and prosecution of applications for patents or in other business before the Patent Office.

Entries.

(2) Entry on such register shall be made in accordance with regulations to be made by the Commissioner with the approval of the Governor in Council. R.S., c. 150, s. 57.

Misconduct.

16. For gross misconduct or any other cause which he may deem sufficient, the Commissioner may refuse to recognize any person as a patent agent or attorney either generally or in any particular case. R.S., c. 150, s. 58.

APPEALS.

Practice on appeals.

17. In all cases where an appeal is provided from the decision of the Commissioner to the Exchequer Court under this Act, such appeal shall be had and taken pursuant to the provisions of the Exchequer Court Act and the rules and practice of the said Court. R.S., c. 150, s. 62.

14. This section, relating to the production of certified copies of patents as evidence was adopted in 1930, c. 34, s. 2.

15 and **16.** These sections relate to Patent Attorneys, and are sections 57 and 58 of the existing Act transposed without change.

17. This section, relating to appeals generally, is section 62 of the existing Act transposed without change.

Notice of appeal.

18. Whenever an appeal to the Exchequer Court from the decision of the Commissioner is permitted under this Act, notice of his decision shall be mailed by the Commissioner by registered letter addressed to the interested parties or their respective agents, and the appeal shall be taken within three months from the date of mailing of such notice unless otherwise extended by the Commissioner with the approval of the Minister and unless herein otherwise expressly provided. R.S., c. 150, s. 68, Am.

GENERAL.

Government may use patented invention.

19. The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof, and any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 48.

Patented invention in vessels, air craft, etc., of any other country.

20. No patent shall extend to prevent the use of any invention in any ship, vessel, air craft or land vehicle of any other country, entering Canada temporarily or accidentally, provided such invention is employed exclusively for the needs of the ship, vessel, air craft or land vehicle, and not so used for the manufacture of any goods to be vended within or exported from Canada. 1928, c. 4, s. 3, Am.

Patented article to be stamped or marked.

21. 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 the patent applying to such article thus—Patented, 1935, or as the case may be; or when, from the nature of the article, this cannot be done, thereby affixing to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with a like notice. R.S., c. 150, s. 51, Am.

Cost of proceedings before the court.

22. In all proceedings before the court under this Act the costs of the Commissioner shall be in the discretion of the court, but the Commissioner shall not be ordered to pay the costs of any other of the parties. R.S., c. 150, s. 61.

Patents issued prior to the 13th June, 1923.

23. Any patent issued prior to the thirteenth day of June, one thousand nine hundred and twenty-three, which could successfully have been impeached for violation of or non-compliance with any provision of the Acts in force prior to that date, may with like effect be so impeached after the said date, and in any action for the infringement of any such patent any such violation or non-compliance which could have been set up as a defence may with like effect be so set up after the said date. R.S., c. 150, s. 66.

18. As this section relates to appeals it is also transposed from section 68 of the existing Act and inserted here in its proper connection.

19. This is section 48 of the existing Act transposed without change.

20. This section was adopted in 1928, c. 4, s. 3.

21 to **25.** These sections are sections 51, 61, 66, 67 and 60 of the existing Act transposed without change.

Status not affected.

24. No relief, right or privilege granted to or acquired by any patentee or other person in respect of any patent or application for the same under chapter forty-four of the statutes of the year one thousand nine hundred and twenty-one shall be affected by the repeal of the said Act, but such relief, right or privilege shall continue as if the said Act had remained in force. R.S., c. 150, s. 67.

Annual report.

25. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall, from time to time and at least once in each year, publish a list of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest or essential parts thereof, to be printed, from time to time for distribution or sale. R.S., c. 150, s. 60.

APPLICATIONS FOR PATENTS.

Who may obtain patents.

26. (1) Any person who has invented any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvements thereof,

(a) not known or used by others before his invention thereof, and

(b) not patented or described in any printed publication in this or any other country more than two years prior to his application, and

(c) not in public use or on sale in this country for more than two years prior to his application;

may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention. R.S., c. 150, s. 7, Am.

Applications in other countries.

(2) No person otherwise entitled thereto who has complied with the provisions of the preceding subsection shall be debarred from receiving a patent for his invention, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in any other country, unless the application for the said patent was filed in such other country more than twelve months prior to the filing in Canada, in which case no patent shall be granted in Canada. (New.)

What may not be patented.

(3) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem. R.S., c. 150, s. 7, Am.

26. This amends section 7 of the existing Act respecting applications for patents. The present section reads as follows:—

"**7.** (1) Any person who has invented any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvements thereof, not known or used by others before his invention thereof and not patented or described in any printed publication in this or any foreign country more than two years prior to his application and not in public use or on sale in this country for more than two years prior to his application may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention.

(2) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principal or abstract theorem."

Subsection 1 is redrafted and divided into paragraphs to make the provisions clearer. The new subsection 2 is adapted from the United States patent laws, section 4887. The present subsection 2 is unchanged and re-numbered subsection 3.

Section 7 in the existing Canadian Act was adapted from section 4886 of the United States patent laws, but did not include the provision of section 4887, now to be inserted in the Canadian Act by the proposed subsection 2.

The existing Act has given greater consideration to Nationals of other countries than to Nationals of Canada. An inventor in Canada almost without exception first applies for patent protection in Canada, whereas a National of another country first applies for protection in such other country. The foreign inventor is then permitted to apply for patent protection in Canada within two years after the issue of his foreign patent, and this extended period has the effect of retarding early development of industry in Canada.

Effect of application in another country if same applied for in Canada.

27. (1) An application for patent for an invention filed in Canada by any person who has previously regularly filed an application for a patent for the same invention in any other country which by treaty, convention or law affords similar privilege to citizens of Canada, shall have the same force and effect as the same application would have if filed in Canada on the date on which the application for patent for the same invention was first filed in such other country, provided the application in this country is filed within twelve months from the earliest date on which any such application was filed in another country or from the thirteenth day of June, one thousand nine hundred and twenty-three.

Limitation of two years after publication or public use or sale.

(2) No patent shall be granted on an application for patent for an invention which had been patented or described in a patent or printed publication in this or any other country more than two years before the date of the actual filing of the application in Canada, or which had been in public use or on sale in Canada for more than two years prior to such filing.

Rights reserved.

(3) No patent granted by virtue of *The Patent Act*, chapter twenty-three of the statutes of 1923, on an application filed prior to the passing of this Act or within six months thereafter and within two years of the date of the grant of the first patent granted in any other country for the same invention, shall be void by reason of the filing date having been more than one year from the date of filing in any other country of the first application on the same invention. 1930, c. 34, s. 1, Am.

Canadian industrialists may in good faith start manufacturing in Canada between the issue of the foreign patent and the issue of the Canadian patent, and may after considerable expense in developing an industry be restrained by the Court from manufacturing in Canada on account of infringement of the subsequently issued Canadian patent. The foreign patentee has the unfair advantage of all the ground work done by the Canadian in creating a market in Canada for the patented article.

Subsection 2 provides that no patent shall be granted in Canada if the application for the foreign patent was filed more than twelve months prior to the filing of an application in Canada. Otherwise the field is open for the Canadian manufacturer.

Section 7 as it now stands permits the objectionable practice by some attorneys of circulating high class solicitor clients, and offering to file Canadian applications corresponding to United States patents at cut rate fees.

The object of the proposed amendment is at least to minimize these objections.

27. This is section 8 of the existing Act as adopted in 1930, c. 34, s. 1, and unchanged except that the words "other" or "any other" are substituted for the word "foreign."

Oath of inventor to be made before obtaining patent.

28. (1) Every inventor shall, at the time of filing his application for a patent, make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the application contained are respectively true and correct.

Oath of the applicant if the inventor dead, incapable, or his residence unknown.

(2) In the event of the inventor being dead, or mentally or physically incapable, or if, after the assignment or his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent enquiries, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is was the inventor of the invention for which the patent is solicited, and that the several allegations in the application contained are respectively true and correct.

Before whom oath may be made.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 150, s. 10, Am.

Address of applicant and representative to be stated.

29. (1) Every applicant for a patent shall for the purposes of this Act state in his application, if resident in Canada, his address in Canada, and if not so resident, the name and address of some person resident in Canada to represent and stand in the place and stead of such applicant or patentee for all purposes of this Act, including the service of any proceedings taken under any provision of this Act. R.S., c. 150, s. 12.

May be changed on issued patent.

(2) *The name and address of the person so appointed to represent the patentee may be changed on the issued patent upon the written authority of the patentee or of his legal representatives, and such new appointment shall be recorded and added to the patent file on the payment of a fee of five dollars.* (New.)

Applications to be completed within six months.

30. All applications for patents shall be completed and prepared for examination within six months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto. (New.)

When deemed to be abandoned.

28. The first subsection of this section amends subsection 1 of section 10 of the existing Act by the insertion of the underlined words. Subsections 2 and 3 are not amended. The object of this amendment is to prevent the informal filing of patent applications by attorneys, who frequently petition and take an oath instead of the inventor when such an application has been delayed, and an oath could not be obtained from the inventor within the time prescribed by section 26.

29. A new subsection is added to section 12 of the existing Act to authorize the change of name of a representative on an issued patent. There is no provision at present for changing the name of the Canadian representative on a patent. It frequently happens that when a patent is assigned to a company, such company desires to appoint its own counsel as his representative, and it is to facilitate such a substitution and to keep the file in the Patent Office complete that this amendment is required.

The present practice is to place any request for a change of Canadian representative on a correspondence file and not in the patent file itself. Any one searching the files with the purpose of communicating with the Canadian representative might at the present time be misled as to who was the actual representative, unless they consulted the correspondence the existence of which they are not always conversant with. Also, when a certified copy of the file wrappers of the patent as issued does not contain changes of name, the file is actually incomplete as to the present standing of the representative.

30. This inserts a new section in the Act. The object is to make the applicant proceed with due diligence. It is essential to fix a statutory period for completion and prosecution of an application, as unnecessary and vexatious delay frequently occurs.

At present an applicant may place a stop order, that is, a stay of proceedings, on his application, which prevents office action on that application. The applicant may, on receiving an official letter, delay for one year before answering, and this may be carried on to any degree, *ad infinitum*. The applicant may amend as often as the examiner presents any new reference or reasons for rejection. (Rules 26 and 41).

This proposed section is adapted from section 4894 of the United States Patent Laws.

JOINT APPLICATIONS.

Refusal of assignee to proceed.

31. (1) In any case where

(a) an applicant has agreed in writing to assign a patent when granted to another party or a joint applicant and refuses to proceed with the application; or

Disputes between joint applicants.

(b) disputes arise between joint applicants as to proceeding with an application;

Powers of Commissioner.

the Commissioner, on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other party or joint applicant to proceed with the application, and may grant a patent to him, so, however, that all parties interested shall be entitled to be heard before the Commissioner after such notice as he may deem requisite and sufficient.

Procedure when one joint applicant retires.

(2) When an application is filed by joint applicants, one of whom subsequently discovers that he has no part in the invention, the prosecution of such application may be carried on by the remaining applicant on satisfying the Minister by affidavit of the joint applicants that the remaining applicant is the sole inventor. (New.)

When patent to be granted to joint applicants.

(3) Subject to the provisions of this section, in cases of joint applications the patent shall be granted in the names of all the applicants. R.S., c. 150, s. 23 (2), Am.

Appeal.

(4) An appeal shall lie from the decision of the Commissioner under this section to the Exchequer Court. R.S., c. 150, s. 11. Am

IMPROVEMENTS.

Improvements may be patented.

32. Any person who has invented any improvement on any patented invention may obtain a patent for such improvement, but he shall not thereby obtain the right of making, vending or using the original invention, nor shall the patent for the original invention confer the right of making, vending or using the patented improvement. R.S., c. 150, s. 9.

SPECIFICATIONS AND CLAIMS.

Particulars required.

33. The applicant shall, in his application for a patent, insert the title or name of the invention, and shall, with the application, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. R.S., c. 150, s. 13.

31. This amendment to section 11 of the Act adds a subsection to section 1, relating to procedure when one joint applicant retires on discovering that he has no part in the invention. The necessity for this is self-evident. When situations of this nature are encountered it has been difficult for the Patent Office to deal with them, due to the silence of the Act in this regard. This procedure does not in any way affect the rights of the other inventor, as his rights have not been impaired. The right existed, so no hardship is imposed. We are not giving a greater right by allowing the application to be presented in the name of the remaining applicant.

Subsection (3) is transposed from section 23 (2) of the existing Act and inserted here in the section respecting joint applicants, to which it relates.

32. This is section 9 of the existing Act, relating to patents for improvements, transposed without change.

33. This is section 13 of the existing Act transposed without change.

Specification.

34. (1) The specification shall

Description and operation.

(a) particularly, correctly and fully describe and ascertain the nature of the invention and its operation or use as contemplated by the inventor;

Various steps and methods.

(b) set forth clearly the various steps in a process, or the method of constructing, making, compounding or using a machine, manufacture or composition of matter, in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound and use the same; and in case of a machine he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement or combination which he claims as his invention; (New.)

Claims.

(c) end with a claim or claims which shall particularly point out and distinctly state in explicit terms the novelty, improvement or combination which the applicant regards as his invention, and in which he claims an exclusive property and privilege;

Place and date.

(d) bear the name of the place where, and the date when it is made, and shall be signed by the applicant. R.S., c. 150, s. 14, Am.

Apparatus or machine.

(2) *(a)* A claim for an apparatus or machine shall clearly state the several parts necessary to identify such novel structure, such parts being in their proper co-operative relation.

Process.

(b) A process claim shall clearly state the several steps of said process in their proper sequence necessary to accomplish a new and useful result.

References in claims.

(c) A dependent claim may refer to one preceding claim only.

Contents of product claim.

(3) *(a)* A product claim shall state the physical or chemical properties of the product to clearly identify the same.

Generic and specific claims.

(b) In a patent application, if the state of the art permits, there may be included generic claims covering the several forms of the invention disclosed, and claims specific to only one preferred embodiment of the invention.

Additional claims.

(4) *(a) When the number of claims in an application exceeds twenty-five a surcharge of ten dollars shall be imposed for every additional twenty-five claims or part thereof up to fifty claims, and a fee of five dollars shall be imposed for each additional ten claims or less in excess of that number.*

34. This amends section 14 of the existing Act, which has been redrafted to meet difficulties arising in the Patent Office. It is essential that the specification shall set out particularly and fully in clear, concise and exact terms the nature of the invention, and that the claims shall be distinct and expressed in explicit terms.

It is also essential that the form of claims should be clearly defined, otherwise it is impossible to formulate a satisfactory office practice.

In British practice reference is permitted from one claim to another to avoid repetition. In the United States this is objected to as being indefinite and each claim is self-contained. The general practice in the Canadian Patent Office has been to follow the form used in American practice, but the British form has been decided to be allowable by a recent Exchequer Court judgment. This, however, does not add to the clarity of the claims as it permits reference to a multiplicity of prior claims, and so unduly increases the number of claims out of all proportion to the inventive subject matter disclosed in the application.

The object of the amended section is to clarify the situation as far as possible. It provides that a dependent claim may refer to *one* preceding claim only (2 (c)). In addition there are provisions to impose fees on an excessive number of claims, which is the practice followed in the United States, as provided in section 4934 of their Patent Laws relating to fees.

Although the necessity of fully describing the invention in a patent application is fundamental, nevertheless it happens, particularly in chemical applications, that information which is necessary to permit others to manufacture the patented invention is insufficiently or inadequately described.

It is essential, therefore, that intending applicants for a patent should describe as fully as possible the nature of their invention and the manner whereby it may be commercially practised. To effect this purpose paragraph (b) of subsection 1, of section 14 of the existing Act, (now section 34) has been materally extended, following section 4888 of the United States Patent Laws.

It frequently happens, particularly in chemical cases, that claims of a generic nature claim more than is actually disclosed in the application. It has been held in the United States courts that such claims are void on account of undue breadth. The applicant should not be allowed to claim more than he has actually invented, and the scope of his claims should be limited to the disclosure made in his specification.

Claims exceeding original number.

(b) If a patent issues with a greater number of claims than was originally presented in the application therefor, a fee of five dollars shall be imposed for any claims in excess of those originally filed, in addition to the fees imposed by the preceding paragraph.

Claims refused on reference.

(c) When a claim or claims, the scope of which has or have not been altered during the prosecution, has or have been refused twice on references or for the same reasons, such claim or claims may be finally rejected.

EXAMINATION.

Examination.

35. On each application for a patent a careful examination shall be made by competent examiners to be employed in the Patent Office for that purpose. R.S., c. 150, s. 15.

DIVISIONAL APPLICATIONS.

Patent for one invention only.

36. (1) Two or more separate inventions shall not be claimed in one application, nor included in one patent.

Divisional applications if more than one invention claimed.

(2) If the application describes and claims more than one invention the applicant shall, on the direction of the Commissioner to that effect, limit his claims to one invention only, and the deleted claims may be made the subject of one or more divisional applications.

Separate applications bearing same date.

(3) *Such divisional applications shall be entitled to bear the filing date of the original application, and shall constitute separate and distinct applications for which separate fees shall be paid.* (New.)

DRAWINGS AND MODELS.

Drawings.

37. (1) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also with his application, send in drawings in duplicate, showing clearly all parts of the invention; and each drawing shall bear the signature of the inventor, or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification, but the Commissioner may require further drawings or dispense with any of them as he sees fit.

Duplicates.

(2) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

Copies in place of duplicates.

(3) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 150, s. 14, Am.

35. This is section 15 of the existing Act transposed without change.

36. New. There is no provision in the existing Act to provide that separate inventions shall not be claimed in one application nor included in one patent. Nor is there provision for dividing applications. The British Act provides that "every patent shall be granted for one invention only". (Section 14 (b)). Statutory authority is therefore given for the division of applications under the direction of the Commissioner.

37. This section comprises the provisions of subsections 3, 4 and 5 of section 14 of the Act, which are not altered.

Models and specimens.

38. (1) In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment.

Dangerous substances.

(2) If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. R.S., c. 150, s. 16.

CHEMICAL PRODUCTS AND SUBSTANCES.

Chemical products and substances intended for food or medicine.

39. (1) In the case of inventions relating to substances prepared or produced by chemical processes or intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or produced by the methods or processes of manufacture particularly described and claimed or by their obvious chemical equivalents. R.S. c. 150, s. 17 (1), Am.

Action for infringement.

(2) In an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall, in the absence of proof to the contrary, be deemed to have been produced by the patented process.

No patent to preclude free manufacture or free sale or use of article for human food or medical purpose.

(3) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the Commissioner shall, unless he sees good reason to the contrary, grant to any person applying for the same, a licence limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such licence and fixing the amount of royalty or other consideration payable, the Commissioner shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Appeals.

(4) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court.

Application.

(5) This section shall apply only to patents granted after the thirteenth day of June, one thousand nine hundred and twenty-three. R.S., c. 150, s. 17.

REFUSAL TO GRANT PATENTS

Power of Commissioner to refuse grant.

40. The Commissioner may object to grant a patent whenever he is satisfied that the applicant is not by law entitled thereto, and when it appears to him that the in-

38. This section is the same as section 16 of the existing Act, transposed without change. Sections 37 and 38 relate to drawings and models, and are therefor put under the same heading.

39. This amends section 17 of the Act verbally. It relates to chemical products and substances intended for food or medicine.

The underlined word "or" is substituted for "and" to correct an unintentional error, and the words at the latter part of the subsection replace the words "special methods or processes of manufacture by their obvious chemical equivalents", following the amended British section 38A.

40, 41, 42. These sections, relating to the refusal to grant patents, are the same as sections 19, 20 and 21 of the existing Act.

vention has already been patented, unless the Commissioner has doubts as to whether the patentee or the applicant is the first inventor and the application was filed within two years from the date of the patent. R.S., c. 150, s. 19.

Notice to applicant.

41. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor, with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. R.S., c, 150, s. 20.

Appeal to Exchequer Court.

42. (1) Every applicant who has failed to obtain a patent by reason of the objection of the Commissioner as aforesaid may, at any time within six months after notice thereof has been mailed by registered letter, addressed to him or his agent, appeal from the decision of the said Commissioner to the Exchequer Court.

Jurisdiction.

(2) The Exchequer Court shall have exclusive jurisdiction to hear and determine any such appeal. R.S., c. 150, s. 21.

CONFLICTING APPLICATIONS.

When conflict exists.

43. (1) Conflict between two or more pending applications shall exist

(a) when each of them contains one or more claims defining substantially the same invention;

(b) when one or more claims of one application describe the invention disclosed in the other application. (New).

Procedure to be followed before conflict is declared.

(2) When the Commissioner has before him two or more such applications, he shall notify each of the applicants of the apparent conflict, and transmit to each of them a copy of the conflicting claims, together with a copy of this section, and the Commissioner shall give each applicant the opportunity of inserting the same or similar claims in his application within a specified time. (New).

Preliminary notice of conflict.

(3) In the event of each of two or more such completed applications containing one or more claims describing as new, and claiming an exclusive property or privilege in, things or combinations so nearly identical that, in the opinion of the Commissioner, separate patents to different patentees should not be granted, the Commissioner shall forthwith notify each of the applicants to that effect. (New).

Response.

(4) Each of the applicants, within a time to be fixed by the Commissioner, shall either avoid the conflict by the amendment or cancellation of the conflicting claim or claims, or, if unable to make such claims owing to knowledge of prior art, may submit to the Commissioner such prior art alleged to anticipate the claims. Thereupon each

43. Section 22 of the Act, respecting conflicting applications, has been redrafted and amended to define more clearly the practice relating to conflicts.

The section of the Act as it now stands does not give the applicants an opportunity to put their applications in condition for conflict proceedings. The result is that applications arriving in the Court before the patentability of the invention has been thoroughly determined by the Patent Office, are not in the best interest of the applicant. The present amendment also provides for the bringing to the attention of the Patent Office, prior art, which is not at present available to the Office. It further provides that the sealed envelopes must be opened by the Commissioner in the presence of a witness, and the date endorsed upon the affidavits.

application shall be re-examined with reference to such prior art, and the Commissioner shall decide if the subject matter of such claims is patentable. 1932, c. 21, s. 1, Am.

Formal declaration of conflict.

(5) If the subject matter is found to be patentable and the conflicting claims are retained in the applications, the Commissioner shall require each applicant to file in the Patent Office, in a sealed envelope duly endorsed, within a time specified by him, an affidavit of the record of the invention. The affidavit shall declare:—

(a) the date at which the idea of the invention described in the conflicting claims was conceived;

(b) the date upon which the first drawing of the invention was made;

(c) the date and mode on which the first written or verbal disclosure of the invention was made;

(d) the dates and nature of the successive steps subsequently taken by the inventor to develop and perfect the said invention from time to time up to the date of the filing of the application for patent. 1932, c. 21, s. 1 (2), Am.

Opening envelopes containing record of invention.

(6) No envelope containing any such affidavit as aforesaid shall be opened nor shall the affidavits be permitted to be inspected unless there continues to be a conflict between two or more applicants, in which event all the envelopes shall be opened at the same time by the Commissioner in the presence of the Assistant Commissioner or an examiner as witness thereto, and the date of such opening shall be endorsed upon the affidavits. A copy of each affidavit shall be transmitted to the several applicants. 1932, c. 21, s. 1 (2), Am.

Decision of Commissioner.

(7) The Commissioner after examining the facts stated in the affidavits shall determine which of them is the prior inventor to whom he will allow the claims in conflict, and shall forward to each applicant a copy of his decision. 1932, c. 21, s. 1 (2), Am.

Disposition of applications unless proceedings taken in Exchequer Court.

(8) The claims in conflict shall be rejected or allowed accordingly unless within a time to be fixed by the Commissioner and notified to the several applicants one of them commences proceedings in the Exchequer Court of Canada for the determination of their respective rights, in which event the Commissioner shall suspend further action on the applications in conflict until in such action it has been determined either

(i) that there is in fact no conflict between the claims in question, or

(ii) that none of the applicants is entitled to the issue of a patent containing the claims in conflict as applied for by him, or

(iii) that a patent or patents, including substitute claims approved by the Court, may issue to one or more of the applicants, or

(iv) that one of the applicants is entitled as against the others to the issue of a patent including the claims in conflict as applied for by him.

Sending files to Court.

(9) The Commissioner shall, upon the request of any of the parties to a proceeding under this section, transmit to the Exchequer Court of Canada the papers on file in the Patent Office relating to the applications in conflict. 1932, c. 21, s. 1, Am.

GRANT AND DURATION OF PATENTS.

What patent shall contain and confer.

44. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall, subject to the performance of the conditions in this Act prescribed, grant to the patentee and his legal representatives for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction. R.S., c. 150, s. 23, Am.

INVENTIONS BY PUBLIC SERVANTS.

Patents for inventions by persons in public service.

45. (1) Every patent granted in respect of an invention made by a person while employed in the public service of Canada and relating to the nature of his employment shall, notwithstanding anything in the patent or in this Act to the contrary, be subject to the following conditions, which shall be endorsed on such patent, that is to say:—

Terms.

(a) The Commissioner may grant to any person applying therefor a licence to use the patented invention on terms to be fixed by the Commissioner;

Duty of Commissioner.

(b) In fixing the said terms the Commissioner shall have regard to the circumstances under which the invention was made and the right and interest of the Government of Canada therein in consequence thereof, which right and interest the said government is hereby declared to have, and shall reduce the royalty payable to the patentee accordingly or apportion the royalty between the patentee and the Government of Canada, but in no case shall the amount payable to the patentee be less than one-half of what it would have been had the inventor not been in the public service when making the invention;

(c) The patentee shall not make use of nor allow others to make use of the patented invention without the consent of the Commissioner, who in granting such

44. This is subsection 1 of section 23 of the existing Act. Subsection 2 of that section, relating to joint applicants has been transposed to section 31 of this Act.

45. This is section 24 of the existing Act, with the addition of paragraph *(e)* of subsection 1.

consent may exact a royalty for such use to be fixed by him and paid to the Government of Canada;

(d) The Attorney General of Canada shall have a right of action in any court of competent jurisdiction to restrain the unauthorized use of the patented invention and recover damages therefor, which may be apportioned by the Commissioner, with the approval of the Minister, between the patentee and the Government;

(e) Notwithstanding the foregoing provisions of this section, the patentee, with the consent of the Governor in Council, may assign the patent on such terms as to the division and payment of the consideration therefor, or otherwise, as the Governor in Council may decide, in which case the Government of Canada shall not be deemed to have any special right or interest in such patent except such rights and interests as are expressly reserved by the terms of the order in council granting such consent. (New).

Disputes.

(2) Any question which may arise as to whether any invention comes within the terms of this section shall be determined by the Commissioner on the application for a patent therefor.

Deputy may apply if inventor refuses.

(3) On the refusal of such inventor to apply for a patent for such invention after being thereunto duly required by the deputy head of the department in which he was at the time of making the invention employed, such deputy head may in his official capacity apply for and obtain a patent for such invention.

Inventor's right outside of Canada.

(4) Nothing herein contained shall be construed to restrict the right of the inventor to the full enjoyment of his invention outside of Canada.

Appeal.

(5) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 24, Am.

FORM OF PATENTS.

Form of issue.

46. Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner, and, when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent. R.S., c. 150, s. 25.

TERM OF PATENTS.

Term of patent.

47. (1) The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years from the date when the application therefor was filed in the Patent Office. R.S., c. 150, s. 26, Am.

Patents pending.

(2) The term limited for the duration of every patent of invention the application for which has been filed in the

46. This is the same as section 25 of the existing Act.

47. This amends section 26 of the Act, respecting the term of patents.

The existing Act and the Patent Office rules do not contain any provision as to the date a patent is to bear. In the United States the patent bears date as of the date of issue. In Britain the patent is dated as of the date of the application. (Patent Acts, 1907-1932, s. 13).

Patent Office prior to the coming into force of this section shall be eighteen years from the sealing of the patent. (New).

REISSUE OF PATENTS.

Issue of new or amended patents.

48. (1) Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more or less than he had a right to claim as new, but at the same time it appears that the error arose from inadvertance, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent, within four years from its date, and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention for any part or for the whole of the then unexpired residue of the term for which the original patent was or might have been granted.

Effect of new patent.

(2) Such new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

Separate patents for separate parts.

(3) The Commissioner may entertain separate applications and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a reissue for each of such reissued patents. R.S., c. 150, s. 27, Am.

DISCLAIMERS.

Patentee may disclaim anything included in patent by mistake.

49. (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has

(a) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or

(b) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and to which he had no lawful right;

the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

Form and attestation of disclaimer.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested by one or more witnesses; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent, and made a part thereof by reference, and

Applications may be pending under the present practice for years, but this amendment will hasten their completion and require due diligence to avoid the loss of time involved by any unnecessary delay, as the patent is dated from the date of application.

48. This amends subsection 1 of section 27 of the Act, relating to the reissue of patents, by striking out the words "or within one year from the thirteenth day of June, one thousand nine hundred and twenty-three" in the eighth and ninth lines, as that date has lapsed.

Subsection 2 of the existing section 27 is omitted as unnecessary. The provision is covered by the definition of patentee in section 2 *(g)*. Subsection 2 reads as follows:

"2. In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives."

49. This amends section 28 of the Act to substitute the underlined words "by one or more witnesses" for the words "attested in the manner hereinbefore prescribed" in subsection 2. There is no manner prescribed in the Act.

such disclaimer shall thereafter be taken and considered as part of the original specification.

Pending suits not affected.

(3) Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it.

Death of patentee.

(4) In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer.

Effect of disclaimer.

(5) The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. R.S., c. 150, s. 28. Am.

ASSIGNMENTS.

Assignee or representatives may obtain patent.

50. (1) The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment, or bequest, to the legal representatives of the inventor. R.S., c. 150, s. 29.

Withdrawal of applications.

(2) No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof. R.S., c. 150, s. 18.

Patents to be assignable.

51. (1) Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by any instrument in writing.

Registration.

(2) Such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner from time to time prescribed by the Commissioner for such registration.

Attestation.

(3) Every such assignment, grant or conveyance before being entitled to registration shall be accompanied by the affidavit of one or more witnesses that the same was signed and executed in their presence by the assignor or other party thereto. (New)

Assignment null if not registered.

(4) Every assignment affecting a patent for invention shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 150, s. 30. Am.

50. This amends section 29 of the existing Act by incorporating therein as subsection 2 the provisions of section 18 of the Act, preventing the withdrawal of applications without the consent of the registered assignee.

51. This amends section 30 of the Act by adding provisions for proper proof of the execution of assignments, and for the proof of title of other instruments, before registration. This is to prevent the attempted registration of documents executed without sufficient authority.

LEGAL PROCEEDINGS IN RESPECT OF PATENTS

Patent to be void in certain cases, or valid only for parts.

52. (1) A patent shall be void, if any material allegation in the petition or declaration of the applicant hereinbefore mentioned in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading, or if the patentee and his legal representatives fail to perform the conditions in this Act prescribed.

Exception in case of involuntary error.

(2) If it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to.

Copies of judgment to be sent to Patent Office.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made a part of it by a reference thereto. R.S., c. 150, s. 31. Am.

INFRINGEMENT.

Jurisdiction of courts.

53. Any action for the infringement of a patent may be brought in the court of record having jurisdiction, to the amount of the damages claimed, in the province in which the infringement is alleged to have taken place, which holds its sittings nearest to the place of residence or of business of the defendant; and such court shall decide the case and determine as to costs: Provided, however, that after the lapse of a period of three years from the date of a patent, neither the patentee nor his legal representatives shall be entitled to obtain any interlocutory order or injunction restraining the opposite party from further manufacture, production or use of the patented invention or any final judgment for the infringement of a patent in any court of competent jurisdiction, unless such patentee or legal representatives shall have proved to the satisfaction of the court that at the time of the infringement alleged in such action the patented invention was being worked on a commercial scale within Canada by the patentee or by such legal representatives. R.S., c. 150, s. 33, Am.

Infringement of patent, defined and remedy provided by action for damages.

54. Except as in this Act otherwise provided, every person who, without the consent in writing of the patentee, makes, constructs or puts in practice any invention for which a patent has been obtained under this Act or any

52, 53, 54. These are sections 31, 32 and 33 of the existing Act, amended as indicated.

previous Act, or who procures such invention from any person not authorized by the patentee or his legal representatives to make or use it, and who uses it, shall be liable to the patentee or his legal representatives in an action of damages for so doing; and the judgment shall be enforced, and the damages and costs that are adjudged shall be recoverable, in like manner as in other cases in the court in which the action is brought. R.S., c. 150, s. 32, Am.

Patent not to affect a previous purchaser.

55. (1) Every person who purchases of the inventor, or constructs any newly invented machine, or other patentable article, prior to the application by the inventor for a patent, or who sells or uses one so constructed, shall have the right to use, and vend to others to be used, the specific thing so made or purchased, without liability therefor.

Infringement by other persons.

(2) Notwithstanding the above preceding subsection, any person who manufactures or sells an article for which a patent shall subsequently issue under the present Act, shall be liable to an action for infringement provided such manufacture or sale occurred after the filing of the application covering the said patent. R.S., c. 150, s. 50, Am.

Injunction may issue.

56. In any action for infringement of a patent, the court, or any judge thereof, may, on the application of the plaintiff or defendant, respectively, but subject to the provisions of section fifty-three, make such order as the court or judge sees fit,

(a) restraining or for an injunction restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience of such order; or

(b) for and respecting inspection or account; and

(c) generally respecting the proceedings in the action.

Appeal.

(2) An appeal shall lie from any such order under the same circumstances and to the same court, as from other judgments or orders of the court in which the order is made. R.S., c. 150, s. 34, Am.

Invalid claims not to affect valid claims.

57. When in any action or proceeding respecting a patent which contains two or more claims, one or more of such claims are held to be valid but another or others invalid and void, effect shall be given to the patent as if it contained only the valid claim or claims. 1932, c. 21, s. 2.

Defence.

58. The defendant, in any such action, may plead as matter of defence, any fact of default which by this Act, or by law, renders the patent void; and the court shall take cognizance of such pleading and of the facts connected therewith, and shall decide the case accordingly. R.S., c. 150, s. 36.

55. This inserts a new section in place of section 50. The latter part of this section seems to be unnecessary, and the first part, which gives rights to a previous purchaser, should properly be confined to purchase or taking before the application for a patent is filed instead of before the issue of a patent.

Section 4899 of the United States Patent Laws covers this situation more satisfactorily, and a provision (subsection (2)) is added respecting liability if the manufacture or sale occurred after the filing of the application covering the said patent, since the grant of the patent will now date from the filing of the application instead of from the date of the sealing of the application.

56. This is the same as section 34 of the existing Act, with the underlined words inserted.

57. This is section 35 of the Act as enacted in 1932, c. 21.

58. This is the same as section 36 of the existing Act.

IMPEACHMENT.

Impeachment of patents or patent claims.

59. (1) A patent or any claim in a patent may be declared invalid or void by the Exchequer Court of Canada at the instance of the Attorney General of Canada or at the instance of any interested person.

Declaration as to infringement.

(2) If any person has reasonable cause to believe that any process used or proposed to be used, or any article made, used or sold or proposed to be made, used or sold by him might be alleged by any patentee to constitute an infringement of an exclusive property or privilege granted thereby, he may bring an action in the Exchequer Court of Canada against the patentee for a declaration that such process or article does not or would not constitute an infringement of such exclusive property or privilege.

Security for costs.

(3) Except the Attorney General of Canada or the Attorney General of a province of Canada the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent shall be entitled to obtain a declaration under this section without being required to furnish any security. 1932, c. 21, s. 3, Am.

PRIORITY OF INVENTIONS.

Prior inventor must disclose his invention to establish priority.

60. (1) No patent or claim in a patent shall be declared invalid or void on the ground that, before the invention therein defined was made by the inventor by whom the patent was applied for, it had already been known or used by some other inventor, unless it is established either that,

(a) before the date of the application for the patent such other inventor had disclosed or used the invention in such manner that it had become available to the public; or that

(b) before the issue of the patent, such other inventor had made an application for a patent by virtue of which he is entitled to priority or upon which conflict proceedings should have been directed. 1932, c. 21, s. 4, Am.

A second patent cannot issue unless on adjudication the first patent is set aside.

(2) Notwithstanding the provisions of section forty of this Act, an application for a patent on an invention for which a patent has already issued under this Act shall be rejected unless the applicant or his assignee within a time to be fixed by the Commissioner commences an action to set aside the prior patent, so far as it covers the invention in question, but if such action is so commenced and diligently prosecured, the application shall not be deemed to have been abandoned unless the applicant fails to proceed

Action to set aside prior patent.

59. This is section 37 of the Act as enacted in 1932, c. 21, with the underlined words inserted.

60. This amends section 37A of the Act as enacted in 1932, c. 21, s. 4, by redrafting and division into paragraphs and subsections.

upon it within a reasonable time after the action has been finally disposed of.

When provisions of subsection one do not apply.

(3) If the application was filed within one year from the date of the filing of the application for the prior patent, the provisions of subsection one of this section shall not apply to the determination of the respective rights of the parties to such action. 1932, c. 21, s. 4, Am.

JUDGMENTS.

Judgment voiding patent to be filed.

61. A certificate of the judgment avoiding any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 150, s. 38.

Appeal.

62. The judgment declaring or refusing to declare any patent void shall be subject to appeal to any court having appellate jurisdication in other cases decided by the court by which such judgment was rendered. R.S., c. 150, s. 39.

CONDITIONS.

Conditions governing all patents.

63. (1) Every patent, except those governed by the provisions of this Act relating to the granting of patents in the public service, shall be subject to the following conditions:—

Reasonable public requirements to be satisfied.

Manufacture on a commercial scale within Canada.

(a) Every patentee shall satisfy the reasonable requirements of the public with reference to his patent, and to that end shall work the patented invention on a commercial scale within Canada; 1928, c. 4, s. 1, Am.

Use of materials produced in Canada.

(b) component parts or materials, which are manufactured or produced in Canada, shall be used so far as they are available in the manufacture or production of the patented article; (New)

Importation or assembling not work on a commercial scale.

(c) importation of more than fifty per cent in value of the parts or materials used in the manufacture or production of a patented article or in the assembling thereof in Canada shall not be deemed to be work on a commercial scale in Canada. (New).

Annual returns to Minister.

(2) Every registered owner of one or more patents shall, within thirty days after the close of each calendar year, transmit or deliver to the Commissioner a return stating:—

61, 62. These sections, relating to judgments, are the same as sections 38 and 39 of the existing Act.

63. Amends section 40 of the Act, relating to conditions governing patents.

Throughout this section the term "work on a commercial scale," as defined in section 2 of this Act, is used in place of the words "adequately manufacture."

The importation and assembling of parts are dealt with and restricted, and it is provided that all available parts must be fabricated in Canada. If the patented article is one capable of being worked in Canada the patentee must work it or carry on the process on a commercial scale within Canada. (Subsection 1, *(a)*, *(b)*, *(c)*). And the reasonable requirements of the public are not satisfied if the working of the invention within Canada on a commercial scale is prevented or limited by importation from abroad of the patented article. (Subsection 8 (i), adapted from the British Act, section 27(1)*(b)*).

Then provision is added to require annual returns to the Commissioner respecting outstanding patents, especially to ascertain whether or not they are being worked or carried on, and the reason why they are not being worked or carried on, if such be the case. (Subsection (2)).

This is regarded by the Department as essential to check attempts to hold patents indefinitely without providing for manufacture or sale, and thus restraining others who are ready to manufacture or produce the article for public use.

(a) the number, date and title of each patent granted to him, and the date of any registered assignment or conveyance thereof, giving the name of the assignee or person entitled thereto;

(b) whether or not work on a commercial scale of the patented invention is being carried on in Canada, the place where and the name and address of the person or company making or supplying the same;

(c) the reasons why such patented invention is not being worked on a commercial scale in Canada, if such be the case. (New.)

Date of earliest return applicable.

(3) The registered owner may not invoke any other date than that given in the earliest annual return of manufacture of the patented article in Canada as against a person seeking a licence to manufacture under the patent in Canada. (New.)

Petition to compel supply.

(4) The Attorney General of Canada or any person interested may present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, or that the patentee has failed to work on a commercial scale the patented invention in Canada, and praying that the patentee may be ordered to manufacture or to produce within Canada and to supply the patented invention at a reasonable price or to grant licences for the manufacture or production and use within Canada of the patented invention on reasonable terms 1928, c. 4, s. 1 (b), Am.

Powers of Commissioner.

(5) If the parties do not come to an arrangement between themselves, the Commissioner shall proceed to hear and determine the matter, and if it is proved to his satisfaction

(a) that the reasonable requirements of the public with respect to the patented invention have not been satisfied; or

(b) that the patentee has failed to work on a commercial scale the patented invention in Canada;

the Commissioner may order the patentee

Order to compel supply.

(i) to manufacture or produce and to supply the patented article within reasonable limits at such price as may be fixed by him, and in accordance with the custom of the trade to which the invention relates as to payment and delivery; or

To grant licences.

(ii) to grant licences for the manufacture or production and use of the patented invention as may be fixed by him;

in either case within and after such time as may be fixed by the Commissioner and on pain of forfeiture of the patent. 1928, c. 4, s. 1(c), Am.

Restriction.

(6) No order shall be made by the Commissioner under the provisions of the preceding subsection before the expiration of three years from the date of the issue of the patent. 1928, c. 4, s. 1 (c), Am.

This amendment will be favourable to an intending applicant for a licence who in good faith desires to establish an industry in Canada, and who is prevented by the existence of a patent held but not worked by the registered owner.

It was never the intention that a merely formal working should be deemed to be a compliance with the terms of the Act, and it is to clear up any misapprehension that the requirement of working on a commercial scale is necessary.

This section has been redrafted and amended as indicated by the words underlined and vertical lines.

Reference to Exchequer Court.

(7) The Commissioner may, with the approval of the Minister, instead of hearing and determining the matter himself, refer the petition to the Exchequer Court, which shall have jurisdiction in the premises, and may make such order thereon as the Commissioner is authorized to make under this section. 1928, c. 4, s. 1*(c)*, Am.

Reasonable requirements.

(8) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied,

Default to manufacture or supply on reasonable terms.

(i) if by reason of the default of the patentee to work on a commercial scale and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process on a commercial scale or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry, in the Dominion of Canada is unfairly prejudiced, or the demand for the patented invention or the article produced by the patented process is not reasonably met, or if the working of the invention within Canada on a commercial scale is being prevented or hindered by the importation from abroad of the patented article; or

Unfair conditions of patentee.

(ii) if any trade or industry in the Dominion of Canada is unfairly prejudiced by the conditions attached by the patentee to the purchase, hire or use of the patented invention. R.S., c. 150, s. 40, Am.

Appeal.

(9) Any decision of the Commisioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 40, Am.

REVOCATION.

Revocation of patent time limit.

64. (1) At any time not less than three years after the date of a patent any person may apply to the Commissioner for the revocation of the patent on the ground that the patented invention is manufactured or produced exclusively or mainly outside Canada to supply the Canadian market with the invention covered by the patent.

Powers of Commissioner.

(2) The Commissioner shall consider the application, and if after enquiry he is satisfied that the allegations contained therein are correct, and if the grant of a licence in respect of the said patent has previously been ordered under section sixty-three of this Act, then, subject to the provisions of this section, and unless the patentee proves that the patented invention is worked on a commercial scale within Canada, or gives reasons satisfactory to the Commissioner why the patented invention is not so worked on a commercial scale, the Commissioner may make an order revoking the patent either

64. Section 41 of the existing Act is amended by inserting the words "worked on a commercial scale within Canada" in place of the words "is manufactured or carried on to an adequate extent in Canada."

(*a*) forthwith; or

(*b*) after such reasonable interval as may be specified in the order;

unless in the meantime it is shown to his satisfaction that the patented invention is being worked on a commercial scale within Canada.

Treaty.

(3) No such order as aforesaid shall be made which is at variance with any treaty, convention, arrangement or engagement which then subsists between Canada and any other country.

Extension of time.

(4) If within the time limited in the order the patented invention is not worked on a commercial scale within Canada, but the patentee gives satisfactory reasons why it is not so worked on a commercial scale, the Commissioner may extend the period mentioned in the previous order for such period not exceeding twelve months as may be specified in the subsequent order.

Appeal.

(5) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. 1928, c. 4, s. 2, Am.

CAVEATS

Intending applicant for patent may file a caveat.

65. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file, in the Patent Office, a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the fee in this Act prescribed, shall cause the said document, which shall be called a *caveat*, to be preserved in secrecy with the exception of delivering copies of the same whenever required by the said applicant or by any judicial tribunal, but the secrecy of the document shall cease when the applicant obtains a patent for his invention.

Notice of application by another to be sent to person filing caveat.

(2) If application is made by any other person for a patent for any invention with which such *caveat* may in any respect interfere, the Commissioner shall forthwith give notice by mail, of such application, to the person who has filed such *caveat*, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the *caveat*, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications.

Duration of caveat.

(3) Unless the person filing a *caveat* makes application within one year from the filing thereof for a patent, the Commissioner shall be relieved from the obligation of

65. This is the same as section 42 of the existing Act.

giving notice, and the *caveat* shall then remain as a simple matter of proof as a novelty or priority of invention, if required. R.S., c. 150, s. 42.

PATENT FEES.

Tariff of fees.

66. (1) The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

On filing an application for patent	$15 00
On grant of patent payable on pain of forfeiture within three months from the date of notice of the allowance of patent	20 00
On filing an amendment after allowance of an application for patent	5 00
On lodging a *caveat*	5 00
On asking to register a judgment *pro tanto*	4 00
On asking to register an assignment, or any other document affecting or relating to a patent	2 00
On asking to attach a disclaimer to a patent	2 00
On asking for a copy of patent with specification *exclusive of drawings*	4 00
On petition to re-issue a patent after surrender	30 00
On filing an application or petition under sections thirty-nine, forty-five, sixty-three or sixty-four of this Act—For each patent mentioned therein	10 00
On filing an application for the restoration and revival of a patent—For each patent mentioned herein	35 00
On application for registration under section fifteen	5 00
On office copies of documents, not above-mentioned, the following charges shall be made, *the minimum charge being $1.00*.:—	
For every single or first folio of one hundred words certified copy	0 25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio	0 10
For every copy of drawings, per sheet	0 25
For every additional copy of drawings, per sheet	0 15

Fees paid prior to this Act.

(2) In the case of a patent on which a fee of twenty dollars was paid prior to the thirtieth day of June, one thousand nine hundred and twenty-three, a further fee of fifteen dollars on pain of nullity of the patent shall be payable at or before the expiration of six years from the date of its issue.

Forfeited application.

(3) A forfeited application may be restored and a patent granted thereon on application to the Commissioner within six months from the incurrence of the forfeiture, on pay-

66. Section 43 of the Act relating to fees is amended by inserting several new charges, and providing that the mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

ment with the application for restoration, in addition to the fee payable on the grant of the patent, of a further fee of fifteen dollars.

Cancellation of claims excepted.

(4) The mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

Unprovided fees.

(5) The fees on any proceedings not herein provided for shall be such as may be fixed by the Commissioner with the approval of the Governor in Council. R.S. c. 150, s. 43, Am.

Fees in full for all services.

67. The said fees shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 150, s. 44.

Application of fees.

68. All fees or charges for which payment is received under this Act shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office R.S., c. 150, s. 45.

No exemptions.

69. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and no fee, when paid, shall be returned to the person who paid it. R.S., c. 150, s. 46, Am.

RESTORATION OF PATENTS

Restoration and revival of patents.

70. Where any patent has become void under the terms of the *Patent Act*, chapter sixty-nine, Revised Statutes of Canada, 1906, of the *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, or of this Act, in consequence of the non-payment of fees or failure to construct or manufacture, or because of the importation of the patented invention, the patentee may within two years from the date of such voidance apply to the Commissioner for an order for the restoration and revival of the patent.

Order of restoration or dismissal.

(2) The Commissioner after hearing the patentee and any other interested parties on such application of which hearing due notice shall be given by publication in the *Canada Gazette* and the *Canadian Patent Office Record* or any other official publication of the Patent Office, and after considering all the circumstances of the case, may make an order either restoring and reviving the patent or dismissing the application.

67, 68, 69. These are the same as sections 44, 45 and 46 of the existing Act, except that part of 69 which is no longer applicable.

70. Amends section 47 of the Act, respecting restoration and revivals of patents, in regard only to patents becoming void under the various Patent Acts cited in subsection 1.

Effects of delay in application.

(3) No such application shall be granted if it appears that there has been undue delay in making the same or that the voidance of the patent was intentional on the part of the patentee.

Non-payment of fee.

(4) If the voidance of the patent was in consequence of the non-payment of any fee, such fees must be paid before any order restoring and reviving the patent can become effective.

Return of fee.

(5) If the application be dismissed, the Commissioner at his discretion may return the fee paid thereon less the sum of fifteen dollars.

Saving rights.

(6) In any case where a patent has become void is restored and revived as aforesaid and during the period when such patent was void and before publication of notice of hearing on an application for its restoration and revival as aforesaid, any person has commenced lawfully to construct, manufacture, use or sell in Canada the invention covered by such patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if such patent had not been restored and revived.

Appeal.

(7) The Attorney General of Canada, the applicant or any other interested party who has opposed any such application may appeal from the decision of the Commissioner thereon to the Exchequer Court, which shall have jurisdiction to hear and determine any such appeal. R.S., c. 150, s. 47, Am.

OFFENCES AND PENALTIES.

Patented articles to be stamped or marked.

71. Any patentee under this Act who sells or offers for sale any article patented under this Act not stamped or engraved with the year of the patent applying to such article, or when from the nature of the article this cannot be done, not having affixed to it or every package wherein one or more of such articles is or are enclosed a label marked with the year of the date of the patent applying to such article in manner and form provided by this Act, shall be liable to a penalty not exceeding one hundred dollars, and in default of the payment of such penalty, to imprisonment for a term not exceeding two months. R.S., c. 150, s. 63.

Falsely marking articles as patented.

72. Every person who

(a) writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name of any imitation of the name of any patentee for the sole making or selling of such thing, without the consent of such patentee;

71, 72, 73. These are the same as sections 63, 64 and 65 of the existing Act, except for the amendment to 73 as indicated.

(*b*) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words *Patent, Letters Patent, King's or Queen's Patent, Patented,* or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee or his legal representatives; or

(*c*) offers for sale as patented any article not patented in Canada, for the purpose of deceiving the public;

An indictable offence.

is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both. R.S., c. 150, s. 64.

False entries an indictable offence.

73. Every person who wilfully makes or causes to be made any false entry in any register or book or any false or altered copy of any document relating to the purposes of this Act, or who produces or tenders any such false or altered document in evidence, knowing the same to be such, is guilty of an indictable offence and shall be liable *to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both.* R.S., c. 150, s. 65, Am.

REPEAL.

Repeal.

74. The *Patent Act,* chapter one hundred and fifty of the Revised Statutes of Canada, 1927, and the amending Acts, chapter four of the Statutes of 1928, chapter thirty-four of the Statutes of 1930, and chapter twenty-one of the Statutes of 1932, are hereby repealed.

PATENT ACT, 1935.

Arrangement of Sections.

SECTION

1. Short title.
2. Interpretation.
3. Patent Office.
   Appointment of Commissioner.
4. Duties of Commissioner.
5. Powers of Commissioner.
   Assistant Commissioner to act in case of his absence or inability.
6. Assistant Commissioner.
7. Staff.
8. Officers not to deal in patents.
9. Clerical errors.
10. Destroyed or lost patents.
11. Inspection by public.
12. Rules and Regulations.
13. Seal of Patent Office.
    Seal to be judicially noticed.
14. Certified copies of patents as evidence.
15. Register of Patent Attorneys.
16. Misconduct of Patent Attorneys.
17. Appeals generally.
18. Notice of appeal.
19. Government may use any patented invention.
20. Patented invention in vessels of any other country.
21. Patented article to be stamped or marked.
22. Costs of Commissioner in discretion of court.
    No costs against Commissioner.
23. Patents issued prior to 18 June, 1923.
24. Status under 1921, c. 44 not affected by repeal of that Act.
25. Annual Report.
26. Application for Patents.
    Who may obtain patents.
    Applicants not debarred unless applications in any other country filed more than twelve months prior to filing in Canada.
    What may not be patented.
27. Effect of application for patent in another country if same is applied for in Canada.
    Limitation of two years after publication or public use or sale.
    Rights preserved.

SECTION

28. Oath of inventor at time of filing application.
When inventor dead or incapable or residence unknown.
Before whom oath may be made.
29. Address of applicant and representative to be stated.
Change of name of representative on issued patent.
30. Applications to be completed within six months.
When deemed to be abandoned.
31. Joint applications.
32. Improvements.
33. Specifications and claims.
Particulars required.
34. Specification.
Description and operation.
Various steps and methods.
Ending with separate and distinct claims.
Claims for apparatus or machine.
Process claims.
References in claims.
Product claims.
Generic and specific claims.
Additional claims.
35. Examination of applications.
36. Patent for one invention only.
Divisional applications.
37. Drawings.
38. Models and specimens.
Dangerous substances.
39. Chemical products and substances intended for food or medicine.
Action for infringement.
Free manufacture and sale of article for human consumption.
40. Power of Commissioner to refuse to grant patent.
41. Notice to applicant of objection.
42. Appeal to Exchequer Court.
Jurisdiction.
43. Conflicting applications.
Procedure to establish conflict.
Sealed envelopes with record of invention.
Disposition of applications.
Proceedings in Exchequer Court.
44. Grant and duration of Patent.
What patent shall contain and confer.
45. Inventions by Public Servants.
46. Form of Patents.
47. Term of Patents.
48. Reissue of Patents.
Effect of new patent.
Patent for separate parts.

SECTION

49. Disclaimers.
Mistakes disclaimed.
Form and attestation of disclaimer.
Death of patentee.
Effect of disclaimer.
50. Assignments.
Assignee may obtain patent.
Withdrawal of application only with consent of assignee.
51. Patents assignable.
Must be registered and attested.
52. When patents shall be void.
Untrue declarations.
Specifications too broad.
Involuntary error.
Judgment sent to Patent Office.
53. Jurisdiction of courts on infringement.
54. Infringement, defined and remedies.
55. Patent not to affect previous purchaser.
56. Injunction may issue.
Appeal.
57. Invalid claims not to affect valid claims.
58. Defence to action for infringement.
59. Impeachment.
60. Priority of inventions.
Prior inventor must disclose invention.
Action to set aside first patent.
61. Judgment voiding patents to be filed.
62. Subject to appeal.
63. Conditions.
Reasonable requirements.
Working on a commercial scale.
Importation and assembling.
Returns to Commissioner.
Licences.
Default to manufacture or give reasonable terms.
Trade or industry unfairly affected.
Hindrance by importation.
64. Revocation of Patents.
Powers of Commissioner.
Treaties not affected.
Extension of time.
Appeal.
65. Caveats.
Notice.
Duration.
66. Patent fees, tariff.
Paid prior to this Act.
Further fees.

SECTION

Restoration of forfeited application.
Unprovided cases.
67. Fees in full for all services.
68. Application of fees.
69. No exemptions.
Return of fees paid less $10.
70. Restoration of Patents.
If void for non-payment of fees or failure to construct or manufacture or for importation of patented invention.
Order for restoration.
Effect of delay.
Fees must be paid before.
Saving of rights.
Appeal.
71. Offences and penalties.
Articles to be stamped or marked.
72. Falsely marking article as patented.
73. False entries.
74. Repeal of prior Acts.

1st REPRINT.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

SENATE OF CANADA

BILL A.

An Act to amend and consolidate the Acts relating to Patents of Invention.

Reprinted as amended by the Senate Committee on Banking and Commerce.

The Rt. Hon. Senator Meighen, P.C.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95775 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL A.

An Act to amend and consolidate the Acts relating to Patents of Invention.

R.S., c. 150.

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Patent Act, 1935*. R.S., c. 150, s. 1.

INTERPRETATION.

Definitions.

2. In this Act, and in any rule, regulation or order made under it, unless the context otherwise requires,

"Applicant,"

(*a*) "applicant" includes an inventor and the legal representatives of an applicant or inventor;

"Commissioner."

(*b*) "Commissioner" means the Commissioner of Patents;

"Exchequer Court."

(*c*) "Exchequer Court" means the Exchequer Court of Canada;

"Invention."

(*d*) "invention" means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter;

"Legal representatives."

(*e*) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns and all other persons claiming through or under applicants for patents and patentees of inventions;

"Minister."

(*f*) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may be appointed by the Governor in Council to administer this Act;

"Patent."

(*g*) "patent" means letters patent for an invention;

"Patentee."

(*h*) "patentee" means the person for the time being entitled to the benefit of a patent for an invention;

"Regulation" and "Rule".

(*i*) "Regulation" and "Rule" include rule, regulation and form;

Explanatory Notes

In this revision all short amendments are underlined and longer amendments are indicated by vertical lines at the side of new sections or amended sections.

"Work on a commercial scale."

(j) "work on a commercial scale" means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent, in or by means of a definite and substantial establishment or organization and on a scale which is adequate and reasonable under the circumstances; R.S., c. 150, s. 2, Am.

PATENT OFFICE AND OFFICERS.

Patent Office.

3. There shall be attached to the Department of the Secretary of State of Canada or to such other department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office. R.S., c. 150, s. 3 (1), Am.

Commissioner of Patents.

4. (1) The Governor in Council may appoint a Commissioner of Patents who may and shall, under the Minister, exercise and perform the powers and duties conferred and imposed upon that officer by or pursuant to this Act. R.S., c. 150, ss. 3 and 5, Am.

Duties of Commissioner.

(2) The Commissioner shall receive all applications, fees, papers, documents and models for patents, shall perform and do all acts and things requisite for the granting and issuing of patents of invention, shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office, and shall have, for the purposes of this Act, all the powers that are or may be given by the *Inquiries Act* to a commissioner appointed under Part II thereof. R.S., c. 150, ss. 4 and 5, Am.

Tenure of office and salary.

(3) The Commissioner shall hold office during pleasure and be paid such annual salary, not exceeding seven thousand dollars, as may be determined by the Governor in Council. R.S., c. 150, ss. 3 and 5, Am.

Assistant Commissioner.

5. (1) An Assistant Commissioner of Patents may be appointed in the manner authorized by law. He shall be a technical officer experienced in the administration of the Patent Office.

Absence or inability to act.

(2) When the Commissioner is absent or unable to act, the Assistant Commissioner, or, if he also is at the same time absent or unable to act, another officer designated by the Minister, may and shall exercise the powers and perform the duties of the Commissioner.

Staff.

6. There may be appointed in the manner authorized by law, such principal examiners, examiners, associate examiners and assistant examiners, clerks, stenographers and other assistants as are necessary for the administration of this Act. R.S., c. 150, s. 3 (2), Am.

3. The existing section reads as follows:—

"**3.** There shall be attached to such department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed."

4. (1) The existing equivalent provision is section 3 (1) a redraft of part of 2 (1) and the whole of 5 (2) of the Patent Act, which reads as follows:—

"**3.** (1) There shall be attached to such department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed."

"**5.** (1) The Commissioner shall exercise the powers conferred and perform the duties imposed upon him by this Act subject to the Minister, and in the absence or inability to act of the Commissioner any officer or clerk named by the Minister to perform the duties of the Commissioner may as Acting Commissioner exercise such powers and shall perform such duties.

(2) For the purposes of this Act the Commissioner shall have all the powers that are or may be given by the Inquiries Act to a Commissioner appointed under Part II thereof."

4. (2) This is section 4 of the present Act.

4. (3) This is made up of parts of sections 3 and 5 of the present Act.

5. This is new, to provide for an Assistant Commissioner or other designated officer to act in the absence or inability of the Commissioner. See section 5 of the present Act printed above.

6. This is subsection 2 transposed from section 3 of the Act, and amended as indicated by the underlined words to establish the organization required in the Patent Office.

Officers o Patent Office not to deal in Patents.

7. No officer or employee of the Patent Office shall buy, sell, acquire or traffic in any invention, patent or right to a patent, or any interest in any thereof, and every purchase, sale, assignment, acquisition or transfer of any invention, patent or right to a patent, or any interest in any thereof, made by or to any such officer or employee shall be null and void: Provided that this section shall not apply to a sale by an original inventor or to an acquisition under the last will, or by the intestacy, of a deceased person. R.S., c. 150, s. 56.

Clerical errors.

8. Clerical errors in any instrument of record in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected by certificate under the authority of the Commissioner. R.S., c. 150, s. 53.

Destroyed or lost patents.

9. If any patent is destroyed or lost a certified copy may be issued in lieu thereof upon payment of the prescribed fee. R.S., c. 150, s. 54.

Inspection by the public.

10. All specifications, drawings, models, disclaimers, judgments, returns, and other papers, except *caveats*, and except those filed in connection with applications for patents which are still pending or have been abandoned shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 150, s. 52, Am.

Patents issued out of Canada.

11. Notwithstanding the exception in the next preceding section, the Commissioner, upon the request of any person who states in writing the number and date of a patent said to have been granted in a named country other than Canada, and who pays or tenders the prescribed fee, shall inform such person whether an application for a patent of the same invention is or is not pending in Canada. (New).

RULES AND REGULATIONS.

Regulations and forms.

12. (1) The Governor in Council, on the recommendation of the Minister, may make, amend or repeal such rules and regulations and prescribe such forms as may be deemed expedient

(a) for carrying into effect the objects of this Act, or for ensuring the due administration thereof by the Commissioner and other officers and employees of the Patent Office; and

(b) for carrying into effect the terms of any treaty, convention, arrangement or engagement which subsists between Canada and any other country; and

7. This is a redraft of section 56 of the present Act reading as follows:—

56. No Officer or employee of the Patent Office shall buy, sell or acquire or traffic in any invention or patent or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employee, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor or to any acquisition by bequest. 1923, c. 23, s. 56.

The redraft provides for cases of intestacy.

8. This is section 53 of the present Act transposed with changes as underlined.

9. The existing section reads as follows:—

54. If any patent is destroyed or lost, a certified copy thereof may be issued in lieu thereof upon the person who applies therefor paying the fees hereinbefore prescribed for office copies of documents.

10. The words underlined are new.

11. This is new.

12. This is new. The equivalent present provision reads as follows:—

"**59.** The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act, and notice thereof shall be given in *The Canada Gazette;* and all documents, executed in conformity with the same and accepted by the Commissioner, shall be held valid, so far as relates to proceedings in the Patent Office." 1923, c. 23, s. 59.

(c) in particular with respect to the following matters:—

(i) The form and contents of applications for patents;

(ii) The form of the Register of Patents and of the indexes thereto;

(iii) The registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any patent; and

(iv) The form and contents of any certificate issued pursuant to the terms of this Act.

Effect.

(2) Any rule or regulation made by the Governor in Council shall be of the same force and effect as if it had been enacted herein. R.S., c. 150, s. 59, Am.

SEAL.

Seal of office.

13. (1) The Commissioner shall cause a seal to be made for the purposes of this Act and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., c. 150, s. 6.

Seal to be evidence.

(2) Every court, judge and person whosoever shall take notice of the seal of the Patent Office, and shall receive the impressions thereof in evidence in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. 1930, c. 34, s. 2.

PROOF OF PATENTS.

Certified copies of patents as evidence.

14. In any action or proceeding respecting a patent of invention authorized to be had or taken in Canada under the provisions of this Act a copy of any patent granted in any other country, or any official document connected therewith, purporting to be certified under the hand of the proper officer of the Government of the country in which such patent has been obtained, may be produced before the Court or a judge thereof, and the copy of such patent or document purporting to be so certified may be received in evidence without production of the original and without proof of the signature or of the official character of the person appearing to have signed the same. 1930, c. 34, s. 2, Am.

PATENT ATTORNEYS.

Register of attorneys.

15. (1) A register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to represent applicants in the presentation and prosecution of applications for patents or in other business before the Patent Office.

13. Subsection 2 is taken from the amendment made in 1930, c. 34, s. 2, and inserted here, as it relates to judicial notice of the seal of the Patent Office.

14. This section, relating to the production of certified copies of patents as evidence was adopted in 1930, c. 34, s. 2.

15 and **16.** These sections relate to Patent Attorneys, and are sections 57 and 58 of the existing Act transposed without change.

Entries.

(2) Entry on such register shall be made in accordance with regulations to be made by the Commissioner with the approval of the Governor in Council. R.S., c. 150, s. 57.

Misconduct.

16. For gross misconduct or any other cause which he may deem sufficient, the Commissioner may refuse to recognize any person as a patent agent or attorney either generally or in any particular case. R.S., c. 150, s. 58.

APPEALS.

Practice on appeals.

17. In all cases where an appeal is provided from the decision of the Commissioner to the Exchequer Court under this Act, such appeal shall be had and taken pursuant to the provisions of the Exchequer Court Act and the rules and practice of that Court. R.S., c. 150, s. 62.

Notice of appeal.

18. Whenever an appeal to the Exchequer Court from the decision of the Commissioner is permitted under this Act notice of his decision shall be mailed by the Commissioner by registered letter addressed to the interested parties or their respective agents and the appeal shall be taken within three months after the date of mailing of such notice, unless otherwise extended by the Commissioner with the approval of the Minister and unless herein otherwise expressly provided. R.S., c. 150, s. 68, Am.

GENERAL.

Government may use patented invention.

19. The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof, and any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 48.

Patented invention in vessels, air craft, etc., of any other country.

20. No patent shall extend to prevent the use of any invention in any ship, vessel, air craft or land vehicle of any other country, entering Canada temporarily or accidentally, provided such invention is employed exclusively for the needs of the ship, vessel, air craft or land vehicle, and not so used for the manufacture of any goods to be vended within or exported from Canada. 1928, c. 4, s. 3, Am.

Patented article to be stamped or marked.

21. (1) Every patentee under this Act shall, if possible, stamp or engrave on each patented article sold or offered for sale by him notice of the year of the date of the patent applying to such article, thus—Patented, 1935, or as the case may be.

17. This section, relating to appeals generally, is section 62 of the existing Act transposed without change.

18. As this section relates to appeals it is also transposed from section 68 of the existing Act and inserted here in its proper connection.

19. This is section 48 of the existing Act transposed without change.

20. This section was adopted in 1928, c. 4, s. 3.

21. This is a redraft, with additions of the present section 51, which is as follows:—

"**51.** 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 the patent applying to such article, thus—Patented, 1906, or as the case may be; or, when, from the nature of the article, this cannot be done, thereby affixing to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with a like notice." 1923, c. 23, s. 51.

Package to be marked.

(2) When, from the nature of any patented article it cannot be so stamped or engraved the patentee shall, if possible, affix to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with the like notice. R.S., c. 150, s. 51, Am.

Impossibility of compliance.

(3) When any patented article or material is, from its nature or character, such that it cannot be so stamped or engraved and cannot, reasonably, be packaged or labelled the patentee shall, in all descriptive or advertising matter published by him and relating to such patented article or material, insert the like notice. (New).

Cost of proceedings before the court.

22. In all proceedings before any court under this Act the costs of the Commissioner shall be in the discretion of the court, but the Commissioner shall not be ordered to pay the costs of any other of the parties. R.S., c. 150, s. 61.

Patents issued prior to the 13th June, 1923.

23. Any patent issued prior to the thirteenth day of June, 1923, which could have been successfully impeached for violation of or non-compliance with any provision of the Acts in force prior to that date, may, with like effect, be so impeached after that date, and in any action for the infringement of any such patent any such violation or non-compliance which could have been set up as a defence may, with like effect, be so set up after that date. R.S. c. 150, s. 66.

Status not affected.

24. No relief, right or privilege granted to or acquired by any patentee or other person in respect of any patent or application for any patent under chapter forty-four of the statutes of 1921 shall be affected by the repeal of that Act, but such relief, right or privilege shall continue as if that Act had remained in force. R.S., c. 150, s. 67.

Annual report.

25. The Commissioner shall, in each year, cause to be prepared and laid before Parliament a report of the proceedings under this Act, and shall, from time to time and at least once in each year, publish a list of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest or essential parts thereof, to be printed, from time to time for distribution or sale. R.S., c. 150, s. 60.

22 to **25.** These sections are sections 60, 61, 66 and 67 transposed with only slight changes, which are underlined.

APPLICATION FOR PATENTS.

Who may obtain patents.

26. (1) Subject to the subsequent provisions of this section, any inventor of an invention which was

(a) not known or used by others before he invented it, and

(b) not described in any patent or in any publication printed in Canada or in any other country more than two years before presentation of the petition hereunder mentioned, and

(c) not in public use or on sale in Canada for more than two years prior to his application in Canada;

may, on presentation to the Commissioner of a petition setting forth the facts (in this Act termed the filing of the application) and on compliance with all other requirements of this Act, obtain a patent granting to him an exclusive property in such invention. R.S., c. 150, s. 7, Am.

Applications for patents out of Canada.

(2) Any person who, before applying in Canada for a patent for an invention, shall have applied in any other country or countries for a patent or patents for the same invention shall not be entitled to obtain in Canada a patent for that invention unless his application in Canada is filed

(a) before the issue of any patent for the same invention in such other country or in any of such other countries; or

(b) within twelve months after the filing of the application, or of the first application, as the case may be, for such patent in such other country or countries. (New).

What may not be patented.

(3) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem. R.S., c. 150, s. 7, Am.

Treaty or convention rights of applicants.

27. (1) An application for a patent for an invention filed in Canada by any person entitled to protection under the terms of any treaty or convention relating to patents to which Canada is a party who has, or whose agent or other legal representative has, previously regularly filed an application for a patent for the same invention in any other country which by treaty, convention or law affords similar privilege to citizens of Canada, shall have the same force and effect as the same application would have if filed in Canada on the date on which the application for patent for the same invention was first filed in such other country, provided the application in this country is filed within twelve months from the earliest date on which any such application was filed in such other country or from the thirteenth day of June, 1923.

26. This amends section 7 of the existing Act, which reads as follows:—

"**7.** (1) Any person who has invented any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvements thereof, not known or used by others before his invention thereof and not patented or described in any printed publication in this or any foreign country more than two years prior to his application and not in public use or on sale in this country for more than two years prior to his application, may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention.

(2) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem." 1923, c. 23, s. 7.

27. This is section 8 of the existing Act as adopted in 1930, c. 34, s. 1, and unchanged with the exception of the words underlined.

Limitation of two years after publication or public use or sale.

(2) No patent shall be granted on an application for a patent for an invention which had been patented or described in a patent or publication printed in Canada or any other country more than two years before the date of the actual filing of the application in Canada, or which had been in public use or on sale in Canada for more than two years prior to such filing. R.S., c. 150, s. 8, Am.

Rights reserved.

28. No patent granted by virtue of *The Patent Act*, chapter twenty-three of the statutes of 1923, or by virtue of this Act, on an application filed prior to the coming into force of this Act or within six months thereafter and within two years of the date of the grant of the first patent granted in any country other than Canada for the same invention, shall be void by reason of the date of filing of such application having been more than twelve months after the date of filing in such other country of the first application for the same invention or by reason of a patent having been granted in such other country prior to application in Canada. 1930, c. 34, s. 1, Am.

Time when oath of inventor to be made.

29. (1) The inventor shall, at or before the time of filing his application or within such reasonable extension of time as the Commissioner may allow, make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked and that the several allegations in the application contained are respectively true and correct.

Oath of the applicant if the inventor dead, incapable, or his residence unknown.

(2) If the inventor is dead or mentally or physically incapable, or if, after the assignment of his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent enquiries, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is was the inventor of the invention to which the application relates, and that the several allegations in such application contained are respectively true and correct.

Before whom oath may be made.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 150, s. 10, Am.

28. This is 1930, c. 34, s. 1, amended as underlined.

29. This is section 10 of the existing Act, which reads as follows:—

"**10.** (1) Every inventor shall, before a patent can be obtained, make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the petition contained are respectively true and correct.

(2) In the event of the inventor being dead, or mentally or physically incapable, or if, after the assignment of his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent enquiries, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is was the inventor of the invention for which the patent is solicited, and that the several allegations in the petition contained are respectively true and correct.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul, or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered." 1923, c. 23, s. 10.

Address of applicant and representative to be stated.

30. (1) Every applicant for a patent shall, for the purposes of this Act, state in his application, if resident in Canada, his address in Canada, and if not so resident, the name and address of some person resident in Canada who has been appointed to represent and stand in the place and stead of such applicant or patentee for all purposes of this Act, including the service of any proceedings taken under any provision of this Act. Such name and address of such person so appointed shall be endorsed on the patent before it is issued. R.S., c. 150, s. 12.

May be changed on issued patent.

(2) The name and address of the person so appointed to represent the patentee may be changed on the issued patent upon the written authority of the patentee or of his legal representatives, and such new appointment shall be recorded and added to the patent file on the payment of a fee of two dollars. (New.)

Applications to be completed within six months.

31. Each application for a patent shall be completed and prepared for examination within twelve months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any action thereon of which notice shall have been given to the applicant, such application shall be deemed to have been abandoned, but it may be reinstated on petition presented to the Commissioner within twelve months after the date on which it was deemed to have been abandoned, and on payment of the prescribed fee, if the petitioner satisfies the Commissioner that the failure to prosecute the application within the time specified was not reasonably avoidable. An application so reinstated shall retain its original filing date.

Abandonment and reinstatement.

JOINT APPLICATIONS.

Refusal of assignee to proceed.

32. (1) In any case where

(a) an applicant has agreed in writing to assign a patent, when granted, to another person or to a joint applicant and refuses to proceed with the application; or

(b) disputes arise between joint applicants as to proceeding with an application;

Disputes between joint applicants. Powers of Commissioner.

the Commissioner, on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other person or joint applicant to proceed with the application, and may grant a patent to him, so, however, that all persons interested shall be entitled to be heard before the Commissioner after such notice as he may deem requisite and sufficient. R.S., c. 150, s. 11 (1).

30. A new subsection is added to section 12 of the existing Act to authorize the change of name of a representative on an issued patent. There is no provision at present for changing the name of the Canadian representative on a patent. It frequently happens that when a patent is assigned to a company, such company desires to appoint its own counsel as its representative, and it is to facilitate such a substitution and to keep the file in the Patent Office complete that this amendment is required.

The present practice is to place any request for a change of Canadian representative on a correspondence file and not in the patent file itself. Any one searching the files with the purpose of communicating with the Canadian representative might at the present time be misled as to who was the actual representative, unless they consulted the correspondence with the existence of which they are not always conversant. Also, when a certified copy of the file wrappers of the patent as issued does not contain changes of name, the file is actually incomplete as to the present standing of the representative.

The words underlined are new.

31. This is new.

32. This amendment to section 11 of the Act adds a subsection to section 1, relating to procedure when one joint applicant retires on discovering that he has no part in the invention. The necessity for this is self-evident. When situations of this nature are encountered it has been difficult for the Patent Office to deal with them, owing to the silence of the Act in this regard. This procedure does not in any way affect the rights of the other inventor, as his rights have not been impaired. The right existed, so no hardship is imposed. No greater right is given by allowing the application to be presented in the name of the remaining applicant.

The words underlined are new.

Procedure when one joint applicant retires.

(2) When an application is filed by joint applicants, and it subsequently appears that one or more of them has had no part in the invention, the prosecution of such application may be carried on by the remaining applicant or applicants on satisfying the Commissioner by affidavit that the remaining applicant or applicants is or are the sole inventor or inventors. (New.)

(3) When an application is filed by one or more applicants and it subsequently appears that one or more further applicants should have been joined, such further applicant or applicants may be joined on satisfying the Commissioner that he or they should be so joined, and that the omission of such further applicant or applicants had been by inadvertence or *bona fide* mistake and was not for the purpose of delay.

When patent to be granted to joint applicants.

(4) Subject to the provisions of this section, in cases of joint applications the patent shall be granted in the names of all the applicants. R.S., c. 150, s. 23 (2), Am.

Appeal.

(5) An appeal shall lie to the Exchequer Court from the decision of the Commissioner under this section. R.S., c. 150, s. 11, Am.

IMPROVEMENTS.

Improvements may be patented.

33. Any person who has invented any improvement on any patented invention may obtain a patent for such improvement, but he shall not thereby obtain the right of making, vending or using the original invention, nor shall the patent for the original invention confer the right of making, vending or using the patented improvement. R.S., c. 150, s. 9.

SPECIFICATIONS AND CLAIMS.

Particulars required.

34. The applicant shall, in his application for a patent, insert the title or name of the invention, and shall, with the application, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. R.S., c. 150, s. 13.

33. This is section 9 of the existing Act, relating to patents for improvements transposed without change.

34. This is section 13 of the existing Act transposed without change.

Specification.

Description and operation.

Various steps and methods.

35. (1) The application shall in the specification correctly and fully describe the invention and its operation or use as contemplated by the inventor, and set forth clearly the various steps in a process, or the method of constructing, making, compounding or using a machine, manufacture or composition of matter, in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most closely connected, to make, construct, compound or use it. In the case of a machine he shall explain the principle thereof and the best mode in which he has contemplated the application of that principle. In the case of a process he shall explain the necessary sequence, if any, of the various steps, so as to distinguish the invention from other inventions. He shall particularly indicate and distinctly claim the part, improvement or combination which he claims as his invention.

Claims.

Place and date.

(2) The specification shall end with a claim or claims stating distinctly and in explicit terms the things or combinations which the applicant regards as new and in which he claims an exclusive property or privilege. It shall bear the name of the place where, and the date when it is made, and be signed by the applicant.

References in claims.

(3) A dependent claim may refer to one preceding claim only. The latter may itself be a dependent claim.

Additional claims.

(4) When the number of claims in an application exceeds twenty-five a surchage of fifty cents shall be imposed for each claim in excess of that number.

EXAMINATION.

Examination.

36. On each application for a patent a careful examination shall be made by competent examiners to be employed in the Patent Office for that purpose. R.S., c. 150, s. 15.

DIVISIONAL APPLICATIONS.

Patent for one invention only.

37. (1) A patent shall be granted for one invention only but in an action or other proceeding a patent shall not be deemed to be invalid by reason only that it has been granted for more than one invention.

Divisional applications if more than one invention claimed.

(2) If an application describes and claims more than one invention the applicant may, and on the direction of the Commission to that effect shall, limit his claims to one invention only, and if such divisional applications are filed before the issue of a patent on the original application the deleted claims may be made the subject of one or more divisional applications: Provided that if the original application becomes abandoned or forfeited, the time for filing divisional applications shall terminate with the expiration

35. This is a rearrangement of the existing Section 14, which reads as follows:—

"**14.** (1) The specification shall

(a) correctly and fully describe the invention and its operation or use as contemplated by the inventor;

(b) set forth clearly the various steps in a process, or the method of constructing, making or compounding, a machine, manufacture, or composition of matter;

(c) end with a claim or claims stating distinctly the things or combinations which the applicant regards as new and in which he claims an exclusive property and privilege.

(2) Such specification shall bear the name of the place where, and the date when it is made, and shall be signed by the applicant.

(3) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also with his application, send in drawings in duplicate, showing clearly all parts of the invention; and each drawing shall bear the signature of the inventor, or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specifications; but the Commissioner may require further drawings or dispense with any of them as he sees fit.

(4) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

(5) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part." 1923, c. 23, s. 14.

36. This is section 15 of the existing Act transposed without change.

37. This is new.

of the time for reinstating or restoring and reviving the original application under this Act or the rules made thereunder.

Separate applications bearing same date.

(3) Such divisional applications shall be deemed to be separate and distinct applications under this Act, to which the provisions thereof shall apply as fully as may be. Separate fees shall be paid on each of such applications and they shall bear the filing date of the original application. (New.)

DRAWINGS AND MODELS.

Drawings.

38. (1) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also with his application, send in drawings in duplicate, showing clearly all parts of the invention. Each drawing shall bear the signature of the inventor, or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification, but the Commissioner may require further drawings or dispense with any of them as he sees fit.

Duplicates.

(2) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

Copies in place of duplicates.

(3) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 150, s. 14, Am.

Models and specimens.

39. (1) In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment.

Dangerous substances.

(2) If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. R.S., c. 150, s. 16.

CHEMICAL PRODUCTS AND SUBSTANCES.

Chemical products and substances intended for food or medicine.

40. (1) In the case of inventions relating to substances prepared or produced by chemical processes and intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or

38. This section comprises the provisions of subsections 3, 4 and 5 of section 14 of the Act, which are not altered.

39. This section is the same as section 16 of the existing Act, transposed without change. Sections 37 and 38 relate to drawings and models, and are therefor put under the same heading.

40. This amends section 17 of the Act verbally. It relates to chemical products and substances intended for food or medicine.

produced by the methods or processes of manufacture particularly described and claimed or by their obvious chemical equivalents. R.S. c. 150, s. 17 (1), Am.

Action for infringement.

(2) In an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall, in the absence of proof to the contrary, be deemed to have been produced by the patented process.

No patent to preclude free manufacture or free sale or use of article for human food or medical purpose.

(3) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the Commissioner shall, unless he sees good reason to the contrary, grant to any person applying for the same, a licence limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such licence and fixing the amount of royalty or other consideration payable the Commissioner shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Appeals.

(4) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court.

Application.

(5) This section shall apply only to patents granted after the thirteenth day of June, 1923. R.S., c. 150, s. 17.

REFUSAL OF PATENTS.

Refusal by Commissioner.

41. Whenever the Commissioner is satisfied that the applicant is not by law entitled to be granted a patent he shall refuse the application and, by registered letter addressed to the applicant or his registered agent, notify such applicant of such refusal and of the ground or reason therefor. (New.)

Objection by Commissioner.

42. Whenever it appears to the Commissioner that the invention to which an application relates has been, before the filing of the application, described in a patent granted in Canada or any other country, and such application was filed within two years after the date on which such patent was so granted and the Commissioner entertains doubts whether the patentee of such invention is, as between him and the applicant, the first inventor, the Commissioner shall, by registered letter addressed to the applicant or his registered agent, object to grant a patent on such application and state, with sufficient detail to enable the applicant, if he can, to answer, the ground or reason for such objection. The applicant shall have the right, within such period or extended period of time as the Commissioner

41. This is new.

42. This also is new. It and section 41 are clarifications of the present Section 19 and 20.

may allow, to answer such objection and if it be not in due course answered to the satisfaction of the Commissioner he shall refuse the application.

Appeal to Exchequer Court.

43. Every person who has failed to obtain a patent by reason of a refusal or objection of the Commissioner to grant it may, at any time within six months after notice as provided for in the two next preceding sections has been mailed, appeal from the decision of the Commissioner to the Exchequer Court and that Court shall have exclusive jurisdiction to hear and determine such appeal. R.S., c. 150, s. 21, Am.

CONFLICTING APPLICATIONS.

When conflict exists.

44. (1) Conflict between two or more pending applications shall exist

(a) when each of them contains one or more claims defining substantially the same invention; or

(b) when one or more claims of one application describe the invention disclosed in the other application. (New).

Procedure to be followed before conflict is declared.

(2) When the Commissioner has before him two or more such applications he shall notify each of the applicants of the apparent conflict and transmit to each of them a copy of the conflicting claims, together with a copy of this section. The Commissioner shall give to each applicant the opportunity of inserting the same or similar claims in his application within a specified time. (New).

Preliminary notice of conflict.

(3) If each of two or more of such completed applications contains one or more claims describing as new, and claims an exclusive property or privilege in, things or combinations so nearly identical that, in the opinion of the Commissioner, separate patents to different patentees should not be granted, the Commissioner shall forthwith notify each of the applicants to that effect. (New.)

Response.

(4) Each of the applicants, within a time to be fixed by the Commissioner, shall either avoid the conflict by the amendment or cancellation of the conflicting claim or claims, or, if unable to make such claims owing to knowledge of prior art, may submit to the Commissioner such prior art alleged to anticipate the claims. Thereupon each application shall be re-examined with reference to such prior art, and the Commissioner shall decide if the subject matter of such claims is patentable. 1932, c. 21, s. 1, Am.

Formal declaration of conflict.

(5) If the subject matter is found to be patentable and the conflicting claims are retained in the applications, the Commissioner shall require each applicant to file in the Patent Office, in a sealed envelope duly endorsed, within a time specified by him, an affidavit of the record of the invention. The affidavit shall declare:—

43. This is a redraft of the present section 21.

44. Section 22 of the Act, respecting conflicting applications, has been redrafted and amended to define more clearly the practice relating to conflicts.

The section of the Act as it now stands does not give the applicants an opportunity to put their applications in condition for conflict proceedings. The result is that applications arriving in the Court before the patentability of the invention has been thoroughly determined by the Patent Office, are not in the best interest of the applicant. The present amendment also provides for the bringing to the attention of the Patent Office, prior art which is not at present available to the Office. It further provides that the sealed envelopes must be opened by the Commissioner in the presence of a witness and the date endorsed upon the affidavits.

(a) the date at which the idea of the invention described in the conflicting claims was conceived;

(b) the date upon which the first drawing of the invention was made;

(c) the date when and the mode in which the first written or verbal disclosure of the invention was made;

(d) the dates and nature of the successive steps subsequently taken by the inventor to develop and perfect the said invention from time to time up to the date of the filing of the application for patent. 1932, c. 21, s. 1 (2), Am.

Opening envelopes containing record of invention.

(6) No envelope containing any such affidavit as aforesaid shall be opened, nor shall the affidavits be permitted to be inspected, unless there continues to be a conflict between two or more applicants, in which event all the envelopes shall be opened at the same time by the Commissioner in the presence of the Assistant Commissioner or an examiner as witness thereto, and the date of such opening shall be endorsed upon the affidavits. 1932, c. 21, s. 1 (2), Am.

Decision of Commissioner.

(7) The Commissioner, after examining the facts stated in the affidavits, shall determine which of the applicants is the prior inventor to whom he will allow the claims in conflict and shall forward to each applicant a copy of his decision. A copy of each affidavit shall be transmitted to the several applicants. 1932, c. 21, s. 1 (2), Am.

Disposition of applications unless proceedings taken in Exchequer Court.

(8) The claims in conflict shall be rejected or allowed accordingly unless within a time to be fixed by the Commissioner and notified to the several applicants one of them commences proceedings in the Exchequer Court of Canada for the determination of their respective rights, in which event the Commissioner shall suspend further action on the applications in conflict until in such action it has been determined either

(i) that there is in fact no conflict between the claims in question, or

(ii) that none of the applicants is entitled to the issue of a patent containing the claims in conflict as applied for by him, or

(iii) that a patent or patents, including substitute claims approved by the Court, may issue to one or more of the applicants, or

(iv) that one of the applicants is entitled as against the others to the issue of a patent including the claims in conflict as applied for by him.

Sending files to Court.

(9) The Commissioner shall, upon the request of any of the parties to a proceeding under this section, transmit to the Exchequer Court of Canada the papers on file in the Patent Office relating to the applications in conflict. 1932, c. 21, s. 1, Am.

GRANT OF PATENTS.

What patent shall contain and confer.

45. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall, subject to the conditions in this Act prescribed, grant to the patentee and his legal representatives for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing, using and vending to others to be used the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction. R.S., c. 150, s. 23, Am.

INVENTIONS BY PUBLIC SERVANTS.

Patents for inventions by persons in public service.

46. (1) Every patent granted in respect of an invention made by a person while employed in the public service of Canada and relating to the nature of his employment shall, notwithstanding anything in the patent or in this Act to the contrary, be subject to the following conditions, which shall be endorsed on such patent, that is to say:—

Terms.

(a) The Commissioner may grant to any person applying therefor a licence to use the patented invention on terms to be fixed by the Commissioner;

Duty of Commissioner.

(b) In fixing the said terms the Commissioner shall have regard to the circumstances under which the invention was made and the right and interest of the Government of Canada therein in consequence thereof, which right and interest the said government is hereby declared to have, and shall reduce the royalty payable to the patentee accordingly or apportion the royalty between the patentee and the Government of Canada, but in no case shall the amount payable to the patentee be less than one-half of what it would have been had the inventor not been in the public service when making the invention;

Royalty.

(c) The patentee shall not make use of nor allow others to make use of the patented invention without the consent of the Commissioner, who in granting such consent may exact a royalty for such use to be fixed by him and paid to the Government of Canada;

Injunction.

(d) The Attorney General of Canada shall have a right of action in any court of competent jurisdiction to restrain the unauthorized use of the patented invention and recover damages therefor, which may be apportioned by the Commissioner, subject to the approval of the Minister, between the patentee and the Government;

Assignment of patent.

(e) Notwithstanding the foregoing provisions of this section, the patentee, with the consent of the Governor in Council, may assign the patent on such terms as to

45. This is subsection 1 of section 23 of the existing Act. Subsection 2 of that section, relating to joint applicants has been transposed to section 31 of this Act.

46. This is section 24 of the existing Act, with the addition of paragraph *(e)* of subsection 1.

the division and payment of the consideration therefor, or otherwise, as the Governor in Council may decide, in which case the Government of Canada shall not thereafter be deemed to have any special right or interest in such patent except such rights and interests as are expressly reserved by the terms of the order in council granting such consent. (New.)

Disputes.

(2) Any question which may arise as to whether any invention comes within the terms of this section shall be determined by the Commissioner on the application for a patent therefor.

Deputy may apply if inventor refuses or fails.

(3) On the refusal or failure of such inventor to apply for a patent for such invention after being thereunto duly required by the deputy head of the department in which he was at the time of making the invention employed, such deputy head may in his official capacity apply for and obtain a patent for such invention.

Inventor's right outside of Canada.

(4) Nothing herein contained shall be construed to restrict the right of the inventor to the full enjoyment of his invention outside of Canada.

Appeal.

(5) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 24, Am.

FORM AND TERM OF PATENTS.

Form of issue.

47. Every patent granted under this Act shall be issued under the signature of the Commissioner and the seal of the Patent Office. The patent shall bear on its face the date on which it is granted and issued and it shall thereafter be *prima facie* valid and avail the grantee and his legal representatives for the term mentioned therein, which term shall be as in and by the next following section provided.

Term of patent.

48. (1) The term limited for the duration of every patent of invention issued by the Patent Office under this Act the application for which patent shall be filed after the coming into force of this section shall be seventeen years from the date on which the patent is granted and issued. R.S., c. 150, s. 26, Am.

Patents pending.

(2) The term limited for the duration of every patent of invention issued by the Patent Office under this Act the application for which patent shall have been filed prior to the coming into force of this section shall be eighteen years from the date on which the patent is granted and issued. (New.)

47. The equivalent present section reads as follows:—

"**25.** Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner and, when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent." 1923, c. 23, s. 25.

48. This is in part new. The equivalent present section reads as follows:—

"**26.** The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years. 1923, c. 23, s. 26.

REISSUE OF PATENTS.

Issue of new or amended patents.

49. (1) Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more or less than he had a right to claim as new, but at the same time it appears that the error arose from inadvertance, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent within four years from its date and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention for the then unexpired term for which the original patent was granted.

Effect of new patent.

(2) Such surrender shall take effect only upon the issue of the new patent, and such new patent and the amended description and specification shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if such amended description and specification had been originally filed in their corrected form before the issue of the original patent, but in so far as the claims of the original and reissued patents are identical such surrender shall not affect any action pending at the time of reissue nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent shall constitute a continuation thereof and have effect continuously from the date of the original patent.

Separate patents for separate parts.

(3) The Commissioner may entertain separate applications and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a reissue for each of such reissued patents. R.S., c. 150, s. 27, Am.

DISCLAIMERS.

Patentee may disclaim anything included in patent by mistake.

50. (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has

(a) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or

(b) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and to which he had no lawful right;

he may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

49. This amends subsection 1 of section 27 of the Act, relating to the reissue of patents, by striking out the words "or within one year from the thirteenth day of June, one thousand nine hundred and twenty-three" in the eighth and ninth lines, as that date has lapsed.

Subsection 2 of the existing section 27 is omitted as unnecessary. The provision is covered by the definition of patentee in section 2 *(h)*. Subsection 2 reads as follows:

"2. In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives."

50. The existing Act reads as follows:—

"**28.** (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has

(*a*) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or

(*b*) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and to which he had no lawful right;

the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

Form and attestation of disclaimer.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested by one or more witnesses. One copy thereof shall be filed and recorded in the office of the Commissioner. The other shall be attached to the patent and made a part thereof by reference. The disclaimer shall thereafter be deemed to be part of the original specification.

Pending suits not affected.

(3) No disclaimer shall affect any action pending at the time when it is made, except as to unreasonable neglect or delay in making it.

Death of patentee.

(4) In case of the death of the original patentee or of his having assigned the patent a like right to disclaim shall vest in his legal representatives, any of whom may exercise it.

Effect of disclaimer.

(5) The patent shall, after disclaimer as in this section provided, be deemed to be valid for such material and substantial part of the invention, definitely distinguished from other parts thereof claimed without right, as is not disclaimed and is truly the invention of the disclaimant, and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. R.S., c. 150, s. 28, Am.

ASSIGNMENTS AND DEVOLUTIONS.

Assignee or personal representatives may obtain patent.

51. (1) A patent may be granted to any person to whom an inventor, entitled under this Act to obtain a patent, has assigned in writing or bequeathed by his last will his right to obtain it. In the absence of such assignment or bequest the patent may be granted to the personal representatives of the estate of a deceased inventor. R.S., c. 150, s. 29, Am.

Assignees may object to withdrawal of application.

(2) If the applicant for a patent has, after filing his application, assigned his right to obtain the patent, or if he has either before or after filing his application assigned in writing the whole or part of his property or interest in the invention, the assignee may register such assignment in the Patent Office in the manner from time to time prescribed by the Commissioner, and no application for a patent shall be withdrawn without the consent in writing of every such registered assignee. R.S., c. 150, s. 18, Am.

Attestation.

(3) No such assignment shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that the assignment was signed and executed in his presence by the assignor. (New.)

Patents to be assignable.

52. (1) Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by an instrument in writing.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested in the manner hereinbefore prescribed, in respect of an application for a patent; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification.

(3) Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it.

(4) In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer.

(5) The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly." 1923, c. 23, s. 28.

51. This section extensively recasts the present sections 29 and 18, which are as follows:—

"**29.** The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment, or bequest, to the legal representatives of the inventor." 1923, c. 23, s. 29.

"**18.** No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof." 1923, c. 23, s. 18.

52. This amends section 30 of the Act by adding provisions for proper proof of the execution of assignments, and for the proof of title of other instruments, before registration. This is to prevent the attempted registration of documents executed without sufficient authority.

Registration.

(2) Such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner from time to time prescribed by the Commissioner.

Attestation.

(3) No such assignment, grant or conveyance shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that such assignment, grant or conveyance was signed and executed in his presence by the assignor or other party thereto. (New.)

Assignment null if not registered.

(4) Every assignment affecting a patent for invention, whether it be referable to this or the next preceding section, shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 150, s. 30. Am.

LEGAL PROCEEDINGS IN RESPECT OF PATENTS

Patent to be void in certain cases, or valid only for parts.

53. (1) A patent shall be void if any material allegation in the petition or declaration of the applicant in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, and such omission or addition is wilfully made for the purpose of misleading.

Exception in case of involuntary error.

(2) If it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for that part of the invention described to which the patentee is so found to be entitled.

Copies of judgment to be sent to Patent Office.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee. One of them shall be registered and remain of record in the office and the other shall be attached to the patent and made a part of it by a reference thereto. R.S. c. 150, s. 31. Am.

INFRINGEMENT.

Jurisdiction of courts.

54. (1) An action for the infringement of a patent may be brought in that court of record which, in the the province wherein the infringement is said to have occurred, has jurisdiction, pecuniarily, to the amount of the damages claimed and which, with relation to the other courts of the province holds its sittings nearest to the place of residence or of

53. The existing section 31 reads as follows:—

"**31.** (1) A patent shall be void, if any material allegation in the petition or declaration of the applicant hereinbefore mentioned in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading.

(2) If it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto* the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made a part of it by a reference thereto." 1923, c. 23, s. 31.

54. The existing section 33 reads as follows:—

"**33.** Any action for the infringement of a patent may be brought in the court of record having jurisdiction, to the amount of the damages claimed, in the province in which the infringement is alleged to have taken place, which holds its sittings nearest to the place of residence or of business of the defendant; and such court shall decide the case and determine as to costs." 1923, c. 23, s. 33.

business of the defendant. Such court shall decide the case and determine as to costs, and assumption of jurisdiction by the court shall be of itself sufficient proof of jurisdiction. R.S., c. 150, s. 33, Am.

Jurisdiction of Exchequer Court preserved.

(2) Nothing in this section shall impair the jurisdiction of the Exchequer Court of Canada under section twenty-two of the *Exchequer Court Act* or otherwise.

Infringement of patent, defined and remedy provided by action for damages.

55. (1) Any person who infringes a patent shall be liable to the patentee and to all persons claiming under him for all damages sustained by the patentee or by any such person, by reason of such infringement.

Patentee to be a party.

(2) Unless otherwise expressly provided, the patentee shall be or be made a party to any action for the recovery of such damages.

Patent not to affect a previous purchaser.

56. Every person who, before the issuing of a patent has purchased, constructed or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention by the person first mentioned, or by those to whom he has sold it, unless it was purchased, constructed, acquired or used for a longer period than two years before the application for a patent therefor, in consequence whereof the invention became public and available to public use. R.S., c. 150, s. 50.

Proviso as to other persons.

Injunction may issue.

57. In any action for infringement of a patent the court, or any judge thereof, may, on the application of the plaintiff or defendant make such order as the court or judge sees fit,

(a) restraining or enjoining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience of such order; or

(b) for and respecting inspection or account; and

(c) generally, respecting the proceedings in the action.

Appeal.

(2) An appeal shall lie from any such order under the same circumstances and to the same court as from other judgments or orders of the court in which the order is made. R.S., c. 150, s. 34, Am.

55. Sub-clause (1) of this is a redraft of section 33 of the Patent Act. Sub-clause (2) is new.

56. This replaces the present section 50, which is as follows:—

"**50.** Every person who, before the issuing of a patent, has purchased, constructed, or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention, by the person first aforesaid or by those to whom he has sold the same, unless the same was purchased, constructed, acquired or used for a longer period than two years before the application for a patent therefor, thereby making the invention one which has become public and in public use." 1923, c. 23, s. 50.

57. This is the same as section 34 of the existing Act, with the underlined word inserted.

Invalid claims not to affect valid claims.

58. When in any action or proceeding respecting a patent which contains two or more claims, one or more of such claims is or are held to be valid, but another or others is or are held to be invalid or void, effect shall be given to the patent as if it contained only the valid claim or claims. 1932, c. 21, s. 2.

Defence.

59. The defendant, in any action for infringement of a patent may plead as matter of defence any fact or default which by this Act or by law renders the patent void, and the court shall take cognizance of such pleading and of the relevant facts and decide accordingly. R.S., c. 150, s. 36.

IMPEACHMENT.

Impeachment of patents or patent claims.

60. (1) A patent or any claim in a patent may be declared invalid or void by the Exchequer Court of Canada at the instance of the Attorney General of Canada or at the instance of any interested person.

Declaration as to infringement.

(2) If any person has reasonable cause to believe that any process used or proposed to be used or any article made, used or sold or proposed to be made, used or sold by him might be alleged by any patentee to constitute an infringement of an exclusive property or privilege granted thereby, he may bring an action in the Exchequer Court of Canada against the patentee for a declaration that such process or article does not or would not constitute an infringement of such exclusive property or privilege.

Security for costs.

(3) Except the Attorney General of Canada or the Attorney General of a province of Canada the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent shall be entitled to obtain a declaration under this section without being required to furnish any security. 1932, c. 21, s. 3, Am.

PRIORITY OF INVENTIONS.

Prior inventor must disclose his invention to establish priority.

61. (1) No patent or claim in a patent shall be declared invalid or void on the ground that, before the invention therein defined was made by the inventor by whom the patent was applied for it had already been known or used by some other inventor, unless it is established either that,

(a) before the date of the application for the patent such other inventor had disclosed or used the invention in such manner that it had become available to the public; or that

58. This is section 35 of the Act as enacted in 1932, c. 21. The underlined words are new.

59. This is the same as section 36 of the existing Act. Underlined words are new.

60. This is section 37 of the Act as enacted in 1932, c. 21, with the underlined words inserted.

61. This amends section 37A of the Act as enacted in 1932, c. 21, s. 4, by redrafting and division into paragraphs and subsections.

(*b*) before the issue of the patent, such other inventor has made application for a patent in Canada or in any other country which application bears a filing date earlier that that of the application for the patent in Canada and upon which an application in Canada may yet be made under the provisions of section twenty-seven of this Act, or upon which conflict proceedings should have been directed.

A second patent cannot issue unless on adjudication the first patent is set aside.

Action to set aside prior patent.

(2) Notwithstanding the provisions of section forty-one of this Act, an application for a patent for an invention for which a patent has already issued under this Act shall be rejected unless the applicant, within a time to be fixed by the Commissioner, commences an action to set aside the prior patent, so far as it covers the invention in question, but if such action is so commenced and diligently prosecuted, the application shall not be deemed to have been abandoned unless the applicant fails to proceed upon it within a reasonable time after the action has been finally disposed of.

When provisions of subsection one do not apply.

(3) If the application was filed within one year from the date of the filing of the application for the prior patent, the provisions of subsection one of this section shall not apply to the determination of the respective rights of the parties to such action. 1932, c. 21, s. 4, Am.

JUDGMENTS.

Judgment voiding patent to be filed.

62. A certificate of the judgment voiding in whole or in part any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent or such part thereof as is so voided shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 150, s. 38.

Appeal.

63. Every judgment voiding in whole or in part or refusing to void in whole or in part any patent shall be subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which such judgment was rendered. R.S., c. 150, s. 39.

CONDITIONS.

Information relating to patents.

64. (1) The Commissioner may, at any time, by notice in writing addressed to the patentee of any patent specified by him, or to his registered representative in Canada, and to every person who has a registered interest in such patent, require the patentee and such persons in respect of such specified patent to transmit and deliver to the Commis-

62, 63. These sections relating to judgments are the same as sections 38 and 39 of the existing Act.

Underlined words are new.

64. This replaces section 40 of the present Act, reading as follows:—

"**40.** (1) Every patent, except those governed by the provisions of this Act relating to the granting of patents to persons in the public service, shall be subject to the following conditions:—

(a) Every patentee shall satisfy the reasonable requirements of the public with reference to his patent and to that end shall adequately manufacture the patented article or carry on the patented process within Canada;

(b) Any person interested may present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied or that the patentee has failed

sioner within sixty days from the date of such notice, or within such further time as the Commissioner may allow, a return stating:—

(a) the date of any registered assignment or conveyance of such specified patent, giving the name of the assignee or person entitled thereto; and

(b whether the patented invention is being worked on a commercial scale in Canada, and the place where and the name and address of the person by whom the patented invention is being so worked; and

(c) the reasons, if any, why such patented invention is not being worked on a commercial scale in Canada.

Effect of failure to comply.

(2) The failure of the patentee or his registered representative in Canada or that of any such person having a registered interest to comply with the terms of the notice mentioned in the next preceding subsection shall be deemed to be an admission on the part of the patentee or the person, as the case may be, so failing, that the patented invention is not being worked on a commercial scale in Canada.

to manufacture adequately the patented invention in Canada, and praying that the patentee be ordered to supply the patented article at a reasonable price or grant licences for the use of the invention on reasonable terms;

(c) The Commissioner shall then consider the petition and if the parties do not come to an arrangement between themselves, shall proceed to hear and determine the matter, and if it is proved to his satisfaction that the reasonable requirements of the public with respect to the patented invention have not been satisfied or that the patentee has failed to adequately manufacture the patented invention in Canada, the patentee may be ordered by him to supply the patented article within reasonable limits at such price as may be fixed by him and in accordance with the custom of the trade to which the invention relates as to the payment and delivery, or to grant licences for the use of the patented invention as may be fixed by him, in either case within and after such time as may be fixed by him and on pain of forfeiture of the patent; but such order shall not be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default; and that having regard to the nature of the case, the Commissioner may, with the approval of the Minister, instead of hearing and determining the matter himself, refer the petition to the Exchequer Court, which shall have jurisdiction in the premises and may make such order thereon as the Commissioner is authorized to make under this section. 1928, c. 4, s. 1.

(d) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied,

(i) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry, in the Dominion of Canada is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met, or

(ii) if any trade or industry in the Dominion of Canada is unfairly prejudiced by the conditions attached by the patentee to the purchase, hire, or use of the patented article or to the using or working of the patented process.

(2) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court." 1923, c. 23, s. 40.

Abuse of rights under patents.

65. (1) The Attorney General of Canada or any person interested may at any time after the expiration of three years from the date of the grant of a patent apply to the Commissioner alleging in the case of that patent that there has been an abuse of the exclusive rights thereunder and asking for relief under this Act.

What amounts to such abuse.

(2) The exclusive rights under a patent shall be deemed to have been abused in any of the following circumstances:—

Not working, patented invention.

(a) If the patented invention (being one capable of being worked within Canada) is not being worked within Canada on a commercial scale, and no satisfactory reason can be given for such non-working:

Proviso.

Provided that, if an application is presented to the Commissioner on this ground, and the Commissioner is of opinion that the time which has elapsed since the grant of the patent has by reason of the nature of the invention or for any other cause been insufficient to enable the invention to be worked within Canada on a commercial scale, the Commissioner may make an order adjourning the application for such period as will in his opinion be sufficient for that purpose;

Prevention of working by importation.

(b) If the working of the invention within Canada on a commercial scale is being prevented or hindered by the importation from abroad of the patented article by the patentee or persons claiming under him, or by persons directly or indirectly purchasing from him, or by other persons against whom the patentee is not taking or has not taken any proceedings for infringement;

Not meeting demand.

(c) If the demand for the patented article in Canada, is not being met to an adequate extent and on reasonable terms;

Prejudice to trade by refusal to licence.

(d) If, by reason of the refusal of the patentee to grant a licence or licences upon reasonable terms, the trade or industry of Canada or the trade of any person or class of persons trading in Canada, or the establishment of any new trade or industry in Canada, is prejudiced, and it is in the public interest that a licence or licences should be granted;

Prejudice by reason of conditions attached.

(e) If any trade or industry in Canada, or any person or class of persons engaged therein, is unfairly prejudiced by the conditions attached by the patentee, whether before or after the passing of this Act, to the purchase, hire, licence, or use of the patented article, or to the using or working of the patented process;

Prejudice in other respects.

(f) If it is shown that the existence of the patent, being a patent for an invention relating to a process involving the use of materials not protected by the patent or for an invention relating to a substance produced by such a process, has been utilized by the patentee so as un-

65 to **71**, inclusive. These introduce from the British Act a compulsory licence system.

fairly to prejudice in Canada the manufacture, use or sale of any such materials;

Declaration of basis of grants of patents.

(3) It is declared with relation to every paragraph of the next foregoing subsection that, for the purpose of determining whether there has been any abuse of the exclusive rights under a patent, it shall be taken that patents, for new inventions are granted not only to encourage invention but to secure that new inventions shall so far as possible be worked on a commercial scale in Canada without undue delay.

Powers of Commissioner in cases of abuse.

66. On being satisfied that a case of abuse of the exclusive rights under a patent has been established, the Commissioner may exercise any of the following powers as he may deem expedient in the circumstances:—

Compulsory licences.

(a) He may order the grant to the applicant of a licence on such terms as the Commissioner may think expedient, including a term precluding the licensee from importing into Canada any goods the importation of which, if made by persons other than the patentee or persons claiming under him would be an infringement of the patent, and in such case the patentee and all licensees for the time being shall be deemed to have mutually covenanted against such importation. A licensee under this paragraph shall be entitled to call upon the patentee to take proceedings to prevent infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for infringement in his own name as though he were the patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on the patentee may be affected by leaving the writ at his address or at the address of his representative for service as appearing in the records of the Patent Office. In settling the terms of a licence under this paragraph the Commissioner shall be guided as far as may be by the following considerations:—

(i) he shall, on the one hand, endeavour to secure the widest possible user of the invention in Canada consistent with the patentee deriving a reasonable advantage from his patent rights;

(ii) he shall, on the other hand, endeavour to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in Canada:

(iii) he shall also endeavour to secure equality of advantage among the several licensees, and for this purpose may, on due cause being shown, reduce the royalties or other payments accruing to the patentee under any licence previously granted: Provided that, in considering the question of equality of advantage, the Commissioner shall take into account any work done or outlay incurred by any previous licensee with a view to testing the commercial value of the invention or to securing the working thereof on a commercial scale in Canada;

Exclusive compulsory licences.

(b) If the Commissioner is satisfied that the invention is not being worked on a commercial scale within Canada, and is such that it cannot be so worked without the expenditure of capital for the raising of which it will be necessary to rely on the exclusive rights under the patent, he may, unless the patentee or those claiming under him will undertake to find such capital, order the grant to the applicant, or any other person, or to the applicant and any other person or persons jointly, if able and willing to provide such capital, of an exclusive licence on such terms as the Commissioner may think just, but subject as hereafter in this Act provided;

Order for a licence.

(c) If the Commissioner is satisfied that the exclusive rights have been abused in the circumstances specified in paragraph *(f)* of subsection two of the last foregoing section, he may order the grant of licences to the applicant and to such of his customers, and containing such terms, as the Commissioner may think expedient;

(d) If the Commissioner is satisfied that the objects of this and the last foregoing sections cannot be attained by the exercise of any of the foregoing powers, he may order the patent to be revoked, either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime such conditions as may be prescribed in the order with a view to attaining the objects of this and the last foregoing sections are fulfilled, and the Commissioner may, on reasonable cause shown in any case, by subsequent order extend the interval so specified:

Revocation of patent.

Provided that the Commissioner shall make no order for revocation which is at variance with any treaty, convention, arrangement, or engagement with any other country to which Canada is a party;

Refusal of order.

(e) If the Commissioner is of opinion that the objects of this and the last foregoing sections will be best attained by making no order under the above provisions of this section, he may make an order refusing the application and dispose of any question as to costs thereon as he thinks just.

Terms of order for licence.

67. (1) In settling the terms of any such exclusive licence as is provided in paragraph *(b)* of the last preceding section, due regard shall be had to the risks undertaken by the licensee in providing the capital and working the invention, but, subject thereto, the licence shall be so framed as—

(a) to secure to the patentee the maximum royalty compatible with the licensee working the invention within Canada on a commercial scale and at a reasonable profit;

(b) to guarantee to the patentee a minimum yearly sum by way of royalty, if and so far as it is reasonable so to do, having regard to the capital requisite for the proper working of the invention and all the circumstances of the case;

and, in addition to any other powers expressed in the licence or order, the licence and the order granting the licence shall be made revocable at the discretion of the Commissioner if the licensee fails to expend the amount specified in the licence as being the amount which he is able and willing to provide for the purpose of working the invention on a commercial scale within Canada, or if he fails so to work the invention within the time specified in the order.

Existing licensees preferred.

(2) In deciding to whom such an exclusive licence is to be granted the Commissioner shall, unless good reason is shown to the contrary, prefer an existing licensee to a person having no registered interest in the patent.

Effect of order for licence.

(3) The order granting an exclusive licence under the last foregoing section shall operate to take away from the patentee any right which he may have as patentee to work or use the invention and to revoke all existing licences, unless otherwise provided in the order, but on granting an exclusive licence the Commissioner may, if he thinks it fair and equitable, make it a condition that the licensee shall give proper compensation to be fixed by the Commissioner for any money or labour expended by the patentee or any existing licensee in developing or exploiting the invention.

Contents of applications.

68. (1) Every application presented to the Commissioner under sections sixty-five or sixty-six shall set out fully the nature of the applicant's interest and the facts upon which the applicant bases his case and the relief which he seeks. The application shall be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

Service on patentee and others interested.

(2) The Commissioner shall consider the matters alleged in the application and declarations, and, if satisfied that the applicant has a *bona fide* interest and that a *prima facie* case for relief has been made out, he shall direct the applicant to serve copies of the application and declarations upon the patentee or his representative for service and upon any other persons appearing from the records of the

Advertising.

Patent Office to be interested in the patent, and the applicant shall advertise the application in the *Canada Gazette* and the Canadian Patent Office Record.

Opposition and counter statement.

69. (1) If the patentee or any person is desirous of opposing the granting of any relief under sections sixty-five to seventy, inclusive, he shall, within such time as may be prescribed or within such extended time as the Commissioner may on application further allow, deliver to the Commissioner a counter statement verified by a statutory declaration fully setting out the grounds on which the application is to be opposed.

Attendance for cross-examination.

(2) The Commissioner shall consider the counter statement and declarations in support thereof and may thereupon dismiss the application if satisfied that the allegations in the application have been adequately answered, unless any of the parties demands a hearing or unless the Commissioner himself appoints a hearing. In any case the Commissioner may require the attendance before him of any of the declarants to be cross-examined or further examined upon matters relevant to the issues raised in the application and counter statement, and he may, subject to due precautions against disclosure of information to rivals in trade, require the production before him of books and documents relating to the matter in issue.

Reference to Exchequer Court.

(3) In any case where the Commissioner does not dismiss an application as hereinbefore provided, and

(a) if the parties interested consent; or

(b) if the proceedings require any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Commissioner conveniently be made before him;

the Commissioner with the approval in writing of the Minister may order the whole proceedings or any issue of fact arising thereunder to be referred to the Exchequer Court of Canada, which shall have jurisdiction in the premises, and where the whole proceedings are so referred, the judgment, decision or order of said Court shall be final; and where a question or issue of fact is so referred, the said Court shall report its findings to the Commissioner.

Licence deemed to be by deed.

70. (1) Any order for the grant of a licence under this Act shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence executed by the patentee and all other necessary parties.

Exception.

(2) The provisions of sections sixty-five to seventy, inclusive, shall not apply to patents granted subject to the provisions of section forty-six of this Act.

"Patented article".

(3) For the purposes of sections sixty-five to seventy, inclusive, the expression "patented article" includes articles made by a patented process.

Appeal to Exchequer Court.

71. All orders and decisions of the Commissioner under sections sixty-five to seventy, inclusive, shall be subject to appeal to the Exchequer Court, and on any such appeal the Attorney General of Canada or such counsel as he may appoint shall be entitled to appear and be heard.

CAVEATS

Intending applicant for patent may file a caveat.

72. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file in the Patent Office a document setting forth a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the prescribed fee shall cause that document, which shall be called a *caveat*, to be preserved in secrecy with the exception that he shall deliver copies thereof whenever required by the applicant or by any judicial tribunal. The secrecy of the document shall cease when the applicant obtains a patent for his invention.

Notice of application by another to be sent to person filing caveat.

(2) If application is made by any other person for a patent for any invention with which such *caveat* may in any respect interfere the Commissioner shall forthwith give notice of such application by mail to the person who has filed such *caveat*, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the *caveat*, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications.

Duration of caveat.

(3) Unless the person filing a *caveat* makes application within one year from such filing the Commissioner shall be relieved from the obligation of giving notice and the *caveat* shall thereafter remain as a simple matter of proof as to novelty or priority of invention, if required. R.S., c. 150, s. 42.

72. This is the same as section 42 of the existing Act. Words underlined are new.

PATENT FEES.

Tariff of fees.

73. (1) The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

On filing an application for patent	$15 00
On grant of patent, payable on pain of forfeiture within six months from the date of notice of the allowance of patent	20 00
On asking reinstatement of abandoned application under section thirty-one	15 00
On filing an amendment after allowance of an application for patent	5 00
On lodging a caveat	5 00
On asking to register a judgment *pro tanto*	4 00
On asking to register an assignment or any other document affecting or relating to a patent	2 00
On asking to attach a disclaimer to a patent	2 00
On asking entry of appointment of representative under section thirty	2 00
On application for registration under section fifteen.	5 00
On petition to reissue a patent after surrender	30 00
On filing an application or petition under sections forty, forty-six or sixty-five or sixty-six of this Act—For each patent mentioned therein	10 00
On filing an application for the restoration and revival of a patent—For each patent mentioned therein.	35 00
On asking for a copy of patent with specification, exclusive of drawings	4 00
For every copy of drawings, per sheet	0 25
For every additional copy of drawings, per sheet	0 15
For uncertified photostat or blue print copy of any paper or drawing, per sheet	0 25
On office copies of documents, not above-mentioned the following charges shall be made, the minimum charge being $1.00:—	
For every single or first folio of one hundred words certified copy	0 25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio	0 10

Fees paid prior to this Act.

(2) In the case of a patent on which a fee of twenty dollars was paid prior to the thirtieth day of June, 1923, a further fee of fifteen dollars on pain of nullity of the patent shall be payable at or before the expiration of six years from the date of its issue.

Forfeited application.

(3) A forfeited application may be restored and a patent granted thereon on application to the Commissioner within six months from the incurrence of the forfeiture, on payment with the application for restoration, in addition to

73. Section 43 of the Act relating to fees is amended by inserting several new charges, and providing that the mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

the fee payable on the grant of the patent, of a further fee of fifteen dollars and the restored application shall be subject to amendment and re-examination.

Cancellation of claims excepted.

(4) The mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

Unprovided fees.

(5) The fees on any proceedings not herein provided for shall be such as may be fixed by the Commissioner with the approval of the Governor in Council. R.S. c. 150, s. 43, Am.

Fees in full for all services.

74. The fees set forth in the next preceding section shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 150, s. 44.

Application of fees.

75. All fees or charges for which payment is received under this Act, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office, shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 150, s. 45.

No exemptions.

76. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and, except as otherwise specifically provided in this Act, no fee, when paid, shall be returned to the person who paid it. R.S., c. 150, s. 46, Am.

RESTORATION OF PATENTS

Restoration and revival of patents.

77. (1) Where any patent has become void under the terms of the *Patent Act*, chapter sixty-nine, Revised Statutes of Canada, 1906, or of the *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, in consequence of the non-payment of fees or failure to construct or manufacture, or because of the importation of the patented invention, the patentee may within two years from the date of such voidance apply to the Commissioner for an order for the restoration and revival of the patent.

Order of restoration or dismissal.

(2) The Commissioner after hearing the patentee and any other interested parties on such application of which hearing due notice shall be given by publication in the *Canada Gazette* and the *Canadian Patent Office Record* or any other official publication of the Patent Office, and after considering all the circumstances of the case, may make an order either restoring and reviving the patent or dismissing the application.

Effects of delay in application.

(3) No such application shall be granted if it appears that there has been undue delay in making it or that the voidance of the patent was intentional on the part of the patentee.

74, 75, 76. Same as sections 44, 45 and 46 of existing Act, except that part of 76 which is no longer applicable. Underlined words are new.

77. Amends section 47 of the Act, respecting restoration and revivals of patents, in regard only to patents becoming void under the various Patent Acts cited in subsection 1.

Non-payment of fee.

(4) If the voidance of the patent was in consequence of the non-payment of any fee, such fees shall be paid before any order restoring and reviving the patent shall be effective.

Return of fee.

(5) If the application be dismissed, the Commissioner at his discretion, may return the fee paid thereon less the sum of fifteen dollars.

Saving rights.

(6) In any case where a patent which has become void is restored and revived as aforesaid and during the period when such patent was void and before the publication of notice of hearing on an application for its restoration and revival as aforesaid any person has commenced lawfully to construct, manufacture, use or sell in Canada the invention covered by such patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if such patent had not been restored and revived.

Appeal.

(7) The Attorney General of Canada, the applicant or any other interested party who has opposed any such application may appeal from the decision of the Commissioner thereon to the Exchequer Court, which shall have jurisdiction to hear and determine any such appeal. R.S., c. 150, s. 47, Am.

OFFENCES AND PENALTIES.

Patented articles to be stamped or marked.

78. Any patentee under this Act or any one claiming under him who, in contravention of any requirement of section twenty-one of this Act, sells or offers for sale any articles patented under this Act, shall be liable to a fine not exceeding one hundred dollars, and in default of the payment of such fine, to imprisonment for a term not exceeding two months.

Falsely marking articles as patented.

79. Every person who

(a) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name or any imitation of the name of any patentee for the sole making or selling of such thing;

Counterfeiting the patentee's marking.

(b) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words *Patent, Letters Patent, King's or Queen's Patent, Patented,* or any word or words of like import, with the intent of counterfeiting or

78, 79, 80. These are the same as sections 63, 64 and 65 of the existing Act, except for amendments as indicated.

imitating the stamp, mark or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee; or

Offering unpatented article for sale as patented.

(c) with intent to deceive the public offers for sale as patented in Canada any article not patented in Canada;

An indictable offence.

is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment. R.S., c. 150, s. 64.

False entries an indictable offence.

80. Every person who

(a) wilfully makes or causes to be made any false entry in any register or book, or

(b) any false document or altered copy of any document, relating to the purposes of this Act, or who produces or tenders any such false or altered copy of a document in evidence, knowing it to be false or altered, is guilty of an indictable offence and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment. R.S., c. 150, s. 65, Am.

Validity of patents.

81. (1) The validity of a patent issued under any Act which is repealed by this Act shall be determined according to the provisions of that repealed Act which was in force when the patent was granted and issued.

Application of Act.

(2) This Act, and every condition and obligation imposed by it shall, except to the extent otherwise provided thereby, apply to every patent issued under it or under any Act which is repealed by it and to every application pending in Canada at the time when this Act comes into force: Provided as to applications pending at the time when this Act comes into force, that if any applicant has then satisfied the requirements preliminary to the grant of a patent under the Act in force immediately before this Act comes into force the Commissioner may and shall, notwithstanding anything in this Act, grant and issue to that applicant a patent. (New).

REPEAL.

Repeal.

82. The *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, and the amending Acts, chapter four of the Statutes of 1928, chapter thirty-four of the Statutes of 1930, and chapter twenty-one of the Statutes of 1932, are hereby repealed.

When Act comes into force.

83. This Act shall come into force in whole or in part upon dates to be fixed by one or more proclamations of the Governor in Council.

81. This is a continuity section bridging the present Act to this Act.

Sixth Session, Seventeenth Parliament, 25 George V, 1935

SENATE OF CANADA

BILL A.

An Act to amend and consolidate the Acts relating to Patents of Invention.

AS PASSED BY THE SENATE, 26th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93814 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL A

An Act to amend and consolidate the Acts relating to Patents of Invention.

R.S., c. 150.

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

SHORT TITLE.

Short title.

1. This Act may be cited as *The Patent Act, 1935*. R.S., c. 150, s. 1.

INTERPRETATION.

Definitions.

2. In this Act, and in any rule, regulation or order made under it, unless the context otherwise requires,

"Applicant,"

(*a*) "applicant" includes an inventor and the legal representatives of an applicant or inventor;

"Commissioner."

(*b*) "Commissioner" means the Commissioner of Patents;

"Exchequer Court."

(*c*) "Exchequer Court" means the Exchequer Court of Canada;

"Invention."

(*d*) "invention" means any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvement in any art, process, machine, manufacture or composition of matter;

"Legal representatives."

(*e*) "legal representatives" includes heirs, executors, administrators, guardians, curators, tutors, assigns and all other persons claiming through or under applicants for patents and patentees of inventions;

"Minister."

(*f*) "Minister" means the Secretary of State of Canada or such other Minister of the Crown as may be appointed by the Governor in Council to administer this Act;

"Patent."

(*g*) "patent" means letters patent for an invention;

"Patentee."

(*h*) "patentee" means the person for the time being entitled to the benefit of a patent for an invention;

"Regulation" and "Rule".

(*i*) "Regulation" and "Rule" include rule, regulation and form;

Explanatory Notes

In this revision all short amendments are underlined and longer amendments are indicated by vertical lines at the side of new sections or amended sections.

"Work on a commercial scale."

(j) "work on a commercial scale" means the manufacture of the article or the carrying on of the process described and claimed in a specification for a patent, in or by means of a definite and substantial establishment or organization and on a scale which is adequate and reasonable under the circumstances; R.S., c. 150, s. 2, Am.

PATENT OFFICE AND OFFICERS.

Patent Office.

3. There shall be attached to the Department of the Secretary of State of Canada or to such other department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office. R.S., c. 150, s. 3 (1), Am.

Commissioner of Patents.

4. (1) The Governor in Council may appoint a Commissioner of Patents who may and shall, under the Minister, exercise and perform the powers and duties conferred and imposed upon that officer by or pursuant to this Act. R.S., c. 150, ss. 3 and 5, Am.

Duties of Commissioner.

(2) The Commissioner shall receive all applications, fees, papers, documents and models for patents, shall perform and do all acts and things requisite for the granting and issuing of patents of invention, shall have the charge and custody of the books, records, papers, models, machines and other things belonging to the Patent Office, and shall have, for the purposes of this Act, all the powers that are or may be given by the *Inquiries Act* to a commissioner appointed under Part II thereof. R.S., c. 150, ss. 4 and 5, Am.

Tenure of office and salary.

(3) The Commissioner shall hold office during pleasure and be paid such annual salary, not exceeding seven thousand dollars, as may be determined by the Governor in Council. R.S., c. 150, ss. 3 and 5, Am.

Assistant Commissioner.

5. (1) An Assistant Commissioner of Patents may be appointed in the manner authorized by law. He shall be a technical officer experienced in the administration of the Patent Office.

Absence or inability to act.

(2) When the Commissioner is absent or unable to act, the Assistant Commissioner, or, if he also is at the same time absent or unable to act, another officer designated by the Minister, may and shall exercise the powers and perform the duties of the Commissioner.

Staff.

6. There may be appointed in the manner authorized by law, such principal examiners, examiners, associate examiners and assistant examiners, clerks, stenographers and other assistants as are necessary for the administration of this Act. R.S., c. 150, s. 3 (2), Am.

3. The existing section reads as follows:—

"**3.** There shall be attached to such department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed."

4. (1) The existing equivalent provision is section 3 (1) a redraft of part of 2 (1) and the whole of 5 (2) of the Patent Act, which reads as follows:—

"**3.** (1) There shall be attached to such department of the Government of Canada as may be determined by the Governor in Council an office which shall be called the Patent Office, and a Commissioner of Patents may be appointed."

"**5.** (1) The Commissioner shall exercise the powers conferred and perform the duties imposed upon him by this Act subject to the Minister, and in the absence or inability to act of the Commissioner any officer or clerk named by the Minister to perform the duties of the Commissioner may as Acting Commissioner exercise such powers and shall perform such duties.

(2) For the purposes of this Act the Commissioner shall have all the powers that are or may be given by the Inquiries Act to a Commissioner appointed under Part II thereof."

4. (2) This is section 4 of the present Act.

4. (3) This is made up of parts of sections 3 and 5 of the present Act.

5. This is new, to provide for an Assistant Commissioner or other designated officer to act in the absence or inability of the Commissioner. See section 5 of the present Act printed above.

6. This is subsection 2 transposed from section 3 of the Act, and amended as indicated by the underlined words to establish the organization required in the Patent Office.

Offices of Patent Office not to deal in Patents.

7. No officer or employee of the Patent Office shall buy, sell, acquire or traffic in any invention, patent or right to a patent, or any interest in any thereof, and every purchase, sale, assignment, acquisition or transfer of any invention, patent or right to a patent, or any interest in any thereof, made by or to any such officer or employee shall be null and void: Provided that this section shall not apply to a sale by an original inventor or to an acquisition under the last will, or by the intestacy, of a deceased person. R.S., c. 150, s. 56.

Clerical errors.

8. Clerical errors in any instrument of record in the Patent Office shall not be construed as invalidating the same, but, when discovered, they may be corrected by certificate under the authority of the Commissioner. R.S., c. 150, s. 53.

Destroyed or lost patents.

9. If any patent is destroyed or lost a certified copy may be issued in lieu thereof upon payment of the prescribed fee. R.S., c. 150, s. 54.

Inspection by the public.

10. All specifications, drawings, models, disclaimers, judgments, returns, and other papers, except *caveats*, and except those filed in connection with applications for patents which are still pending or have been abandoned shall be open to the inspection of the public at the Patent Office, under such regulations as are adopted in that behalf. R.S., c. 150, s. 52, Am.

Patents issued out of Canada.

11. Notwithstanding the exception in the next preceding section, the Commissioner, upon the request of any person who states in writing the number and date of a patent said to have been granted in a named country other than Canada, and who pays or tenders the prescribed fee, shall inform such person whether an application for a patent of the same invention is or is not pending in Canada. (New).

RULES AND REGULATIONS.

Regulations and forms.

12. (1) The Governor in Council, on the recommendation of the Minister, may make, amend or repeal such rules and regulations and prescribe such forms as may be deemed expedient

(a) for carrying into effect the objects of this Act, or for ensuring the due administration thereof by the Commissioner and other officers and employees of the Patent Office; and

(b) for carrying into effect the terms of any treaty, convention, arrangement or engagement which subsists between Canada and any other country; and

7. This is a redraft of section 56 of the present Act reading as follows:—

56. No Officer or employee of the Patent Office shall buy, sell or acquire or traffic in any invention or patent or in any right to a patent; and every such purchase and sale, and every assignment or transfer thereof by or to any officer or employee, as aforesaid, shall be null and void, but this provision shall not apply to any original inventor or to any acquisition by bequest. 1923, c. 23, s. 56.

The redraft provides for cases of intestacy.

8. This is section 53 of the present Act transposed with changes as underlined.

9. The existing section reads as follows:—

54. If any patent is destroyed or lost, a certified copy thereof may be issued in lieu thereof upon the person who applies therefor paying the fees hereinbefore prescribed for office copies of documents.

10. The words underlined are new.

11. This is new.

12. This is new. The equivalent present provision reads as follows:—

"**59.** The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as appear to him necessary and expedient for the purposes of this Act, and notice thereof shall be given in *The Canada Gazette;* and all documents, executed in conformity with the same and accepted by the Commissioner, shall be held valid, so far as relates to proceedings in the Patent Office." 1923, c. 23, s. 59.

(c) in particular with respect to the following matters:—

(i) The form and contents of applications for patents;

(ii) The form of the Register of Patents and of the indexes thereto;

(iii) The registration of assignments, transmissions, licences, disclaimers, judgments or other documents relating to any patent; and

(iv) The form and contents of any certificate issued pursuant to the terms of this Act.

Effect.

(2) Any rule or regulation made by the Governor in Council shall be of the same force and effect as if it had been enacted herein. R.S., c. 150, s. 59, Am.

SEAL.

Seal of office.

13. (1) The Commissioner shall cause a seal to be made for the purposes of this Act and may cause to be sealed therewith every patent and other instrument and copy thereof issuing from the Patent Office. R.S., c. 150, s. 6.

Seal to be evidence.

(2) Every court, judge and person whosoever shall take notice of the seal of the Patent Office, and shall receive the impressions thereof in evidence in like manner as the impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the Patent Office to be copies of or extracts from documents deposited in such office. 1930, c. 34, s. 2.

PROOF OF PATENTS.

Certified copies of patents as evidence.

14. In any action or proceeding respecting a patent of invention authorized to be had or taken in Canada under the provisions of this Act a copy of any patent granted in any other country, or any official document connected therewith, purporting to be certified under the hand of the proper officer of the Government of the country in which such patent has been obtained, may be produced before the Court or a judge thereof, and the copy of such patent or document purporting to be so certified may be received in evidence without production of the original and without proof of the signature or of the official character of the person appearing to have signed the same. 1930, c. 34, s. 2, Am.

PATENT ATTORNEYS.

Register of attorneys.

15. (1) A register of attorneys shall be kept in the Patent Office on which shall be entered the names of all persons entitled to represent applicants in the presentation and prosecution of applications for patents or in other business before the Patent Office.

13. Subsection 2 is taken from the amendment made in 1930, c. 34, s. 2, and inserted here, as it relates to judicial notice of the seal of the Patent Office.

14. This section, relating to the production of certified copies of patents as evidence was adopted in 1930, c. 34, s. 2.

15 and **16.** These sections relate to Patent Attorneys, and are sections 57 and 58 of the existing Act transposed without change.

Entries.

(2) Entry on such register shall be made in accordance with regulations to be made by the Commissioner with the approval of the Governor in Council. R.S., c. 150, s. 57.

Misconduct.

16. For gross misconduct or any other cause which he may deem sufficient, the Commissioner may refuse to recognize any person as a patent agent or attorney either generally or in any particular case. R.S., c. 150, s. 58.

APPEALS.

Practice on appeals.

17. In all cases where an appeal is provided from the decision of the Commissioner to the Exchequer Court under this Act, such appeal shall be had and taken pursuant to the provisions of the Exchequer Court Act and the rules and practice of that Court. R.S., c. 150, s. 62.

Notice of appeal.

18. Whenever an appeal to the Exchequer Court from the decision of the Commissioner is permitted under this Act notice of his decision shall be mailed by the Commissioner by registered letter addressed to the interested parties or their respective agents and the appeal shall be taken within three months after the date of mailing of such notice, unless otherwise extended by the Commissioner with the approval of the Minister and unless herein otherwise expressly provided. R.S., c. 150, s. 68, Am.

GENERAL.

Government may use patented invention.

19. The Government of Canada may, at any time, use any patented invention, paying to the patentee such sum as the Commissioner reports to be a reasonable compensation for the use thereof, and any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 48.

Patented invention in vessels, air craft, etc., of any other country.

20. No patent shall extend to prevent the use of any invention in any ship, vessel, air craft or land vehicle of any other country, entering Canada temporarily or accidentally, provided such invention is employed exclusively for the needs of the ship, vessel, air craft or land vehicle, and not so used for the manufacture of any goods to be vended within or exported from Canada. 1928, c. 4, s. 3, Am.

Patented article to be stamped or marked.

21. (1) Every patentee under this Act shall, if possible, stamp or engrave on each patented article sold or offered for sale by him notice of the year of the date of the patent applying to such article, thus—Patented, 1935, or as the case may be.

17. This section, relating to appeals generally, is section 62 of the existing Act transposed without change.

18. As this section relates to appeals it is also transposed from section 68 of the existing Act and inserted here in its proper connection.

19. This is section 48 of the existing Act transposed without change.

20. This section was adopted in 1928, c. 4, s. 3.

21. This is a redraft, with additions of the present section 51, which is as follows:—

"**51.** 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 the patent applying to such article, thus—Patented, 1906, or as the case may be; or, when, from the nature of the article, this cannot be done, thereby affixing to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with a like notice." 1923, c. 23, s. 51.

Package to be marked.

(2) When, from the nature of any patented article it cannot be so stamped or engraved the patentee shall, if possible, affix to it, or to every package wherein one or more of such articles is or are enclosed, a label marked with the like notice. R.S., c. 150, s. 51, Am.

Impossibility of compliance.

(3) When any patented article or material is, from its nature or character, such that it cannot be so stamped or engraved and cannot, reasonably, be packaged or labelled the patentee shall, in all descriptive or advertising matter published by him and relating to such patented article or material, insert the like notice. (New).

Cost of proceedings before the court.

22. In all proceedings before any court under this Act the costs of the Commissioner shall be in the discretion of the court, but the Commissioner shall not be ordered to pay the costs of any other of the parties. R.S., c. 150, s. 61.

Patents issued prior to the 13th June, 1923.

23. Any patent issued prior to the thirteenth day of June, 1923, which could have been successfully impeached for violation of or non-compliance with any provision of the Acts in force prior to that date, may, with like effect, be so impeached after that date, and in any action for the infringement of any such patent any such violation or non-compliance which could have been set up as a defence may, with like effect, be so set up after that date. R.S. c. 150, s. 66.

Status not affected.

24. No relief, right or privilege granted to or acquired by any patentee or other person in respect of any patent or application for any patent under chapter forty-four of the statutes of 1921 shall be affected by the repeal of that Act, but such relief, right or privilege shall continue as if that Act had remained in force. R.S., c. 150, s. 67.

Annual report.

25. The Commissioner shall, in each year, cause to be prepared and laid before Parliament a report of the proceedings under this Act, and shall, from time to time and at least once in each year, publish a list of all patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as are deemed of interest or essential parts thereof, to be printed, from time to time for distribution or sale. R.S., c. 150, s. 60.

22 to **25.** These sections are sections 60, 61, 66 and 67 transposed with only slight changes, which are underlined.

Who may obtain patents.

26. (1) Subject to the subsequent provisions of this section, any inventor of an invention which was

(a) not known or used by others before he invented it, and

(b) not described in any patent or in any publication printed in Canada or in any other country more than two years before presentation of the petition hereunder mentioned, and

(c) not in public use or on sale in Canada for more than two years prior to his application in Canada;

may, on presentation to the Commissioner of a petition setting forth the facts (in this Act termed the filing of the application) and on compliance with all other requirements of this Act, obtain a patent granting to him an exclusive property in such invention. R.S., c. 150, s. 7, Am.

Applications for patents out of Canada.

(2) Any person who, before applying in Canada for a patent for an invention, shall have applied in any other country or countries for a patent or patents for the same invention shall not be entitled to obtain in Canada a patent for that invention unless his application in Canada is filed

(a) before the issue of any patent for the same invention in such other country or in any of such other countries; or

(b) within twelve months after the filing of the application, or of the first application, as the case may be, for such patent in such other country or countries. (New).

What may not be patented.

(3) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem. R.S., c. 150, s. 7, Am.

Treaty or convention rights of applicants.

27. (1) An application for a patent for an invention filed in Canada by any person entitled to protection under the terms of any treaty or convention relating to patents to which Canada is a party who has, or whose agent or other legal representative has, previously regularly filed an application for a patent for the same invention in any other country which by treaty, convention or law affords similar privilege to citizens of Canada, shall have the same force and effect as the same application would have if filed in Canada on the date on which the application for patent for the same invention was first filed in such other country, provided the application in this country is filed within twelve months from the earliest date on which any such application was filed in such other country or from the thirteenth day of June, 1923.

26. This amends section 7 of the existing Act, which reads as follows:—

"**7.** (1) Any person who has invented any new and useful art, process, machine, manufacture or composition of matter, or any new and useful improvements thereof, not known or used by others before his invention thereof and not patented or described in any printed publication in this or any foreign country more than two years prior to his application and not in public use or on sale in this country for more than two years prior to his application, may, on a petition to that effect, presented to the Commissioner, and on compliance with the other requirements of this Act, obtain a patent granting to such person an exclusive property in such invention.

(2) No patent shall issue for an invention which has an illicit object in view, or for any mere scientific principle or abstract theorem." 1923, c. 23, s. 7.

27. This is section 8 of the existing Act as adopted in 1930, c. 34, s. 1, and unchanged with the exception of the words underlined.

Limitation of two years after publication or public use or sale.

(2) No patent shall be granted on an application for a patent for an invention which had been patented or described in a patent or publication printed in Canada or any other country more than two years before the date of the actual filing of the application in Canada, or which had been in public use or on sale in Canada for more than two years prior to such filing. R.S., c. 150, s. 8, Am.

Rights reserved.

28. No patent granted by virtue of *The Patent Act*, chapter twenty-three of the statutes of 1923, or by virtue of this Act, on an application filed prior to the coming into force of this Act or within six months thereafter and within two years of the date of the grant of the first patent granted in any country other than Canada for the same invention, shall be void by reason of the date of filing of such application having been more than twelve months after the date of filing in such other country of the first application for the same invention or by reason of a patent having been granted in such other country prior to application in Canada. 1930, c. 34, s. 1, Am.

Time when oath of inventor to be made.

29. (1) The inventor shall, at or before the time of filing his application or within such reasonable extension of time as the Commissioner may allow, make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked and that the several allegations in the application contained are respectively true and correct.

Oath of the applicant if the inventor dead, incapable, or his residence unknown.

(2) If the inventor is dead or mentally or physically incapable, or if, after the assignment of his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent enquiries, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is was the inventor of the invention to which the application relates, and that the several allegations in such application contained are respectively true and correct.

Before whom oath may be made.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered. R.S., c. 150, s. 10, Am.

28. This is 1930, c. 34, s. 1, amended as underlined.

29. This is section 10 of the existing Act, which reads as follows:—

"**10.** (1) Every inventor shall, before a patent can be obtained, make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation, that he verily believes that he is the inventor of the invention for which the patent is asked, and that the several allegations in the petition contained are respectively true and correct.

(2) In the event of the inventor being dead, or mentally or physically incapable, or if, after the assignment of his invention, the inventor refuses to make such oath or affirmation, or if his whereabouts cannot be ascertained after diligent enquiries, such oath or affirmation shall be made by the applicant, and shall state that he verily believes that the person whose assignee or legal representative he is was the inventor of the invention for which the patent is solicited, and that the several allegations in the petition contained are respectively true and correct.

(3) Such oath or affirmation may be made before a minister plenipotentiary, charge d'affaires, consul, vice-consul, or consular agent, a judge of any court, a notary public, a justice of the peace, or the mayor of any city, borough or town, or a commissioner for taking affidavits having authority or jurisdiction within the place where the oath may be administered." 1923, c. 23, s. 10.

Address of applicant and representative to be stated.

30. (1) Every applicant for a patent shall, for the purposes of this Act, state in his application, if resident in Canada, his address in Canada, and if not so resident, the name and address of some person resident in Canada who has been appointed to represent and stand in the place and stead of such applicant or patentee for all purposes of this Act, including the service of any proceedings taken under any provision of this Act. Such name and address of such person so appointed shall be endorsed on the patent before it is issued. R.S., c. 150, s. 12.

May be changed on issued patent.

(2) The name and address of the person so appointed to represent the patentee may be changed on the issued patent upon the written authority of the patentee or of his legal representatives, and such new appointment shall be recorded and added to the patent file on the payment of a fee of two dollars. (New.)

Applications to be completed within six months.

31. Each application for a patent shall be completed and prepared for examination within twelve months after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within six months after any action thereon of which notice shall have been given to the applicant, such application shall be deemed to have been abandoned, but it may be reinstated on petition presented to the Commissioner within twelve months after the date on which it was deemed to have been abandoned, and on payment of the prescribed fee, if the petitioner satisfies the Commissioner that the failure to prosecute the application within the time specified was not reasonably avoidable. An application so reinstated shall retain its original filing date.

Abandonment and reinstatement.

JOINT APPLICATIONS.

Refusal of assignee to proceed.

32. (1) In any case where

(a) an applicant has agreed in writing to assign a patent, when granted, to another person or to a joint applicant and refuses to proceed with the application; or

(b) disputes arise between joint applicants as to proceeding with an application;

Disputes between joint applicants.

Powers of Commissioner.

the Commissioner, on proof of such agreement to his satisfaction, or if satisfied that one or more of such joint applicants ought to be allowed to proceed alone, may allow such other person or joint applicant to proceed with the application, and may grant a patent to him, so, however, that all persons interested shall be entitled to be heard before the Commissioner after such notice as he may deem requisite and sufficient. R.S., c. 150, s. 11 (1).

30. A new subsection is added to section 12 of the existing Act to authorize the change of name of a representative on an issued patent. There is no provision at present for changing the name of the Canadian representative on a patent. It frequently happens that when a patent is assigned to a company, such company desires to appoint its own counsel as its representative, and it is to facilitate such a substitution and to keep the file in the Patent Office complete that this amendment is required.

The present practice is to place any request for a change of Canadian representative on a correspondence file and not in the patent file itself. Any one searching the files with the purpose of communicating with the Canadian representative might at the present time be misled as to who was the actual representative, unless they consulted the correspondence with the existence of which they are not always conversant. Also, when a certified copy of the file wrappers of the patent as issued does not contain changes of name, the file is actually incomplete as to the present standing of the representative.

The words underlined are new.

31. This is new.

32. This amendment to section 11 of the Act adds a subsection to section 1, relating to procedure when one joint applicant retires on discovering that he has no part in the invention. The necessity for this is self-evident. When situations of this nature are encountered it has been difficult for the Patent Office to deal with them, owing to the silence of the Act in this regard. This procedure does not in any way affect the rights of the other inventor, as his rights have not been impaired. The right existed, so no hardship is imposed. No greater right is given by allowing the application to be presented in the name of the remaining applicant.

The words underlined are new.

Procedure when one joint applicant retires.

(2) When an application is filed by joint applicants, and it subsequently appears that one or more of them has had no part in the invention, the prosecution of such application may be carried on by the remaining applicant or applicants on satisfying the Commissioner by affidavit that the remaining applicant or applicants is or are the sole inventor or inventors. (New.)

(3) When an application is filed by one or more applicants and it subsequently appears that one or more further applicants should have been joined, such further applicant or applicants may be joined on satisfying the Commissioner that he or they should be so joined, and that the omission of such further applicant or applicants had been by inadvertence or *bona fide* mistake and was not for the purpose of delay.

When patent to be granted to joint applicants.

(4) Subject to the provisions of this section, in cases of joint applications the patent shall be granted in the names of all the applicants. R.S., c. 150, s. 23 (2), Am.

Appeal.

(5) An appeal shall lie to the Exchequer Court from the decision of the Commissioner under this section. R.S., c. 150, s. 11, Am.

IMPROVEMENTS.

Improvements may be patented.

33. Any person who has invented any improvement on any patented invention may obtain a patent for such improvement, but he shall not thereby obtain the right of making, vending or using the original invention, nor shall the patent for the original invention confer the right of making, vending or using the patented improvement. R.S., c. 150, s. 9.

SPECIFICATIONS AND CLAIMS.

Particulars required.

34. The applicant shall, in his application for a patent, insert the title or name of the invention, and shall, with the application, send in a specification in duplicate of the invention and an additional or third copy of the claim or claims. R.S., c. 150, s. 13.

33. This is section 9 of the existing Act, relating to patents for improvements transposed without change.

34. This is section 13 of the existing Act transposed without change.

Specification.
Description and operation.
Various steps and methods.

35. (1) The applicant shall in the specification correctly and fully describe the invention and its operation or use as contemplated by the inventor, and set forth clearly the various steps in a process, or the method of constructing, making, compounding or using a machine, manufacture or composition of matter, in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most closely connected, to make, construct, compound or use it. In the case of a machine he shall explain the principle thereof and the best mode in which he has contemplated the application of that principle. In the case of a process he shall explain the necessary sequence, if any, of the various steps, so as to distinguish the invention from other inventions. He shall particularly indicate and distinctly claim the part, improvement or combination which he claims as his invention.

Claims.
Place and date.

(2) The specification shall end with a claim or claims stating distinctly and in explicit terms the things or combinations which the applicant regards as new and in which he claims an exclusive property or privilege. It shall bear the name of the place where and the date when it is made, and be signed by the applicant.

References in claims.

(3) A dependent claim may refer to one preceding claim only. The latter may itself be a dependent claim.

Additional claims.

(4) When the number of claims in an application exceeds twenty-five a surchage of fifty cents shall be imposed for each claim in excess of that number.

EXAMINATION.

Examination.

36. On each application for a patent a careful examination shall be made by competent examiners to be employed in the Patent Office for that purpose. R.S., c. 150, s. 15.

DIVISIONAL APPLICATIONS.

Patent for one invention only.

37. (1) A patent shall be granted for one invention only but in an action or other proceeding a patent shall not be deemed to be invalid by reason only that it has been granted for more than one invention.

Divisional applications if more than one invention claimed.

(2) If an application describes and claims more than one invention the applicant may, and on the direction of the Commission to that effect shall, limit his claims to one invention only, and the deleted claims may be made the subject of one or more divisional applications, if such divisional applications are filed before the issue of a patent on the original application: Provided that if the original application becomes abandoned or forfeited, the time for filing divisional applications shall terminate with the expiration

35. This is a rearrangement of the existing Section 14, which reads as follows:—

"**14.** (1) The specification shall

(a) correctly and fully describe the invention and its operation or use as contemplated by the inventor;

(b) set forth clearly the various steps in a process, or the method of constructing, making or compounding, a machine, manufacture, or composition of matter;

(c) end with a claim or claims stating distinctly the things or combinations which the applicant regards as new and in which he claims an exclusive property and privilege.

(2) Such specification shall bear the name of the place where, and the date when it is made, and shall be signed by the applicant.

(3) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also with his application, send in drawings in duplicate, showing clearly all parts of the invention; and each drawing shall bear the signature of the inventor, or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specifications; but the Commissioner may require further drawings or dispense with any of them as he sees fit.

(4) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

(5) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part." 1923, c. 23, s. 14.

36. This is section 15 of the existing Act transposed without change.

37. This is new.

of the time for reinstating or restoring and reviving the original application under this Act or the rules made thereunder.

Separate applications bearing same date.

(3) Such divisional applications shall be deemed to be separate and distinct applications under this Act, to which the provisions thereof shall apply as fully as may be. Separate fees shall be paid on each of such applications and they shall bear the filing date of the original application. (New.)

DRAWINGS AND MODELS.

Drawings.

38. (1) In the case of a machine, or in any other case in which the invention admits of illustration by means of drawings, the applicant shall also with his application, send in drawings in duplicate, showing clearly all parts of the invention. Each drawing shall bear the signature of the inventor, or of the applicant, or of the attorney of such inventor or applicant, and shall have written references corresponding with the specification, but the Commissioner may require further drawings or dispense with any of them as he sees fit.

Duplicates.

(2) One duplicate of the specification and of the drawings, if there are drawings, shall be annexed to the patent, of which it shall form an essential part, and the other duplicate shall remain deposited in the Patent Office.

Copies in place of duplicates.

(3) The Commissioner may, in his discretion, dispense with the duplicate specification and drawing, and in lieu thereof cause copies of the specification and drawing, in print or otherwise, to be attached to the patent, of which they shall form an essential part. R.S., c. 150, s. 14, Am.

Models and specimens.

39. (1) In all cases in which the invention admits of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size exhibiting its several parts in due proportion; and when the invention is a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of the ingredients, and of the composition, sufficient in quantity for the purpose of experiment.

Dangerous substances.

(2) If such ingredients or composition be of an explosive or dangerous character, they shall be furnished with such precautions as are prescribed in the requisition therefor. R.S., c. 150, s. 16.

CHEMICAL PRODUCTS AND SUBSTANCES.

Chemical products and substances intended for food or medicine.

40. (1) In the case of inventions relating to substances prepared or produced by chemical processes and intended for food or medicine, the specification shall not include claims for the substance itself, except when prepared or

38. This section comprises the provisions of subsections 3, 4 and 5 of section 14 of the Act, which are not altered.

39. This section is the same as section 16 of the existing Act, transposed without change. Sections 37 and 38 relate to drawings and models, and are therefor put under the same heading.

40. This amends section 17 of the Act verbally. It relates to chemical products and substances intended for food or medicine.

produced by the methods or processes of manufacture particularly described and claimed or by their obvious chemical equivalents. R.S. c. 150, s. 17 (1), Am.

Action for infringement.

(2) In an action for infringement of a patent where the invention relates to the production of a new substance, any substance of the same chemical composition and constitution shall, in the absence of proof to the contrary, be deemed to have been produced by the patented process.

No patent to preclude free manufacture or free sale or use of article for human food or medical purpose.

(3) In the case of any patent for an invention intended for or capable of being used for the preparation or production of food or medicine, the Commissioner shall, unless he sees good reason to the contrary, grant to any person applying for the same, a licence limited to the use of the invention for the purposes of the preparation or production of food or medicine but not otherwise; and, in settling the terms of such licence and fixing the amount of royalty or other consideration payable the Commissioner shall have regard to the desirability of making the food or medicine available to the public at the lowest possible price consistent with giving to the inventor due reward for the research leading to the invention.

Appeals.

(4) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court.

Application.

(5) This section shall apply only to patents granted after the thirteenth day of June, 1923. R.S., c. 150, s. 17.

REFUSAL OF PATENTS.

Refusal by Commissioner.

41. Whenever the Commissioner is satisfied that the applicant is not by law entitled to be granted a patent he shall refuse the application and, by registered letter addressed to the applicant or his registered agent, notify such applicant of such refusal and of the ground or reason therefor. (New.)

Objection by Commissioner.

42. Whenever it appears to the Commissioner that the invention to which an application relates has been, before the filing of the application, described in a patent granted in Canada or any other country, and such application was filed within two years after the date on which such patent was so granted and the Commissioner entertains doubts whether the patentee of such invention is, as between him and the applicant, the first inventor, the Commissioner shall, by registered letter addressed to the applicant or his registered agent, object to grant a patent on such application and state, with sufficient detail to enable the applicant, if he can, to answer, the ground or reason for such objection. The applicant shall have the right, within such period or extended period of time as the Commissioner

41. This is new.

42. This also is new. It and section 41 are clarifications of the present Section 19 and 20.

may allow, to answer such objection and if it be not in due course answered to the satisfaction of the Commissioner he shall refuse the application.

Appeal to Exchequer Court.

43. Every person who has failed to obtain a patent by reason of a refusal or objection of the Commissioner to grant it may, at any time within six months after notice as provided for in the two next preceding sections has been mailed, appeal from the decision of the Commissioner to the Exchequer Court and that Court shall have exclusive jurisdiction to hear and determine such appeal. R.S., c. 150, s. 21, Am.

CONFLICTING APPLICATIONS.

When conflict exists.

44. (1) Conflict between two or more pending applications shall exist

(a) when each of them contains one or more claims defining substantially the same invention; or

(b) when one or more claims of one application describe the invention disclosed in the other application. (New).

Procedure to be followed before conflict is declared.

(2) When the Commissioner has before him two or more such applications he shall notify each of the applicants of the apparent conflict and transmit to each of them a copy of the conflicting claims, together with a copy of this section. The Commissioner shall give to each applicant the opportunity of inserting the same or similar claims in his application within a specified time. (New).

Preliminary notice of conflict.

(3) If each of two or more of such completed applications contains one or more claims describing as new, and claims an exclusive property or privilege in, things or combinations so nearly identical that, in the opinion of the Commissioner, separate patents to different patentees should not be granted, the Commissioner shall forthwith notify each of the applicants to that effect. (New.)

Response.

(4) Each of the applicants, within a time to be fixed by the Commissioner, shall either avoid the conflict by the amendment or cancellation of the conflicting claim or claims, or, if unable to make such claims owing to knowledge of prior art, may submit to the Commissioner such prior art alleged to anticipate the claims. Thereupon each application shall be re-examined with reference to such prior art, and the Commissioner shall decide if the subject matter of such claims is patentable. 1932, c. 21, s. 1, Am.

Formal declaration of conflict.

(5) If the subject matter is found to be patentable and the conflicting claims are retained in the applications, the Commissioner shall require each applicant to file in the Patent Office, in a sealed envelope duly endorsed, within a time specified by him, an affidavit of the record of the invention. The affidavit shall declare:—

43. This is a redraft of the present section 21.

44. Section 22 of the Act, respecting conflicting applications, has been redrafted and amended to define more clearly the practice relating to conflicts.

The section of the Act as it now stands does not give the applicants an opportunity to put their applications in condition for conflict proceedings. The result is that applications arriving in the Court before the patentability of the invention has been thoroughly determined by the Patent Office, are not in the best interest of the applicant. The present amendment also provides for the bringing to the attention of the Patent Office, prior art which is not at present available to the Office. It further provides that the sealed envelopes must be opened by the Commissioner in the presence of a witness and the date endorsed upon the affidavits.

(a) the date at which the idea of the invention described in the conflicting claims was conceived;

(b) the date upon which the first drawing of the invention was made;

(c) the date when and the mode in which the first written or verbal disclosure of the invention was made;

(d) the dates and nature of the successive steps subsequently taken by the inventor to develop and perfect the said invention from time to time up to the date of the filing of the application for patent. 1932, c. 21, s. 1 (2), Am.

Opening envelopes containing record of invention.

(6) No envelope containing any such affidavit as aforesaid shall be opened, nor shall the affidavits be permitted to be inspected, unless there continues to be a conflict between two or more applicants, in which event all the envelopes shall be opened at the same time by the Commissioner in the presence of the Assistant Commissioner or an examiner as witness thereto, and the date of such opening shall be endorsed upon the affidavits. 1932, c. 21, s. 1 (2), Am.

Decision of Commissioner.

(7) The Commissioner, after examining the facts stated in the affidavits, shall determine which of the applicants is the prior inventor to whom he will allow the claims in conflict and shall forward to each applicant a copy of his decision. A copy of each affidavit shall be transmitted to the several applicants. 1932, c. 21, s. 1 (2), Am.

Disposition of applications unless proceedings taken in Exchequer Court.

(8) The claims in conflict shall be rejected or allowed accordingly unless within a time to be fixed by the Commissioner and notified to the several applicants one of them commences proceedings in the Exchequer Court of Canada for the determination of their respective rights, in which event the Commissioner shall suspend further action on the applications in conflict until in such action it has been determined either

(i) that there is in fact no conflict between the claims in question, or

(ii) that none of the applicants is entitled to the issue of a patent containing the claims in conflict as applied for by him, or

(iii) that a patent or patents, including substitute claims approved by the Court, may issue to one or more of the applicants, or

(iv) that one of the applicants is entitled as against the others to the issue of a patent including the claims in conflict as applied for by him.

Sending files to Court.

(9) The Commissioner shall, upon the request of any of the parties to a proceeding under this section, transmit to the Exchequer Court of Canada the papers on file in the Patent Office relating to the applications in conflict. 1932, c. 21, s. 1, Am.

GRANT OF PATENTS.

What patent shall contain and confer.

45. Every patent granted under this Act shall contain the title or name of the invention, with a reference to the specification, and shall, subject to the conditions in this Act prescribed, grant to the patentee and his legal representatives for the term therein mentioned, from the granting of the same, the exclusive right, privilege and liberty of making, constructing, using and vending to others to be used the said invention, subject to adjudication in respect thereof before any court of competent jurisdiction. R.S., c. 150, s. 23, Am.

INVENTIONS BY PUBLIC SERVANTS.

Patents for inventions by persons in public service.

46. (1) Every patent granted in respect of an invention made by a person while employed in the public service of Canada and relating to the nature of his employment shall, notwithstanding anything in the patent or in this Act to the contrary, be subject to the following conditions, which shall be endorsed on such patent, that is to say:—

Terms.

(a) The Commissioner may grant to any person applying therefor a licence to use the patented invention on terms to be fixed by the Commissioner;

Duty of Commissioner.

(b) In fixing the said terms the Commissioner shall have regard to the circumstances under which the invention was made and the right and interest of the Government of Canada therein in consequence thereof, which right and interest the said government is hereby declared to have, and shall reduce the royalty payable to the patentee accordingly or apportion the royalty between the patentee and the Government of Canada, but in no case shall the amount payable to the patentee be less than one-half of what it would have been had the inventor not been in the public service when making the invention;

Royalty.

(c) The patentee shall not make use of nor allow others to make use of the patented invention without the consent of the Commissioner, who in granting such consent may exact a royalty for such use to be fixed by him and paid to the Government of Canada;

Injunction.

(d) The Attorney General of Canada shall have a right of action in any court of competent jurisdiction to restrain the unauthorized use of the patented invention and recover damages therefor, which may be apportioned by the Commissioner, subject to the approval of the Minister, between the patentee and the Government;

Assignment of patent.

(e) Notwithstanding the foregoing provisions of this section, the patentee, with the consent of the Governor in Council, may assign the patent on such terms as to

45. This is subsection 1 of section 23 of the existing Act. Subsection 2 of that section, relating to joint applicants has been transposed to section 31 of this Act.

46. This is section 24 of the existing Act, with the addition of paragraph *(e)* of subsection 1.

the division and payment of the consideration therefor, or otherwise, as the Governor in Council may decide, in which case the Government of Canada shall not thereafter be deemed to have any special right or interest in such patent except such rights and interests as are expressly reserved by the terms of the order in council granting such consent. (New.)

Disputes.

(2) Any question which may arise as to whether any invention comes within the terms of this section shall be determined by the Commissioner on the application for a patent therefor.

Deputy may apply if inventor refuses or fails.

(3) On the refusal or failure of such inventor to apply for a patent for such invention after being thereunto duly required by the deputy head of the department in which he was at the time of making the invention employed, such deputy head may in his official capacity apply for and obtain a patent for such invention.

Inventor's right outside of Canada.

(4) Nothing herein contained shall be construed to restrict the right of the inventor to the full enjoyment of his invention outside of Canada.

Appeal.

(5) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 24, Am.

FORM AND TERM OF PATENTS.

Form of issue.

47. Every patent granted under this Act shall be issued under the signature of the Commissioner and the seal of the Patent Office. The patent shall bear on its face the date on which it is granted and issued and it shall thereafter be *prima facie* valid and avail the grantee and his legal representatives for the term mentioned therein, which term shall be as in and by the next following section provided.

Term of patent.

48. (1) The term limited for the duration of every patent of invention issued by the Patent Office under this Act the application for which patent shall be filed after the coming into force of this section shall be seventeen years from the date on which the patent is granted and issued. R.S., c. 150, s. 26, Am.

Patents pending.

(2) The term limited for the duration of every patent of invention issued by the Patent Office under this Act the application for which patent shall have been filed prior to the coming into force of this section shall be eighteen years from the date on which the patent is granted and issued. (New.)

47. The equivalent present section reads as follows:—

"**25.** Every patent shall be issued under the seal of the Patent Office and the signature of the Commissioner and, when duly registered, shall be good, and shall avail the grantee and his legal representatives for the term mentioned in the patent." 1923, c. 23, s. 25.

48. This is in part new. The equivalent present section reads as follows:—

"**26.** The term limited for the duration of every patent of invention issued by the Patent Office shall be eighteen years. 1923, c. 23, s. 26.

REISSUE OF PATENTS.

Issue of new or amended patents.

49. (1) Whenever any patent is deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more or less than he had a right to claim as new, but at the same time it appears that the error arose from inadvertance, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent within four years from its date and the payment of the further fee hereinafter provided, cause a new patent, in accordance with an amended description and specification made by such patentee, to be issued to him for the same invention for the then unexpired term for which the original patent was granted.

Effect of new patent.

(2) Such surrender shall take effect only upon the issue of the new patent, and such new patent and the amended description and specification shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if such amended description and specification had been originally filed in their corrected form before the issue of the original patent, but in so far as the claims of the original and reissued patents are identical such surrender shall not affect any action pending at the time of reissue nor abate any cause of action then existing, and the reissued patent to the extent that its claims are identical with the original patent shall constitute a continuation thereof and have effect continuously from the date of the original patent.

Separate patents for separate parts.

(3) The Commissioner may entertain separate applications and cause patents to be issued for distinct and separate parts of the invention patented, upon payment of the fee for a reissue for each of such reissued patents. R.S., c. 150, s. 27, Am.

DISCLAIMERS.

Patentee may disclaim anything included in patent by mistake.

50. (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has

(a) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or

(b) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and to which he had no lawful right;

he may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

49. This amends subsection 1 of section 27 of the Act, relating to the reissue of patents, by striking out the words "or within one year from the thirteenth day of June, one thousand nine hundred and twenty-three" in the eighth and ninth lines, as that date has lapsed.

Subsection 2 of the existing section 27 is omitted as unnecessary. The provision is covered by the definition of patentee in section 2 *(h)*. Subsection 2 reads as follows:

"2. In the event of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or his legal representatives."

50. The existing Act reads as follows:—

"**28.** (1) Whenever, by any mistake, accident or inadvertence, and without any wilful intent to defraud or mislead the public, a patentee has

(*a*) made his specification too broad, claiming more than that of which he or the person through whom he claims was the first inventor; or

(*b*) in the specification, claimed that he or the person through whom he claims was the first inventor of any material or substantial part of the invention patented of which he was not the first inventor, and to which he had no lawful right;

the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he does not claim to hold by virtue of the patent or the assignment thereof.

Form and attestation of disclaimer.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested by one or more witnesses. One copy thereof shall be filed and recorded in the office of the Commissioner. The other shall be attached to the patent and made a part thereof by reference. The disclaimer shall thereafter be deemed to be part of the original specification.

Pending suits not affected.

(3) No disclaimer shall affect any action pending at the time when it is made, except as to unreasonable neglect or delay in making it.

Death of patentee.

(4) In case of the death of the original patentee or of his having assigned the patent a like right to disclaim shall vest in his legal representatives, any of whom may exercise it.

Effect of disclaimer.

(5) The patent shall, after disclaimer as in this section provided, be deemed to be valid for such material and substantial part of the invention, definitely distinguished from other parts thereof claimed without right, as is not disclaimed and is truly the invention of the disclaimant, and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly. R.S., c. 150, s. 28, Am.

ASSIGNMENTS AND DEVOLUTIONS.

Assignee or personal representatives may obtain patent.

51. (1) A patent may be granted to any person to whom an inventor, entitled under this Act to obtain a patent, has assigned in writing or bequeathed by his last will his right to obtain it. In the absence of such assignment or bequest the patent may be granted to the personal representatives of the estate of a deceased inventor. R.S., c. 150, s. 29, Am.

Assignees may object to withdrawal of application.

(2) If the applicant for a patent has, after filing his application, assigned his right to obtain the patent, or if he has either before or after filing his application assigned in writing the whole or part of his property or interest in the invention, the assignee may register such assignment in the Patent Office in the manner from time to time prescribed by the Commissioner, and no application for a patent shall be withdrawn without the consent in writing of every such registered assignee. R.S., c. 150, s. 18, Am.

Attestation.

(3) No such assignment shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that the assignment was signed and executed in his presence by the assignor. (New.)

Patents to be assignable.

52. (1) Every patent issued for an invention shall be assignable in law, either as to the whole interest or as to any part thereof, by an instrument in writing.

(2) Such disclaimer shall be in writing, and in duplicate, and shall be attested in the manner hereinbefore prescribed, in respect of an application for a patent; one copy thereof shall be filed and recorded in the office of the Commissioner, and the other copy thereof shall be attached to the patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification.

(3) Such disclaimer shall not affect any action pending at the time of its being made, except in so far as relates to the question of unreasonable neglect or delay in making it.

(4) In case of the death of the original patentee, or of his having assigned the patent, a like right shall vest in his legal representatives, any of whom may make disclaimer.

(5) The patent shall thereafter be deemed good and valid for so much of the invention as is truly the invention of the disclaimant, and is not disclaimed, if it is a material and substantial part of the invention, and is definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain an action or suit in respect of such part accordingly." 1923, c. 23, s. 28.

51. This section extensively recasts the present sections 29 and 18, which are as follows:—

"**29.** The patent may be granted to any person to whom the inventor, entitled under this Act to obtain a patent, has assigned or bequeathed the right of obtaining the same, or in default of such assignment, or bequest, to the legal representatives of the inventor." 1923, c. 23, s. 29.

"**18.** No application for a patent shall be withdrawn without the consent in writing of each and every registered assignee of such patent or any part thereof." 1923, c. 23, s. 18.

52. This amends section 30 of the Act by adding provisions for proper proof of the execution of assignments, and for the proof of title of other instruments, before registration. This is to prevent the attempted registration of documents executed without sufficient authority.

Registration.

(2) Such assignment, and every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention patented, within and throughout Canada or any part thereof, shall be registered in the Patent Office in the manner from time to time prescribed by the Commissioner.

Attestation.

(3) No such assignment, grant or conveyance shall be registered in the Patent Office unless it is accompanied by the affidavit of a subscribing witness or established by other proof to the satisfaction of the Commissioner that such assignment, grant or conveyance was signed and executed in his presence by the assignor or other party thereto. (New.)

Assignment null if not registered.

(4) Every assignment affecting a patent for invention, whether it be referable to this or the next preceding section, shall be null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registration of the instrument under which such subsequent assignee claims. R.S., c. 150, s. 30. Am.

LEGAL PROCEEDINGS IN RESPECT OF PATENTS

Patent to be void in certain cases, or valid only for parts.

53. (1) A patent shall be void if any material allegation in the petition or declaration of the applicant in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, and such omission or addition is wilfully made for the purpose of misleading.

Exception in case of involuntary error.

(2) If it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto*, the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for that part of the invention described to which the patentee is so found to be entitled.

Copies of judgment to be sent to Patent Office.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee. One of them shall be registered and remain of record in the office and the other shall be attached to the patent and made a part of it by a reference thereto. R.S. c. 150, s. 31. Am.

INFRINGEMENT.

Jurisdiction of courts.

54. (1) An action for the infringement of a patent may be brought in that court of record which, in the the province wherein the infringement is said to have occurred, has jurisdiction, pecuniarily, to the amount of the damages claimed and which, with relation to the other courts of the province holds its sittings nearest to the place of residence or of

53. The existing section 31 reads as follows:—

"**31.** (1) A patent shall be void, if any material allegation in the petition or declaration of the applicant hereinbefore mentioned in respect of such patent is untrue, or if the specifications and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, when such omission or addition is wilfully made for the purpose of misleading.

(2) If it appears to the court that such omission or addition was an involuntary error, and if it is proved that the patentee is entitled to the remainder of his patent *pro tanto* the court shall render a judgment in accordance with the facts, and shall determine as to costs, and the patent shall be held valid for such part of the invention described, as the patentee is so found entitled to.

(3) Two office copies of such judgment shall be furnished to the Patent Office by the patentee, one of which shall be registered and remain of record in the office, and the other of which shall be attached to the patent, and made a part of it by a reference thereto." 1923, c. 23, s. 31.

54. The existing section 33 reads as follows:—

"**33.** Any action for the infringement of a patent may be brought in the court of record having jurisdiction, to the amount of the damages claimed, in the province in which the infringement is alleged to have taken place, which holds its sittings nearest to the place of residence or of business of the defendant; and such court shall decide the case and determine as to costs." 1923, c. 23, s. 33.

business of the defendant. Such court shall decide the case and determine as to costs, and assumption of jurisdiction by the court shall be of itself sufficient proof of jurisdiction. R.S., c. 150, s. 33, Am.

Jurisdiction of Exchequer Court preserved.

(2) Nothing in this section shall impair the jurisdiction of the Exchequer Court of Canada under section twenty-two of the *Exchequer Court Act* or otherwise.

Infringement of patent, defined and remedy provided by action for damages.

55. (1) Any person who infringes a patent shall be liable to the patentee and to all persons claiming under him for all damages sustained by the patentee or by any such person, by reason of such infringement.

Patentee to be a party.

(2) Unless otherwise expressly provided, the patentee shall be or be made a party to any action for the recovery of such damages.

Patent not to affect a previous purchaser.

56. Every person who, before the issuing of a patent has purchased, constructed or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention by the person first mentioned, or by those to whom he has sold it, unless it was purchased, constructed, acquired or used for a longer period than two years before the application for a patent therefor, in consequence whereof the invention became public and available to public use. R.S., c. 150, s. 50.

Proviso as to other persons.

Injunction may issue.

57. In any action for infringement of a patent the court, or any judge thereof, may, on the application of the plaintiff or defendant make such order as the court or judge sees fit,

(a) restraining or enjoining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience of such order; or

(b) for and respecting inspection or account; and

(c) generally, respecting the proceedings in the action.

Appeal.

(2) An appeal shall lie from any such order under the same circumstances and to the same court as from other judgments or orders of the court in which the order is made. R.S., c. 150, s. 34, Am.

55. Sub-clause (1) of this is a redraft of section 33 of the Patent Act. Sub-clause (2) is new.

56. This replaces the present section 50, which is as follows:—

"**50.** Every person who, before the issuing of a patent, has purchased, constructed, or acquired any invention for which a patent is afterwards obtained under this Act, shall have the right of using and vending to others the specific article, machine, manufacture or composition of matter patented and so purchased, constructed or acquired before the issue of the patent therefor, without being liable to the patentee or his legal representatives for so doing; but the patent shall not, as regards other persons, be held invalid by reason of such purchase, construction or acquisition or use of the invention, by the person first aforesaid or by those to whom he has sold the same, unless the same was purchased, constructed, acquired or used for a longer period than two years before the application for a patent therefor, thereby making the invention one which has become public and in public use." 1923, c. 23, s. 50.

57. This is the same as section 34 of the existing Act, with the underlined word inserted.

Invalid claims not to affect valid claims.

58. When in any action or proceeding respecting a patent which contains two or more claims, one or more of such claims is or are held to be valid, but another or others is or are held to be invalid or void, effect shall be given to the patent as if it contained only the valid claim or claims. 1932, c. 21, s. 2.

Defence.

59. The defendant, in any action for infringement of a patent may plead as matter of defence any fact or default which by this Act or by law renders the patent void, and the court shall take cognizance of such pleading and of the relevant facts and decide accordingly. R.S., c. 150, s. 36.

IMPEACHMENT.

Impeachment of patents or patent claims.

60. (1) A patent or any claim in a patent may be declared invalid or void by the Exchequer Court of Canada at the instance of the Attorney General of Canada or at the instance of any interested person.

Declaration as to infringement.

(2) If any person has reasonable cause to believe that any process used or proposed to be used or any article made, used or sold or proposed to be made, used or sold by him might be alleged by any patentee to constitute an infringement of an exclusive property or privilege granted thereby, he may bring an action in the Exchequer Court of Canada against the patentee for a declaration that such process or article does not or would not constitute an infringement of such exclusive property or privilege.

Security for costs.

(3) Except the Attorney General of Canada or the Attorney General of a province of Canada the plaintiff in any action under this section shall, before proceeding therein, give security for the costs of the patentee in such sum as the Court may direct, but a defendant in any action for the infringement of a patent shall be entitled to obtain a declaration under this section without being required to furnish any security. 1932, c. 21, s. 3, Am.

PRIORITY OF INVENTIONS.

Prior inventor must disclose his invention to establish priority.

61. (1) No patent or claim in a patent shall be declared invalid or void on the ground that, before the invention therein defined was made by the inventor by whom the patent was applied for it had already been known or used by some other inventor, unless it is established either that,

(a) before the date of the application for the patent such other inventor had disclosed or used the invention in such manner that it had become available to the public; or that

58. This is section 35 of the Act as enacted in 1932, c. 21. The underlined words are new.

59. This is the same as section 36 of the existing Act. Underlined words are new.

60. This is section 37 of the Act as enacted in 1932, c. 21, with the underlined words inserted.

61. This amends section 37A of the Act as enacted in 1932, c. 21, s. 4, by redrafting and division into paragraphs and subsections.

(*b*) before the issue of the patent, such other inventor has made application for a patent in Canada or in any other country which application bears a filing date earlier than that of the application for the patent in Canada (and upon which an application in Canada may yet be made under the provisions of section twenty-seven of this Act), or upon which conflict proceedings should have been directed.

A second patent cannot issue unless on adjudication the first patent is set aside.

Action to set aside prior patent.

(2) Notwithstanding the provisions of section forty-two of this Act, an application for a patent for an invention for which a patent has already issued under this Act shall be rejected unless the applicant, within a time to be fixed by the Commissioner, commences an action to set aside the prior patent, so far as it covers the invention in question, but if such action is so commenced and diligently prosecuted, the application shall not be deemed to have been abandoned unless the applicant fails to proceed upon it within a reasonable time after the action has been finally disposed of.

When provisions of subsection one do not apply.

(3) If the application was filed within one year from the date of the filing of the application for the prior patent, the provisions of subsection one of this section shall not apply to the determination of the respective rights of the parties to such action. 1932, c. 21, s. 4, Am.

JUDGMENTS.

Judgment voiding patent to be filed.

62. A certificate of the judgment voiding in whole or in part any patent shall, at the request of any person filing it to make it of record in the Patent Office, be entered on the margin of the enrolment of the patent in the Patent Office, and the patent or such part thereof as is so voided shall thereupon be and be held to have been void and of no effect, unless the judgment is reversed on appeal as hereinafter provided. R.S., c. 150, s. 38.

Appeal.

63. Every judgment voiding in whole or in part or refusing to void in whole or in part any patent shall be subject to appeal to any court having appellate jurisdiction in other cases decided by the court by which such judgment was rendered. R.S., c. 150, s. 39.

CONDITIONS.

Information relating to patents.

64. (1) The Commissioner may, at any time, by notice in writing addressed to the patentee of any patent specified by him, or to his registered representative in Canada, and to every person who has a registered interest in such patent, require the patentee and such persons in respect of such specified patent to transmit and deliver to the Commis-

62, 63. These sections relating to judgments are the same as sections 38 and 39 of the existing Act.

Underlined words are new.

64. This replaces section 40 of the present Act, reading as follows:—

"**40.** (1) Every patent, except those governed by the provisions of this Act relating to the granting of patents to persons in the public service, shall be subject to the following conditions:—

(a) Every patentee shall satisfy the reasonable requirements of the public with reference to his patent and to that end shall adequately manufacture the patented article or carry on the patented process within Canada;

(b) Any person interested may present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied or that the patentee has failed

sioner within sixty days from the date of such notice, or within such further time as the Commissioner may allow, a return stating:—

(a) whether the patented invention is being worked on a commercial scale in Canada, and the place where and the name and address of the person by whom the patented invention is being so worked; and

(b) the reasons, if any, why such patented invention is not being worked on a commercial scale in Canada.

Effect of failure to comply.

(2) The failure of the patentee or his registered representative in Canada or that of any such person having a registered interest to comply with the terms of the notice mentioned in the next preceding subsection shall be deemed to be an admission on the part of the patentee or the person, as the case may be, so failing, that the patented invention is not being worked on a commercial scale in Canada.

to manufacture adequately the patented invention in Canada, and praying that the patentee be ordered to supply the patented article at a reasonable price or grant licences for the use of the invention on reasonable terms;

(c) The Commissioner shall then consider the petition and if the parties do not come to an arrangement between themselves, shall proceed to hear and determine the matter, and if it is proved to his satisfaction that the reasonable requirements of the public with respect to the patented invention have not been satisfied or that the patentee has failed to adequately manufacture the patented invention in Canada, the patentee may be ordered by him to supply the patented article within reasonable limits at such price as may be fixed by him and in accordance with the custom of the trade to which the invention relates as to the payment and delivery, or to grant licences for the use of the patented invention as may be fixed by him, in either case within and after such time as may be fixed by him and on pain of forfeiture of the patent; but such order shall not be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default; and that having regard to the nature of the case, the Commissioner may, with the approval of the Minister, instead of hearing and determining the matter himself, refer the petition to the Exchequer Court, which shall have jurisdiction in the premises and may make such order thereon as the Commissioner is authorized to make under this section. 1928, c. 4, s. 1.

(d) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied,

(i) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licences on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry, in the Dominion of Canada is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met, or

(ii) if any trade or industry in the Dominion of Canada is unfairly prejudiced by the conditions attached by the patentee to the purchase, hire, or use of the patented article or to the using or working of the patented process.

(2) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court." 1923, c. 23, s. 40.

Abuse of rights under patents.

65. (1) The Attorney General of Canada or any person interested may at any time after the expiration of three years from the date of the grant of a patent apply to the Commissioner alleging in the case of that patent that there has been an abuse of the exclusive rights thereunder and asking for relief under this Act.

What amounts to such abuse.

(2) The exclusive rights under a patent shall be deemed to have been abused in any of the following circumstances:—

Not working, patented invention.

(a) If the patented invention (being one capable of being worked within Canada) is not being worked within Canada on a commercial scale, and no satisfactory reason can be given for such non-working:

Proviso.

Provided that, if an application is presented to the Commissioner on this ground, and the Commissioner is of opinion that the time which has elapsed since the grant of the patent has by reason of the nature of the invention or for any other cause been insufficient to enable the invention to be worked within Canada on a commercial scale, the Commissioner may make an order adjourning the application for such period as will in his opinion be sufficient for that purpose;

Prevention of working by importation.

(b) If the working of the invention within Canada on a commercial scale is being prevented or hindered by the importation from abroad of the patented article by the patentee or persons claiming under him, or by persons directly or indirectly purchasing from him, or by other persons against whom the patentee is not taking or has not taken any proceedings for infringement;

Not meeting demand.

(c) If the demand for the patented article in Canada, is not being met to an adequate extent and on reasonable terms;

Prejudice to trade by refusal to licence.

(d) If, by reason of the refusal of the patentee to grant a licence or licences upon reasonable terms, the trade or industry of Canada or the trade of any person or class of persons trading in Canada, or the establishment of any new trade or industry in Canada, is prejudiced, and it is in the public interest that a licence or licences should be granted;

Prejudice by reason of conditions attached.

(e) If any trade or industry in Canada, or any person or class of persons engaged therein, is unfairly prejudiced by the conditions attached by the patentee, whether before or after the passing of this Act, to the purchase, hire, licence, or use of the patented article, or to the using or working of the patented process;

Prejudice in other respects.

(f) If it is shown that the existence of the patent, being a patent for an invention relating to a process involving the use of materials not protected by the patent or for an invention relating to a substance produced by such a process, has been utilized by the patentee so as un-

65 to **71**, inclusive. These introduce from the British Act a compulsory licence system.

fairly to prejudice in Canada the manufacture, use or sale of any such materials.

Declaration of basis of grants of patents.

(3) It is declared with relation to every paragraph of the next foregoing subsection that, for the purpose of determining whether there has been any abuse of the exclusive rights under a patent, it shall be taken that patents, for new inventions are granted not only to encourage invention but to secure that new inventions shall so far as possible be worked on a commercial scale in Canada without undue delay.

Powers of Commissioner in cases of abuse.

66. On being satisfied that a case of abuse of the exclusive rights under a patent has been established, the Commissioner may exercise any of the following powers as he may deem expedient in the circumstances:—

Compulsory licences.

(a) He may order the grant to the applicant of a licence on such terms as the Commissioner may think expedient, including a term precluding the licensee from importing into Canada any goods the importation of which, if made by persons other than the patentee or persons claiming under him would be an infringement of the patent, and in such case the patentee and all licensees for the time being shall be deemed to have mutually covenanted against such importation. A licensee under this paragraph shall be entitled to call upon the patentee to take proceedings to prevent infringement of the patent, and if the patentee refuses, or neglects to do so within two months after being so called upon, the licensee may institute proceedings for infringement in his own name as though he were the patentee, making the patentee a defendant. A patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings. Service on the patentee may be affected by leaving the writ at his address or at the address of his representative for service as appearing in the records of the Patent Office. In settling the terms of a licence under this paragraph the Commissioner shall be guided as far as may be by the following considerations:—

(i) he shall, on the one hand, endeavour to secure the widest possible user of the invention in Canada consistent with the patentee deriving a reasonable advantage from his patent rights;

(ii) he shall, on the other hand, endeavour to secure to the patentee the maximum advantage consistent with the invention being worked by the licensee at a reasonable profit in Canada:

(iii) he shall also endeavour to secure equality of advantage among the several licensees, and for this purpose may, on due cause being shown, reduce the royalties or other payments accruing to the patentee under any licence previously granted: Provided that, in considering the question of equality of advantage, the Commissioner shall take into account any work done or outlay incurred by any previous licensee with a view to testing the commercial value of the invention or to securing the working thereof on a commercial scale in Canada;

Exclusive compulsory licences.

(b) If the Commissioner is satisfied that the invention is not being worked on a commercial scale within Canada, and is such that it cannot be so worked without the expenditure of capital for the raising of which it will be necessary to rely on the exclusive rights under the patent, he may, unless the patentee or those claiming under him will undertake to find such capital, order the grant to the applicant, or any other person, or to the applicant and any other person or persons jointly, if able and willing to provide such capital, of an exclusive licence on such terms as the Commissioner may think just, but subject as hereafter in this Act provided;

Order for a licence.

(c) If the Commissioner is satisfied that the exclusive rights have been abused in the circumstances specified in paragraph *(f)* of subsection two of the last foregoing section, he may order the grant of licences to the applicant and to such of his customers, and containing such terms, as the Commissioner may think expedient;

(d) If the Commissioner is satisfied that the objects of this and the last foregoing sections cannot be attained by the exercise of any of the foregoing powers, he may order the patent to be revoked, either forthwith or after such reasonable interval as may be specified in the order, unless in the meantime such conditions as may be prescribed in the order with a view to attaining the objects of this and the last foregoing sections are fulfilled, and the Commissioner may, on reasonable cause shown in any case, by subsequent order extend the interval so specified:

Revocation of patent.

Provided that the Commissioner shall make no order for revocation which is at variance with any treaty, convention, arrangement, or engagement with any other country to which Canada is a party;

Refusal of order.

(e) If the Commissioner is of opinion that the objects of this and the last foregoing sections will be best attained by making no order under the above provisions of this section, he may make an order refusing the application and dispose of any question as to costs thereon as he thinks just.

Terms of order for licence.

67. (1) In settling the terms of any such exclusive licence as is provided in paragraph *(b)* of the last preceding section, due regard shall be had to the risks undertaken by the licensee in providing the capital and working the invention, but, subject thereto, the licence shall be so framed as—

(a) to secure to the patentee the maximum royalty compatible with the licensee working the invention within Canada on a commercial scale and at a reasonable profit;

(b) to guarantee to the patentee a minimum yearly sum by way of royalty, if and so far as it is reasonable so to do, having regard to the capital requisite for the proper working of the invention and all the circumstances of the case;

and, in addition to any other powers expressed in the licence or order, the licence and the order granting the licence shall be made revocable at the discretion of the Commissioner if the licensee fails to expend the amount specified in the licence as being the amount which he is able and willing to provide for the purpose of working the invention on a commercial scale within Canada, or if he fails so to work the invention within the time specified in the order.

Existing licensees preferred.

(2) In deciding to whom such an exclusive licence is to be granted the Commissioner shall, unless good reason is shown to the contrary, prefer an existing licensee to a person having no registered interest in the patent.

Effect of order for licence.

(3) The order granting an exclusive licence under the last foregoing section shall operate to take away from the patentee any right which he may have as patentee to work or use the invention and to revoke all existing licences, unless otherwise provided in the order, but on granting an exclusive licence the Commissioner may, if he thinks it fair and equitable, make it a condition that the licensee shall give proper compensation to be fixed by the Commissioner for any money or labour expended by the patentee or any existing licensee in developing or exploiting the invention.

Contents of applications.

68. (1) Every application presented to the Commissioner under sections sixty-five or sixty-six shall set out fully the nature of the applicant's interest and the facts upon which the applicant bases his case and the relief which he seeks. The application shall be accompanied by statutory declarations verifying the applicant's interest and the facts set out in the application.

Service on patentee and others interested.

(2) The Commissioner shall consider the matters alleged in the application and declarations, and, if satisfied that the applicant has a *bona fide* interest and that a *prima facie* case for relief has been made out, he shall direct the applicant to serve copies of the application and declarations upon the patentee or his representative for service and upon any other persons appearing from the records of the

Advertising.

Patent Office to be interested in the patent, and the applicant shall advertise the application in the *Canada Gazette* and the Canadian Patent Office Record.

Opposition and counter statement.

69. (1) If the patentee or any person is desirous of opposing the granting of any relief under sections sixty-five to seventy, inclusive, he shall, within such time as may be prescribed or within such extended time as the Commissioner may on application further allow, deliver to the Commissioner a counter statement verified by a statutory declaration fully setting out the grounds on which the application is to be opposed.

Attendance for cross-examination.

(2) The Commissioner shall consider the counter statement and declarations in support thereof and may thereupon dismiss the application if satisfied that the allegations in the application have been adequately answered, unless any of the parties demands a hearing or unless the Commissioner himself appoints a hearing. In any case the Commissioner may require the attendance before him of any of the declarants to be cross-examined or further examined upon matters relevant to the issues raised in the application and counter statement, and he may, subject to due precautions against disclosure of information to rivals in trade, require the production before him of books and documents relating to the matter in issue.

Reference to Exchequer Court.

(3) In any case where the Commissioner does not dismiss an application as hereinbefore provided, and

(a) if the parties interested consent; or

(b) if the proceedings require any prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Commissioner conveniently be made before him;

the Commissioner with the approval in writing of the Minister may order the whole proceedings or any issue of fact arising thereunder to be referred to the Exchequer Court of Canada, which shall have jurisdiction in the premises, and where the whole proceedings are so referred, the judgment, decision or order of said Court shall be final; and where a question or issue of fact is so referred, the said Court shall report its findings to the Commissioner.

Licence deemed to be by deed.

70. (1) Any order for the grant of a licence under this Act shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence executed by the patentee and all other necessary parties.

Exception.

(2) The provisions of sections sixty-five to seventy, inclusive, shall not apply to patents granted subject to the provisions of section forty-six of this Act.

"Patented article".

(3) For the purposes of sections sixty-five to seventy, inclusive, the expression "patented article" includes articles made by a patented process.

Appeal to Exchequer Court.

71. All orders and decisions of the Commissioner under sections sixty-five to seventy, inclusive, shall be subject to appeal to the Exchequer Court, and on any such appeal the Attorney General of Canada or such counsel as he may appoint shall be entitled to appear and be heard.

CAVEATS.

Intending applicant for patent may file a caveat.

72. (1) Any intending applicant for a patent who has not yet perfected his invention and is in fear of being despoiled of his idea, may file in the Patent Office a document setting forth a description of his invention so far as it has proceeded, with or without plans, at his own will; and the Commissioner, on payment of the prescribed fee shall cause that document, which shall be called a *caveat*, to be preserved in secrecy with the exception that he shall deliver copies thereof whenever required by the applicant or by any judicial tribunal. The secrecy of the document shall cease when the applicant obtains a patent for his invention.

Notice of application by another to be sent to person filing caveat.

(2) If application is made by any other person for a patent for any invention with which such *caveat* may in any respect interfere the Commissioner shall forthwith give notice of such application by mail to the person who has filed such *caveat*, and such person shall, within three months after the date of mailing the notice, if he wishes to avail himself of the *caveat*, file his petition and take the other steps necessary on an application for a patent, and if, in the opinion of the Commissioner, the applications are conflicting, like proceedings may be had in all respects as are by this Act provided in the case of conflicting applications.

Duration of caveat.

(3) Unless the person filing a *caveat* makes application within one year from such filing the Commissioner shall be relieved from the obligation of giving notice and the *caveat* shall thereafter remain as a simple matter of proof as to novelty or priority of invention, if required. R.S., c. 150, s. 42.

72. This is the same as section 42 of the existing Act. Words underlined are new.

PATENT FEES.

Tariff of fees.

73. (1) The following fees shall be payable before an application for any of the purposes herein mentioned shall be received by the Commissioner, that is to say:—

On filing an application for patent	$15 00
On grant of patent, payable on pain of forfeiture within six months from the date of notice of the allowance of patent	20 00
On asking reinstatement of abandoned application under section thirty-one	15 00
On filing an amendment after allowance of an application for patent	5 00
On lodging a caveat	5 00
On asking to register a judgment *pro tanto*	4 00
On asking information *re* a pending application under section eleven	2 00
On asking to register an assignment or any other document affecting or relating to a patent	2 00
On asking to attach a disclaimer to a patent	2 00
On asking entry of appointment of representative under section thirty, subsection two	2 00
On application for registration under section fifteen.	5 00
On petition to reissue a patent after surrender	30 00
On filing an application or petition under sections forty, forty-six or sixty-five or sixty-six of this Act—For each patent mentioned therein	10 00
On filing an application for the restoration and revival of a patent—For each patent mentioned therein.	35 00
On asking for a copy of patent with specification, exclusive of drawings	4 00
For every copy of drawings, per sheet	0 25
For every additional copy of drawings, per sheet	0 15
For uncertified photostat or blue print copy of any paper or drawing, per sheet	0 25
On office copies of documents, not above-mentioned the following charges shall be made, the minimum charge being $1.00:—	
For every single or first folio of one hundred words certified copy	0 25
For every such subsequent folio, fractions of or under one-half not being counted, and of one-half or more being counted as a folio	0 10

Fees paid prior to this Act.

(2) In the case of a patent on which a fee of twenty dollars was paid prior to the thirtieth day of June, 1923, a further fee of fifteen dollars on pain of nullity of the patent shall be payable at or before the expiration of six years from the date of its issue.

Forfeited application.

(3) A forfeited application may be restored and a patent granted thereon on application to the Commissioner within six months from the incurrence of the forfeiture, on payment with the application for restoration, in addition to

73. Section 43 of the Act relating to fees is amended by inserting several new charges, and providing that the mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

the fee payable on the grant of the patent, of a further fee of fifteen dollars and the restored application shall be subject to amendment and re-examination.

Cancellation of claims excepted.

(4) The mere cancellation of claims after allowance of an application shall not involve the payment of an additional fee.

Unprovided fees.

(5) The fees on any proceedings not herein provided for shall be such as may be fixed by the Commissioner with the approval of the Governor in Council. R.S. c. 150, s. 43, Am.

Fees in full for all services.

74. The fees set forth in the next preceding section shall be in full of all services performed under this Act, in any such case, by the Commissioner or any person employed in the Patent Office. R.S., c. 150, s. 44.

Application of fees.

75. All fees or charges for which payment is received under this Act, except such sums as are paid for copies of drawings when made by persons not receiving salaries in the Patent Office, shall be paid over to the Minister of Finance, and shall form part of the Consolidated Revenue Fund of Canada. R.S., c. 150, s. 45.

No exemptions.

76. No person shall be exempt from the payment of any fee or charge payable in respect of any services performed for such person under this Act; and, except as otherwise specifically provided in this Act, no fee, when paid, shall be returned to the person who paid it. R.S., c. 150, s. 46, Am.

RESTORATION OF PATENTS

Restoration and revival of patents.

77. (1) Where any patent has become void under the terms of the *Patent Act*, chapter sixty-nine, Revised Statutes of Canada, 1906, or of the *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, in consequence of the non-payment of fees or failure to construct or manufacture, or because of the importation of the patented invention, the patentee may within two years from the date of such voidance apply to the Commissioner for an order for the restoration and revival of the patent.

Order of restoration or dismissal.

(2) The Commissioner after hearing the patentee and any other interested parties on such application of which hearing due notice shall be given by publication in the *Canada Gazette* and the *Canadian Patent Office Record* or any other official publication of the Patent Office, and after considering all the circumstances of the case, may make an order either restoring and reviving the patent or dismissing the application.

Effects of delay in application.

(3) No such application shall be granted if it appears that there has been undue delay in making it or that the voidance of the patent was intentional on the part of the patentee.

74, 75, 76. Same as sections 44, 45 and 46 of existing Act, except that part of 76 which is no longer applicable. Underlined words are new.

77. Amends section 47 of the Act, respecting restoration and revivals of patents, in regard only to patents becoming void under the various Patent Acts cited in subsection 1.

Non-payment of fee.

(4) If the voidance of the patent was in consequence of the non-payment of any fee, such fees shall be paid before any order restoring and reviving the patent shall be effective.

Return of fee.

(5) If the application be dismissed, the Commissioner at his discretion, may return the fee paid thereon less the sum of fifteen dollars.

Saving rights.

(6) In any case where a patent which has become void is restored and revived as aforesaid and during the period when such patent was void and before the publication of notice of hearing on an application for its restoration and revival as aforesaid any person has commenced lawfully to construct, manufacture, use or sell in Canada the invention covered by such patent, such person may continue to construct, manufacture, use or sell such invention in as full and ample a manner as if such patent had not been restored and revived.

Appeal.

(7) The Attorney General of Canada, the applicant or any other interested party who has opposed any such application may appeal from the decision of the Commissioner thereon to the Exchequer Court, which shall have jurisdiction to hear and determine any such appeal. R.S., c. 150, s. 47, Am.

OFFENCES AND PENALTIES.

Patented articles to be stamped or marked.

78. Any patentee under this Act or any one claiming under him who, in contravention of any requirement of section twenty-one of this Act, sells or offers for sale any articles patented under this Act, shall be liable to a fine not exceeding one hundred dollars, and in default of the payment of such fine, to imprisonment for a term not exceeding two months.

Falsely marking articles as patented.

79. Every person who

(a) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the patentee, the name or any imitation of the name of any patentee for the sole making or selling of such thing;

Counterfeiting the patentee's marking.

(b) without the consent of the patentee, writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the patentee, the words *Patent, Letters Patent, King's or Queen's Patent, Patented,* or any word or words of like import, with the intent of counterfeiting or

78, 79, 80. These are the same as sections 63, 64 and 65 of the existing Act, except for amendments as indicated.

imitating the stamp, mark or device of the patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the patentee; or

Offering unpatented article for sale as patented.

(c) with intent to deceive the public offers for sale as patented in Canada any article not patented in Canada;

An indictable offence.

is guilty of an indictable offence, and liable to a fine not exceeding two hundred dollars, or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment. R.S., c. 150, s. 64.

False entries an indictable offence.

80. Every person who

(a) wilfully makes or causes to be made any false entry in any register or book, or

(b) any false document or altered copy of any document, relating to the purposes of this Act, or who produces or tenders any such false or altered copy of a document in evidence, knowing it to be false or altered, is guilty of an indictable offence and shall be liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment. R.S., c. 150, s. 65, Am.

Validity of patents.

81. (1) The validity of a patent issued under any Act which is repealed by this Act shall be determined according to the provisions of that repealed Act which was in force when the patent was granted and issued.

Application of Act.

(2) This Act, and every condition and obligation imposed by it shall, except to the extent otherwise provided thereby, apply to every patent issued under it or under any Act which is repealed by it and to every application pending in Canada at the time when this Act comes into force: Provided as to applications pending at the time when this Act comes into force, that if any applicant has then satisfied the requirements preliminary to the grant of a patent under the Act in force immediately before this Act comes into force the Commissioner may and shall, notwithstanding anything in this Act, grant and issue to that applicant a patent. (New).

REPEAL.

Repeal.

82. The *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, and the amending Acts, chapter four of the Statutes of 1928, chapter thirty-four of the Statutes of 1930, and chapter twenty-one of the Statutes of 1932, are hereby repealed.

When Act comes into force.

83. This Act shall come into force in whole or in part upon dates to be fixed by one or more proclamations of the Governor in Council.

81. This is a continuity section bridging the present Act to this Act.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL B.

An Act respecting Canadian Marconi Company.

Read a first time, Wednesday, 13th February, 1935.

Honourable Senator BEAUBIEN.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92469 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL B.

An Act respecting Canadian Marconi Company.

Preamble.

WHEREAS the Canadian Marconi Company, incorporated by chapter one hundred and forty-nine of the statutes of 1903, has by its petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Board of management.

1. The affairs of the Company shall be managed by a Board of not more than eleven and not less than three directors.

Repeal and substitution.

2. Section eighteen of chapter one hundred and forty-nine of the statutes of 1903 is hereby repealed and the following substituted therefor:—

Power to manufacture, etc.

"**18.** The Company may manufacture, acquire, lease, deal in, sell and dispose of instruments, apparatus, plant and appliances used or for use in connection with the business of the Company, and also such other articles as may be conveniently manufactured in the plants of the Company."

Repeal and substitution.

3. Section twenty-one of chapter one hundred and forty-nine of the statutes of 1903 is hereby repealed and the following substituted therefor:—

Power to acquire and hold shares, etc.

"**21.** The Company may take or otherwise acquire and hold shares, debentures or other securities of any other company having objects altogether or in part similar to those of the Company, or carrying on any business capable of being conducted so as, directly or indirectly, to benefit the Company, and to sell or otherwise deal with the same."

EXPLANATORY NOTES.

1. The number of directors is presently limited to nine under Part three of the Dominion Companies Act.

2. The words underlined are new.

3. The present section 21 reads as follows:—

"21. The new Company may acquire, sell, assign or transfer shares in the capital stock, and the bonds, debentures or other securities of any corporation having objects similar to those of the new Company, and may exercise all the rights and privileges belonging to such securities."

The new section is the same as section 14 (1) *(e)* of the Dominion Companies Act and will allow the Company to acquire an interest in companies carrying on related lines of business, the inability to do so having been found an obstacle to the full exercise of the present objects of the Company.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL B.

An Act respecting Canadian Marconi Company.

AS PASSED BY THE SENATE, 5th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

92471

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL B.

An Act respecting Canadian Marconi Company.

Preamble.

WHEREAS the Canadian Marconi Company, incorporated by chapter one hundred and forty-nine of the statutes of 1903, has by its petition prayed that it may be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Board of management.

1. The affairs of the Company shall be managed by a Board of not more than eleven and not less than three directors.

Repeal and substitution.

2. Section eighteen of chapter one hundred and forty-nine of the statutes of 1903 is hereby repealed and the following substituted therefor:—

Power to manufacture, etc.

"**18.** The Company may manufacture, acquire, lease, deal in, sell and dispose of instruments, apparatus, plant and appliances used or for use in connection with the business of the Company, and also such other articles as may be conveniently manufactured in the plants of the Company."

Repeal and substitution.

3. Section twenty-one of chapter one hundred and forty-nine of the statutes of 1903 is hereby repealed and the following substituted therefor:—

Power to acquire and hold shares, etc.

"**21.** The Company may take or otherwise acquire and hold shares, debentures or other securities of any other company having objects altogether or in part similar to those of the Company, or carrying on any business capable of being conducted so as, directly or indirectly, to benefit the Company, and to sell or otherwise deal with the same."

Explanatory Notes.

1. The number of directors is presently limited to nine under Part three of the Dominion Companies Act.

2. The words underlined are new.

3. The present section 21 reads as follows:—

"21. The new Company may acquire, sell, assign or transfer shares in the capital stock, and the bonds, debentures or other securities of any corporation having objects similar to those of the new Company, and may exercise all the rights and privileges belonging to such securities."

The new section is the same as section 14 (1) *(e)* of the Dominion Companies Act and will allow the Company to acquire an interest in companies carrying on related lines of business, the inability to do so having been found an obstacle to the full exercise of the present objects of the Company.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL C.

An Act for the relief of Mary Wynifred Bayford Bennett.

Read a first time, Thursday, 28th February, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

93618

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL C.

An Act for the relief of Mary Wynifred Bayford Bennett.

Preamble.

WHEREAS Mary Wynifred Bayford Bennett, residing at Veronica, Park Gate, Hampshire, England, wife of Ernest Alfred Bennett, civil engineer, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-third day of January, A.D. 1907, in the parish of Millbrook, in the county of Southampton, England, she then being Mary Wynifred Bayford, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved: and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Wynifred Bayford and Ernest Alfred Bennett, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Wynifred Bayford may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Alfred Bennett had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL C.

An Act for the relief of Mary Wynifred Bayford Bennett.

AS PASSED BY THE SENATE, 6th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93620 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL C.

An Act for the relief of Mary Wynifred Bayford Bennett.

Preamble.

WHEREAS Mary Wynifred Bayford Bennett, residing at Veronica, Park Gate, Hampshire, England, wife of Ernest Alfred Bennett, civil engineer, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-third day of January, A.D. 1907, in the parish of Millbrook, in the county of Southampton, England, she then being Mary Wynifred Bayford, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved: and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Wynifred Bayford and Ernest Alfred Bennett, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Wynifred Bayford may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Alfred Bennett had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL D.

An Act for the relief of Lillian Gurden McIntyre.

Read a first time, Thursday, 28th February, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92125 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL D.

An Act for the relief of Lillian Gurden McIntyre.

Preamble.

WHEREAS Lillian Gurden McIntyre, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Andrew Peter McIntyre, machinist, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the twenty-first day of May, A.D. 1932, at the said city of Verdun, she then being Lillian Gurden, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lillian Gurden and Andrew Peter McIntyre, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lillian Gurden may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Andrew Peter McIntyre had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL D.

An Act for the relief of Lillian Gurden McIntyre.

AS PASSED BY THE SENATE, 6th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92255 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL D.

An Act for the relief of Lillian Gurden McIntyre.

Preamble.

WHEREAS Lillian Gurden McIntyre, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Andrew Peter McIntyre, machinist, who is domiciled in Canada and residing at the city of Verdun, in the said province, has by her petition alleged that they were married on the twenty-first day of May, A.D. 1932, at the said city of Verdun, she then being Lillian Gurden, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lillian Gurden and Andrew Peter McIntyre, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lillian Gurden may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Andrew Peter McIntyre had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL E.

An Act for the relief of Minnie Elizabeth Lyons Dafoe.

Read a first time, Thursday, 28th February, 1935.

The Honourable the Chairman of the Committe on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92224 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL E.

An Act for the relief of Minnie Elizabeth Lyons Dafoe.

Preamble.

WHEREAS Minnie Elizabeth Lyons Dafoe, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Ross Oakland Dafoe, clerk, who is domiciled in Canada and residing at the town of Montreal West, in the said province of Quebec, has by her petition alleged that they were married on the twenty-ninth day of April, A.D. 1921, at the town of Cornwall, in the province of Ontario, she then being Minnie Elizabeth Lyons, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Minnie Elizabeth Lyons and Ross Oakland Dafoe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Minnie Elizabeth Lyons may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ross Oakland Dafoe had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL E.

An Act for the relief of Minnie Elizabeth Lyons Dafoe.

AS PASSED BY THE SENATE, 6th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92253 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL E.

An Act for the relief of Minnie Elizabeth Lyons Dafoe.

Preamble.

WHEREAS Minnie Elizabeth Lyons Dafoe, residing at the city of Montreal, in the province of Quebec, stenographer, wife of Ross Oakland Dafoe, clerk, who is domiciled in Canada and residing at the town of Montreal West, in the said province of Quebec, has by her petition alleged that they were married on the twenty-ninth day of April, A.D. 1921, at the town of Cornwall, in the province of Ontario, she then being Minnie Elizabeth Lyons, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Minnie Elizabeth Lyons and Ross Oakland Dafoe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Minnie Elizabeth Lyons may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ross Oakland Dafoe had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL F.

An Act for the relief of Trevor Eardley-Wilmot.

Read a first time, Thursday, 28th February, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92228 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL F.

An Act for the relief of Trevor Eardley-Wilmot.

Preamble.

WHEREAS Trevor Eardley-Wilmot, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, electrical engineer, has by his petition alleged that on the eleventh day of February, A.D. 1914, at the said city, he and Louise Margaret Warner, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Trevor Eardley-Wilmot and Louise Margaret Warner, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Trevor Eardley-Wilmot may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Louise Margaret Warner had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL F.

An Act for the relief of Trevor Eardley-Wilmot.

AS PASSED BY THE SENATE, 6th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92258 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL F.

An Act for the relief of Trevor Eardley-Wilmot.

Preamble.

WHEREAS Trevor Eardley-Wilmot, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, electrical engineer, has by his petition alleged that on the eleventh day of February, A.D. 1914, at the said city, he and Louise Margaret Warner, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved

1. The said marriage between Trevor Eardley-Wilmot and Louise Margaret Warner, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Trevor Eardley-Wilmot may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Louise Margaret Warner had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL G.

An Act to amend the Combines Investigation Act and the Criminal Code.

Read a first time, Tuesday, 5th March, 1935.

Honourable SENATOR CASGRAIN.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95060 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL G.

An Act to amend the Combines Investigation Act and the Criminal Code.

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

Repeal.

1. Paragraph one of section two of the *Combines Investigation Act*, chapter twenty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

"(1) 'combine' means a combination of two or more persons which is formed by way of actual or tacit contract, agreement or arrangement and which—

(a) at the time when formed is designed by the members thereof to restrain unreasonably trade or commerce, against the interest of the public, whether consumers, producers or others; or

(b) although it is not, at the time when formed, designed as in subparagraph *(a)* mentioned, is afterwards, operated to restrain unreasonably trade or commerce, against the interest of the public, whether consumers, producers or others; or

(c) is a conspiracy in restraint of trade or commerce."

Repeal.

2. Section four of the same Act is repealed and the following substituted therefor:—

Combination of employees or employers.

"**4.** Nothing in this Act shall be construed to apply to combinations of workmen or employees, or of masters or employers, for their reasonable protection as such workmen or employees or masters or employers."

3. Section thirty-two of the same Act is amended by adding thereto as subsection three the following:—

Personal guilt of accused person required.

"(3) No person shall be convicted under this Act by reason only that he is one of a combination of persons which first became a combine within the meaning of this Act after its lawful formation unless it is proved that he knowingly and in fact was party or privy to, or assisted in, some act, contract, agreement or arrangement of such combination, or of some of the members thereof, in unreasonable restraint of trade or commerce."

Repeal of s. 498 Criminal Code.

4. Section four hundred and ninety-eight of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed.

1st REPRINT.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL G.

An Act to amend the Combines Investigation Act and the Criminal Code.

Read a first time, Tuesday, 5th March, 1935.

Honourable SENATOR CASGRAIN.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95410 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL G.

An Act to amend the Combines Investigation Act and the Criminal Code.

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

Repeal.

1. Paragraph one of section two of the *Combines Investigation Act*, chapter twenty-six of the Revised Statutes of Canada, 1927, is repealed and the following substituted therefor:—

"(1) 'combine' means a combination of two or more persons which is formed by way of actual or tacit contract, agreement or arrangement and which—

(a) at the time when formed is designed by the members thereof to restrain unreasonably trade or commerce, against the interest of the public, whether consumers, producers or others; or

(b) although it is not, at the time when formed, designed as in subparagraph *(a)* mentioned, is afterwards, operated to restrain unreasonably trade or commerce, against the interest of the public, whether consumers, producers or others; or

(c) is a conspiracy in restraint of trade or commerce."

Repeal.

2. Section four of the same Act is repealed and the following substituted therefor:—

Combination of employees or employers.

"**4.** Nothing in this Act shall be construed to apply to combinations of workmen or employees, or of masters or employers, for their reasonable protection as such workmen or employees or masters or employers."

Explanatory Notes.

The words underlined in the text of the Bill are new.

1. The present subsection (1) reads as follows:—

"(1) combines which have operated or are likely to operate to the detriment or against the interest of the public, whether consumers, producers or others, and which

(a) are mergers, trusts or monopolies, so called; or

(b) result from the purchase, lease, or other acquisition by any person of any control over or interest in the whole or part of the business of any other person; or

(c) result from any actual or tacit contract, agreement, arrangement, or combination which has or is designed to have the effect of

(i) limiting facilities for transporting, producing, manufacturing, supplying, storing or dealing, or

(ii) preventing, limiting or lessening manufacture or production, or

(iii) fixing a common price or a resale price, or a common rental, or a common cost of storage or transportation, or

(iv) enhancing the price, rental or cost of article, rental, storage or transportation, or

(v) preventing or lessening competition in, or substantially controlling within any particular area or district or generally, production, manufacture, purchase, barter, sale, storage, transportation, insurance or supply, or

(vi) otherwise restraining or injuring trade or commerce,

are described by the word 'combine';"

2. The present section four reads as follows:—

"**4.** Nothing in this Act shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees."

3. Section thirty-two of the same Act is amended by adding thereto as subsection three the following:—

Personal guilt of accused person required.

"(3) No person shall be convicted under this Act by reason only that he is one of a combination of persons which first became a combine within the meaning of this Act after its lawful formation unless it is proved that he knowingly and in fact was party or privy to, or assisted in, some act, contract, agreement or arrangement of such combination, or of some of the members thereof, in unreasonable restraint of trade or commerce."

Repeal of s. 498 Criminal Code.

4. Section four hundred and ninety-eight of the *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, is repealed.

3. The present section thirty-two reads as follows:—

"**32.** Every one is guilty of an indictable offence and liable to a penalty not exceeding ten thousand dollars or to two years' imprisonment, or if a corporation to a penalty not exceeding twenty-five thousand dollars, who is a party or privy to or knowingly assists in the formation or operation of a combine within the meaning of this Act.

(2) No prosecution for any offence under this section shall be commenced, otherwise than at the instance of the Solicitor General of Canada or of the attorney general of a province."

4. The present section four hundred and ninety-eight of the Criminal Code reads as follows:—

"**498.** Every one is guilty of an indictable offence and liable to a penalty not exceeding four thousand dollars and not less than two hundred dollars, or to two years' imprisonment, or, if a corporation, is liable to a penalty not exceeding ten thousand dollars, and not less than one thousand dollars, who conspires, combines, agrees or arranges with any other person, or with any railway, steamship, steamboat or transportation company,

(a) to unduly limit the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any article or commodity which may be a subject of trade or commerce; or

(b) to restrain or injure trade or commerce in relation to any such article or commodity; or

(c) to unduly prevent, limit, or lessen the manufacture or production of any such article or commodity, or to unreasonably enhance the price thereof; or

(d) to unduly prevent or lessen competition in the production, manufacture, purchase, barter, sale, transportation or supply of any such article or commodity, or in the price of insurance upon person or property.

(2) Nothing in this section shall be construed to apply to combinations of workmen or employees for their own reasonable protection as such workmen or employees."

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL H.

An Act for the relief of Ray Leitman Aronoff.

Read a first time, Thursday, 7th March, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93370 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL H.

An Act for the relief of Ray Leitman Aronoff.

Preamble.

WHEREAS Ray Leitman Aronoff, residing at the city of Montreal, in the province of Quebec, book-keeper, wife of Nathan Aronoff, machine operator, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fourth day of November, A.D. 1929, at the said city, she then being Ray Leitman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ray Leitman and Nathan Aronoff, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ray Leitman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Nathan Aronoff had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL H.

An Act for the relief of Ray Leitman Aronoff.

AS PASSED BY THE SENATE, 13th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93372 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL H.

An Act for the relief of Ray Leitman Aronoff.

Preamble.

WHEREAS Ray Leitman Aronoff, residing at the city of Montreal, in the province of Quebec, book-keeper, wife of Nathan Aronoff, machine operator, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-fourth day of November, A.D. 1929, at the said city, she then being Ray Leitman, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ray Leitman and Nathan Aronoff, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ray Leitman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Nathan Aronoff had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL I.

An Act for the relief of Marie Philomene Florence Maher McCaffrey.

Read a first time, Thursday, 7th March, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92222 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL I.

An Act for the relief of Marie Philomene Florence Maher McCaffrey.

Preamble.

WHEREAS Marie Philomene Florence Maher McCaffrey, residing at the city of Montreal, in the province of Quebec, wife of Clarence Francis McCaffrey, advocate, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of October, A.D. 1926, at the said city, she then being Marie Philomene Florence Maher, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Philomene Florence Maher and Clarence Francis McCaffrey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Philomene Florence Maher may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Clarence Francis McCaffrey had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL I.

An Act for the relief of Marie Philomene Florence Maher McCaffrey.

AS PASSED BY THE SENATE, 13th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92251 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL I.

An Act for the relief of Marie Philomene Florence Maher McCaffrey.

Preamble.

WHEREAS Marie Philomene Florence Maher McCaffrey, residing at the city of Montreal, in the province of Quebec, wife of Clarence Francis McCaffrey, advocate, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the twenty-eighth day of October, A.D. 1926, at the said city, she then being Marie Philomene Florence Maher, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Marie Philomene Florence Maher and Clarence Francis McCaffrey, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Marie Philomene Florence Maher may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Clarence Francis McCaffrey had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL J.

An Act for the relief of Stuart Lewis Ralph Henderson.

Read a first time, Thursday, 7th March, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92225 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL J.

An Act for the relief of Stuart Lewis Ralph Henderson.

Preamble.

WHEREAS Stuart Lewis Ralph Henderson, domiciled in Canada and residing at the town of Huntingdon, in the district of Beauharnois, in the province of Quebec, mechanic, has by his petition alleged that on the twenty-second day of October, A.D. 1929, at the city of Calgary, in the province of Alberta, he and Phyllis Annie Rumsey, who was then of the town of Okotoks, in the said province of Alberta, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Stuart Lewis Ralph Henderson and Phyllis Annie Rumsey, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Stuart Lewis Ralph Henderson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Phyllis Annie Rumsey had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL J.

An Act for the relief of Stuart Lewis Ralph Henderson.

AS PASSED BY THE SENATE, 13th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92254 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL J.

An Act for the relief of Stuart Lewis Ralph Henderson.

Preamble.

WHEREAS Stuart Lewis Ralph Henderson, domiciled in Canada and residing at the town of Huntingdon, in the district of Beauharnois, in the province of Quebec, mechanic, has by his petition alleged that on the twenty-second day of October, A.D. 1929, at the city of Calgary, in the province of Alberta, he and Phyllis Annie Rumsey, who was then of the town of Okotoks, in the said province of Alberta, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Stuart Lewis Ralph Henderson and Phyllis Annie Rumsey, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Stuart Lewis Ralph Henderson may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Phyllis Annie Rumsey had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL K.

An Act for the relief of Charles Henry Campbell.

Read a first time, Thursday, 7th March, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92230 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL K.

An Act for the relief of Charles Henry Campbell.

Preamble.

WHEREAS Charles Henry Campbell, domiciled in Canada and residing at the town of Montreal West, in the province of Quebec, financial statistician, has by his petition alleged that on the sixth day of June, A.D. 1916, at the city of New York, in the state of New York, one of the United States of America, he and Ida Sophia McDonell, who was then of the city of Montreal, in the province of Quebec, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles Henry Campbell and Ida Sophia McDonell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Henry Campbell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ida Sophia McDonell had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL K.

An Act for the relief of Charles Henry Campbell.

AS PASSED BY THE SENATE, 13th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92260 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL K.

An Act for the relief of Charles Henry Campbell.

Preamble.

WHEREAS Charles Henry Campbell, domiciled in Canada and residing at the town of Montreal West, in the province of Quebec, financial statistician, has by his petition alleged that on the sixth day of June, A.D. 1916, at the city of New York, in the state of New York, one of the United States of America, he and Ida Sophia McDonell, who was then of the city of Montreal, in the province of Quebec, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles Henry Campbell and Ida Sophia McDonell, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Henry Campbell may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Ida Sophia McDonell had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL L.

An Act for the relief of Maria Elphinstone Hastie Kinnon.

Read a first time, Thursday, 7th March, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92229 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL L.

An Act for the relief of Maria Elphinstone Hastie Kinnon.

Preamble.

WHEREAS Maria Elphinstone Hastie Kinnon, residing at the city of Montreal, in the province of Quebec, wife of Francis David Kinnon, clerk, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of April, A.D. 1920, at the said city, she then being Maria Elphinstone Hastie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Maria Elphinstone Hastie and Francis David Kinnon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Maria Elphinstone Hastie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Francis David Kinnon had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL L.

An Act for the relief of Maria Elphinstone Hastie Kinnon.

AS PASSED BY THE SENATE, 13th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92259 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL L.

An Act for the relief of Maria Elphinstone Hastie Kinnon.

Preamble.

WHEREAS Maria Elphinstone Hastie Kinnon, residing at the city of Montreal, in the province of Quebec, wife of Francis David Kinnon, clerk, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the tenth day of April, A.D. 1920, at the said city, she then being Maria Elphinstone Hastie, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Maria Elphinstone Hastie and Francis David Kinnon, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Maria Elphinstone Hastie may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Francis David Kinnon had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL M.

An Act for the relief of Clarence MacGregor Roberts.

Read a first time, Tuesday, 12th March, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92221 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL M.

An Act for the relief of Clarence MacGregor Roberts.

Preamble.

WHEREAS Clarence MacGregor Roberts, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chief clerk, has by his petition alleged that on the twenty-sixth day of December, A.D. 1924, at the city of St. John, in the province of New Brunswick, he and Roberta Copeland Cool, who was then of the city of Boston, in the state of Massachusetts, one of the United States of America, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Clarence MacGregor Roberts and Roberta Copeland Cool, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Clarence MacGregor Roberts may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Roberta Copeland Cool had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL M.

An Act for the relief of Clarence MacGregor Roberts.

AS PASSED BY THE SENATE, 19th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92250 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL M.

An Act for the relief of Clarence MacGregor Roberts.

Preamble.

WHEREAS Clarence MacGregor Roberts, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, chief clerk, has by his petition alleged that on the twenty-sixth day of December, A.D. 1924, at the city of St. John, in the province of New Brunswick, he and Roberta Copeland Cool, who was then of the city of Boston, in the state of Massachusetts, one of the United States of America, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Clarence MacGregor Roberts and Roberta Copeland Cool, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Clarence MacGregor Roberts may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Roberta Copeland Cool had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL N.

An Act for the relief of Agnes Mabel Potter Brockwell.

Read a first time, Thursday, 14th March, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92232 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL N.

An Act for the relief of Agnes Mabel Potter Brockwell.

Preamble.

WHEREAS Agnes Mabel Potter Brockwell, residing at the town of Dorval, in the province of Quebec, wife of Eadmer Gordon Brodie Brockwell, mechanical engineer, who is domiciled in Canada and residing at the city of Westmount, in the said province of Quebec, has by her petition alleged that they were married on the twenty-second day of May, A.D. 1926, at the town of Walkerville, in the province of Ontario, she then being Agnes Mabel Potter, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agnes Mabel Potter and Eadmer Gordon Brodie Brockwell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agnes Mabel Potter may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Eadmer Gordon Brodie Brockwell had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL N.

An Act for the relief of Agnes Mabel Potter Brockwell.

AS PASSED BY THE SENATE, 20th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92262 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL N.

An Act for the relief of Agnes Mabel Potter Brockwell.

Preamble.

WHEREAS Agnes Mabel Potter Brockwell, residing at the town of Dorval, in the province of Quebec, wife of Eadmer Gordon Brodie Brockwell, mechanical engineer, who is domiciled in Canada and residing at the city of Westmount, in the said province of Quebec, has by her petition alleged that they were married on the twenty-second day of May, A.D. 1926, at the town of Walkerville, in the province of Ontario, she then being Agnes Mabel Potter, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Agnes Mabel Potter and Eadmer Gordon Brodie Brockwell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Agnes Mabel Potter may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Eadmer Gordon Brodie Brockwell had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL O.

An Act for the relief of John Henry Ley.

Read a first time, Thursday, 14th March, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92227 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL O.

An Act for the relief of John Henry Ley.

Preamble.

WHEREAS John Henry Ley, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the thirtieth day of December, A.D. 1933, at the said city, he and Mary Emily Blanchard, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Henry Ley and Mary Emily Blanchard, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Henry Ley may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Emily Blanchard had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL O.

An Act for the relief of John Henry Ley.

AS PASSED BY THE SENATE, 20th MARCH, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92257 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL O.

An Act for the relief of John Henry Ley.

Preamble.

WHEREAS John Henry Ley, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, clerk, has by his petition alleged that on the thirtieth day of December, A.D. 1933, at the said city, he and Mary Emily Blanchard, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between John Henry Ley and Mary Emily Blanchard, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said John Henry Ley may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Mary Emily Blanchard had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL P.

An Act for the relief of Emma Gelfman Goldman Stokolsky.

Read a first time, Tuesday, 2nd April, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94226 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL P.

An Act for the relief of Emma Gelfman Goldman Stokolsky.

Preamble.

WHEREAS Emma Gelfman Goldman Stokolsky, residing at the city of Montreal, in the province of Quebec, wife of Joseph Stokolsky, merchant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of August, A.D. 1924, at the said city, she then being Emma Gelfman Goldman, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Emma Gelfman Goldman and Joseph Stokolsky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emma Gelfman Goldman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Stokolsky had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL P.

An Act for the relief of Emma Gelfman Goldman Stokolsky.

AS PASSED BY THE SENATE, 9th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92256 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL P.

An Act for the relief of Emma Gelfman Goldman Stokolsky.

Preamble.

WHEREAS Emma Gelfman Goldman Stokolsky, residing at the city of Montreal, in the province of Quebec, wife of Joseph Stokolsky, merchant, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fourteenth day of August, A.D. 1924, at the said city, she then being Emma Gelfman Goldman, a widow; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved

1. The said marriage between Emma Gelfman Goldman and Joseph Stokolsky, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emma Gelfman Goldman may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Stokolsky had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL Q.

An Act for the relief of Albertine Roberte Montpellier de Beaujeu.

Read a first time, Tuesday, 2nd April, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94266 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL Q.

An Act for the relief of Albertine Roberte Montpellier de Beaujeu.

Preamble.

WHEREAS Albertine Roberte Montpellier de Beaujeu, residing at the village of Rosemere, in the county of Terrebonne, in the province of Quebec, nurse, wife of Villemomble Saveuse de Beaujeu, otherwise known as Villemonde Saveuse de Beaujeu, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-sixth day of July, A.D. 1919, at the said city, she then being Albertine Roberte Montpellier, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Albertine Roberte Montpellier and Villemomble Saveuse de Beaujeu, otherwise known as Villemonde Saveuse de Beaujeu, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Albertine Roberte Montpellier may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Villemomble Saveuse de Beaujeu, otherwise known as Villemonde Saveuse de Beaujeu had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL Q.

An Act for the relief of Albertine Roberte Montpellier de Beaujeu.

AS PASSED BY THE SENATE, 9th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94268 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL Q.

An Act for the relief of Albertine Roberte Montpellier de Beaujeu.

Preamble.

WHEREAS Albertine Roberte Montpellier de Beaujeu, residing at the village of Rosemere, in the county of Terrebonne, in the province of Quebec, nurse, wife of Villemomble Saveuse de Beaujeu, otherwise known as Villemonde Saveuse de Beaujeu, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the twenty-sixth day of July, A.D. 1919, at the said city, she then being Albertine Roberte Montpellier, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Albertine Roberte Montpellier and Villemomble Saveuse de Beaujeu, otherwise known as Villemonde Saveuse de Beaujeu, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Albertine Roberte Montpellier may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Villemomble Saveuse de Beaujeu, otherwise known as Villemonde Saveuse de Beaujeu had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL R.

An Act for the relief of Frances Goldberg Joseph.

Read a first time, Tuesday, 9th April, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95340 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL R.

An Act for the relief of Frances Goldberg Joseph.

Preamble.

WHEREAS Frances Goldberg Joseph, residing at the city of Montreal, in the province of Quebec, wife of Bernard Benjamin Joseph, manufacturer, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the twenty-fourth day of March, A.D. 1920, at the city of Boston, in the state of Massachusetts, one of the United States of America, she then being Frances Goldberg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frances Goldberg and Bernard Benjamin Joseph, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frances Goldberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bernard Benjamin Joseph had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL R.

An Act for the relief of Frances Goldberg Joseph.

AS PASSED BY THE SENATE, 12th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95342 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL R.

An Act for the relief of Frances Goldberg Joseph.

Preamble.

WHEREAS Frances Goldberg Joseph, residing at the city of Montreal, in the province of Quebec, wife of Bernard Benjamin Joseph, manufacturer, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the twenty-fourth day of March, A.D. 1920, at the city of Boston, in the state of Massachusetts, one of the United States of America, she then being Frances Goldberg, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Frances Goldberg and Bernard Benjamin Joseph, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Frances Goldberg may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bernard Benjamin Joseph had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL S.

An Act respecting the remarriage of divorced persons.

Read a first time, Tuesday, 9th April, 1935.

Honourable Senator Hughes.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96854 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA.

BILL S.

An Act respecting the remarriage of divorced persons.

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

Short title.

1. This Act may be cited as *"The Divorce and Remarriage Act."*

Remarriage of divorced persons to amount to bigamy.

2. No person who is, hereafter, in Canada, divorced, either by statute or by the decree of any court, shall be competent to marry, during the lifetime of the person from whom he is divorced, any other than that person, hereinafter referred to as his former spouse, and if, in Canada, he shall marry any other than his former spouse he shall be guilty of bigamy and punishable as in and by the *Criminal Code* provided.

Divorced persons leaving Canada with intent to remarry.

3. If any person who is, hereafter, in Canada, divorced as aforesaid, shall, during the lifetime of his former spouse, leave Canada with the intent to marry, out of Canada, any other than that former spouse, and shall marry, out of Canada pursuant to such intent, he shall be deemed, in Canada, to be guilty of bigamy, and punishable as in and by the *Criminal Code* provided.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL T.

An Act for the relief of Isabelle Hume Sadlier Rice.

Read a first time, Friday, 12th April, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95991 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL T.

An Act for the relief of Isabelle Hume Sadlier Rice.

Preamble.

WHEREAS Isabelle Hume Sadlier Rice, residing at the city of Montreal in the province of Quebec, wife of James Bedford Rice, photographer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of June, A.D. 1912, at the town of Newport, in the state of Vermont, one of the United States of America, she then being Isabelle Hume Sadlier, and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Isabelle Hume Sadlier and James Bedford Rice, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Isabelle Hume Sadlier may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Bedford Rice had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL T.

An Act for the relief of Isabelle Hume Sadlier Rice.

AS PASSED BY THE SENATE, 17th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95993 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL T.

An Act for the relief of Isabelle Hume Sadlier Rice.

Preamble.

WHEREAS Isabelle Hume Sadlier Rice, residing at the city of Montreal in the province of Quebec, wife of James Bedford Rice, photographer, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the first day of June, A.D. 1912, at the town of Newport, in the state of Vermont, one of the United States of America, she then being Isabelle Hume Sadlier, and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marri ge dissolved.

1. The said marriage between Isabelle Hume Sadlier and James Bedford Rice, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsovever.

Right to marry again.

2. The said Isabelle Hume Sadlier may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Bedford Rice had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL U.

An Act for the relief of Mary Frances Isobel Brown Gauthier.

Read a first time, Friday, 12th April, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95987 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL U.

An Act for the relief of Mary Frances Isobel Brown Gauthier.

Preamble.

WHEREAS Mary Frances Isobel Brown Gauthier, residing at the city of Outremont, in the province of Quebec, wife of Joseph Oscar Raoul Maurice Gauthier, clerk, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the eleventh day of July, A. D. 1932, at the city of Montreal, in the said province, she then being Mary Frances Isobel Brown, a spinster; and whereas by her petition she has prayed that, because of his adultery since, then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Frances Isobel Brown and Joseph Oscar Raoul Maurice Gauthier, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Frances Isobel Brown may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Oscar Raoul Maurice Gauthier had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL U.

An Act for the relief of Mary Frances Isobel Brown Gauthier.

AS PASSED BY THE SENATE, 17th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95989 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL U.

An Act for the relief of Mary Frances Isobel Brown Gauthier.

Preamble.

WHEREAS Mary Frances Isobel Brown Gauthier, residing at the city of Outremont, in the province of Quebec, wife of Joseph Oscar Raoul Maurice Gauthier, clerk, who is domiciled in Canada and residing at the city of Westmount, in the said province, has by her petition alleged that they were married on the eleventh day of July, A. D. 1932, at the city of Montreal, in the said province, she then being Mary Frances Isobel Brown, a spinster; and whereas by her petition she has prayed that, because of his adultery since, then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Frances Isobel Brown and Joseph Oscar Raoul Maurice Gauthier, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Frances Isobel Brown may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Oscar Raoul Maurice Gauthier had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL V.

An Act for the relief of Amy May Wells Gorman.

Read a first time, Friday, 12th April, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95692 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL V.

An Act for the relief of Amy May Wells Gorman.

Preamble.

WHEREAS Amy May Wells Gorman, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Orville Robert Gorman, railway mail clerk, who is domiciled in Canada and residing at the city of Verdun, in the said province of Quebec, has by her petition alleged that they were married on the twenty-ninth day of October, A.D. 1919, at the city of Ottawa, in the province of Ontario, she then being Amy May Wells, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Amy May Wells and Orville Robert Gorman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Amy May Wells may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Orville Robert Gorman had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL V.

An Act for the relief of Amy May Wells Gorman.

AS PASSED BY THE SENATE, 17th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95694 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL V.

An Act for the relief of Amy May Wells Gorman.

Preamble.

WHEREAS Amy May Wells Gorman, residing at the city of Montreal, in the province of Quebec, dressmaker, wife of Orville Robert Gorman, railway mail clerk, who is domiciled in Canada and residing at the city of Verdun, in the said province of Quebec, has by her petition alleged that they were married on the twenty-ninth day of October, A.D. 1919, at the city of Ottawa, in the province of Ontario, she then being Amy May Wells, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Amy May Wells and Orville Robert Gorman, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Amy May Wells may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Orville Robert Gorman had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL W.

An Act for the relief of Charles Michael McGuire.

Read a first time, Friday, 12th April, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93821 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL W.

An Act for the relief of Charles Michael McGuire.

Preamble.

WHEREAS Charles Michael McGuire, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, railway signalman, has by his petition alleged that on the twenty-fourth day of December, A.D. 1925, at the said city, he and Elizabeth Josephine McGhee, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles Michael McGuire and Elizabeth Josephine McGhee, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Michael McGuire may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elizabeth Josephine McGhee had not been solemnized.

Sixth Session, Seventeenth Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL W.

An Act for the relief of Charles Michael McGuire.

AS PASSED BY THE SENATE, 17th APRIL, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93827 1935

6th Session, 17th Parliament, 25 George V, 1935.

SENATE OF CANADA

BILL W.

An Act for the relief of Charles Michael McGuire.

Preamble.

WHEREAS Charles Michael McGuire, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, railway signalman, has by his petition alleged that on the twenty-fourth day of December, A.D. 1925, at the said city, he and Elizabeth Josephine McGhee, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Charles Michael McGuire and Elizabeth Josephine McGhee, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Charles Michael McGuire may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Elizabeth Josephine McGhee had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL X.

An Act for the relief of Nora Ellen Moore McCabe.

Read a first time, Tuesday, 21st May, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93823 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL X.

An Act for the relief of Nora Ellen Moore McCabe.

Preamble.

WHEREAS Nora Ellen Moore McCabe, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Edward Thomas Joseph Henry McCabe, electrician, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of February, A.D. 1927, at the town of Kenogami, in the said province, she then being Nora Ellen Moore, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nora Ellen Moore and Edward Thomas Joseph Henry McCabe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nora Ellen Moore may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Thomas Joseph Henry McCabe had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL X.

An Act for the relief of Nora Ellen Moore McCabe.

AS PASSED BY THE SENATE, 23rd MAY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93829 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL X.

An Act for the relief of Nora Ellen Moore McCabe.

Preamble.

WHEREAS Nora Ellen Moore McCabe, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of Edward Thomas Joseph Henry McCabe, electrician, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the third day of February, A.D. 1927, at the town of Kenogami, in the said province, she then being Nora Ellen Moore, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Nora Ellen Moore and Edward Thomas Joseph Henry McCabe, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Nora Ellen Moore may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Edward Thomas Joseph Henry McCabe had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Y.

An Act for the relief of Hildur Emilia Hill Soucy.

Read a first time, Tuesday, 21st May, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93822 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Y.

An Act for the relief of Hildur Emilia Hill Soucy.

Preamble.

WHEREAS Hildur Emilia Hill Soucy, residing at the city of Toronto, in the province of Ontario, bookkeeper, wife of Chester Ivor Soucy, electrical engineer, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-fifth day of August, A.D. 1928, at the said city of Toronto, she then being Hildur Emilia Hill, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hildur Emilia Hill and Chester Ivor Soucy, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hildur Emilia Hill may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Chester Ivor Soucy had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Y.

An Act for the relief of Hildur Emilia Hill Soucy.

AS PASSED BY THE SENATE, 23rd MAY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93828 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Y.

An Act for the relief of Hildur Emilia Hill Soucy.

Preamble.

WHEREAS Hildur Emilia Hill Soucy, residing at the city of Toronto, in the province of Ontario, bookkeeper, wife of Chester Ivor Soucy, electrical engineer, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-fifth day of August, A.D. 1928, at the said city of Toronto, she then being Hildur Emilia Hill, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hildur Emilia Hill and Chester Ivor Soucy, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hildur Emilia Hill may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Chester Ivor Soucy had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL Z.

An Act for the relief of Ethel Ellis Callow Randles.

Read a first time, Tuesday, 21st May, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94791 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Z.

An Act for the relief of Ethel Ellis Callow Randles.

Preamble.

WHEREAS Ethel Ellis Callow Randles, residing at the city of Montreal, in the province of Quebec, wife of Arthur Randles, steamship agent, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1920, at the city of Liverpool, in the county of Lancaster, England, she then being Ethel Ellis Callow, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ethel Ellis Callow and Arthur Randles, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ethel Ellis Callow may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arthur Randles had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL Z.

An Act for the relief of Ethel Ellis Callow Randles.

AS PASSED BY THE SENATE, 23rd MAY, 1935.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94793 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Z.

An Act for the relief of Ethel Ellis Callow Randles.

Preamble.

WHEREAS Ethel Ellis Callow Randles, residing at the city of Montreal, in the province of Quebec, wife of Arthur Randles, steamship agent, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the fifteenth day of September, A.D. 1920, at the city of Liverpool, in the county of Lancaster, England, she then being Ethel Ellis Callow, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Ethel Ellis Callow and Arthur Randles, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Ethel Ellis Callow may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Arthur Randles had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL A2.

An Act respecting The Sarnia-Port Huron Vehicular Tunnel Company.

Read a first time, Thursday, 23rd May, 1935.

Honourable Senator LITTLE.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96617 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL A2.

An Act respecting The Sarnia-Port Huron Vehicular Tunnel Company.

Preamble.

WHEREAS The Sarnia-Port Huron Vehicular Tunnel Company, incorporated by chapter fifty-nine of the statutes of 1932-1933, has by its petition prayed that it may be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section nineteen of chapter fifty-nine of the statutes of 1932-1933 is hereby repealed and the following is substituted therefor:

Extension of time.

"**19.** The construction of the said subway or tunnel shall be commenced within one year after the Governor in Council and the Executive of the United States of America, or other competent authority therein, have approved of the plans thereof, and shall be completed within three years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within five years after the passing of this Act, the powers granted for the construction of the said subway or tunnel shall cease and be null and void. Section one hundred and sixty-one of the *Railway Act* shall not apply to the Company."

Proviso.

R.S., c. 170.

Explanatory Notes.

The proposed changes are underlined in the bill thus indicating new matter.

The word "five" is substituted for the word "two" in the original Act, and thus an extension of three years is granted for the purpose of obtaining the necessary approval for the construction of the subway or tunnel.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL A2.

An Act respecting The Sarnia-Port Huron Vehicular Tunnel Company.

AS PASSED BY THE SENATE, 6th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96619 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL A2.

An Act respecting The Sarnia-Port Huron Vehicular Tunnel Company.

Preamble.

WHEREAS The Sarnia-Port Huron Vehicular Tunnel Company, incorporated by chapter fifty-nine of the statutes of 1932-1933, has by its petition prayed that it may be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section nineteen of chapter fifty-nine of the statutes of 1932-1933 is hereby repealed and the following is substituted therefor:

Extension of time.

"**19.** The construction of the said subway or tunnel shall be commenced within one year after the Governor in Council and the Executive of the United States of America, or other competent authority therein, have approved of the plans thereof, and shall be completed within three years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within five years after the passing of this Act, the powers granted for the construction of the said subway or tunnel shall cease and be null and void. Section one hundred and sixty-one of the *Railway Act* shall not apply to the Company."

Proviso.

R.S., c. 170.

Explanatory Notes.

The proposed changes are underlined in the bill thus indicating new matter.

The word "five" is substituted for the word "two" in the original Act, and thus an extension of three years is granted for the purpose of obtaining the necessary approval for the construction of the subway or tunnel.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL B2.

An Act respecting a patent of Lillian Towy.

Read a first time, Thursday, 23rd May, 1935.

Honourable Senator LYNCH-STAUNTON.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99121 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA.

BILL B2.

An Act respecting a patent of Lillian Towy.

Preamble.

WHEREAS, Lillian Towy, a resident of Inglewood, in the State of California, one of the United States of America, has by her petition represented that she is the inventor of certain new and useful improvements in milk bottle cap packages for which United States Letters Patent Number 1838797 were granted to her on the 29th day of December, 1931: And whereas she did not within the time provided by section eight, subsection two, of the *Patent Act*, being chapter one hundred and fifty, of the Revised Statutes of Canada, 1927, make application for patent for the said invention in Canada; And whereas she has prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Term extended.

1. Notwithstanding anything contained in the *Patent Act*, if an application is made before the expiration of two months after the passing of this Act, to the Commissioner of Patents, for the same invention as is covered by the said United States Letters Patent Number 1838797, the Commissioner of Patents may grant and issue to the said Lillian Towy a patent for that invention and any patent so granted and issued shall be of as full force and effect as if it had been granted and issued upon application filed before the 29th day of December, 1933; Provided that any patent so granted and issued shall notwithstanding anything in the *Patent Act* or in this Act contained, cease and determine on the 29th day of December, 1949.

Rights saved.

2. If any person has in Canada since the 29th day of December, 1931, and before the 9th day of March, 1935, commenced the manufacture, use and sale of the said invention such person may continue to manufacture, use and sell such invention in as full and ample a manner as if this Act had not been passed.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL C2.

An Act respecting The Wapiti Insurance Company.

Read a first time, Thursday, 23rd May, 1935.

Honourable Senator HORSEY.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96330 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL C2.

An Act respecting The Wapiti Insurance Company.

Preamble.

WHEREAS The Wapiti Insurance Company has by its petition prayed that an Act be passed extending the time during which the Minister of Finance may grant to the said Company the licence to carry on business, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time.

1. Notwithstanding anything in the *Insurance Act*, chapter one hundred and one of the Revised Statutes of Canada, 1927, or in the Act incorporating The Wapiti Insurance Company, chapter eighty-four of the statutes of 1929, or in the Act extending the time during which the Minister of Finance may grant to the said Company the licence to carry on business, chapter seventy-four of the statutes of 1931, the said chapter eighty-four of the statutes of 1929 shall be deemed not to have expired and ceased to be in force after the thirtieth day of April, 1933, but to have continued and to be in force for all purposes thereof whatsoever until the first day of May, 1937, and the Minister of Finance may at any time not later than the thirtieth day of April, 1937, and subject to all other provisions of the *Insurance Act*, grant to the said Company the licence to carry on business.

Limitation.

2. If the Company has not obtained the said licence before the first day of May, 1937, the said chapter eighty-four of the statutes of 1929 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the Company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever.

Explanatory Notes.

The purpose of this Bill is to restore in force the Act incorporating The Wapiti Insurance Company, chapter eighty-four of the Statutes of Canada, 1929, which expired on May 1st, 1933, under the provisions of the Insurance Act, and an Act respecting The Wapiti Insurance Company, chapter seventy-four of the Statutes of Canada, 1931, section 2, and in this way permit the Department of Insurance to issue its Dominion licence to a Canadian rather than a Provincial Company.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL C2.

An Act respecting The Wapiti Insurance Company.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96332 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL C2.

An Act respecting The Wapiti Insurance Company.

Preamble.

WHEREAS The Wapiti Insurance Company has by its petition prayed that an Act be passed extending the time during which the Minister of Finance may grant to the said Company the licence to carry on business, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time.

1. Notwithstanding anything in the *Insurance Act*, chapter one hundred and one of the Revised Statutes of Canada, 1927, or in the Act incorporating The Wapiti Insurance Company, chapter eighty-four of the statutes of 1929, or in the Act extending the time during which the Minister of Finance may grant to the said Company the licence to carry on business, chapter seventy-four of the statutes of 1931, the said chapter eighty-four of the statutes of 1929 shall be deemed not to have expired and ceased to be in force after the thirtieth day of April, 1933, but to have continued and to be in force for all purposes thereof whatsoever until the first day of May, 1937, and the Minister of Finance may at any time not later than the thirtieth day of April, 1937, and subject to all other provisions of the *Insurance Act*, grant to the said Company the licence to carry on business.

Limitation.

2. If the Company has not obtained the said licence before the first day of May, 1937, the said chapter eighty-four of the statutes of 1929 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the Company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever.

Explanatory Notes.

The purpose of this Bill is to restore in force the Act incorporating The Wapiti Insurance Company, chapter eighty-four of the Statutes of Canada, 1929, which expired on May 1st, 1933, under the provisions of the Insurance Act, and an Act respecting The Wapiti Insurance Company, chapter seventy-four of the Statutes of Canada, 1931, section 2, and in this way permit the Department of Insurance to issue its Dominion licence to a Canadian rather than a Provincial Company.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL D2.

An Act respecting The Portage la Prairie Mutual Insurance Company.

Read a first time, Tuesday, 28th May, 1935

Honourable Senator McMEANS.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95747 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL D2.

An Act respecting The Portage la Prairie Mutual Insurance Company.

Preamble.

WHEREAS the Portage la Prairie Mutual Insurance Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section one of chapter sixty-nine of the statutes of 1930, is hereby repealed and the following is substituted therefor:—

Incorporation.

"**1.** Edwin Herbert Muir, farmer, Mathew Gillis Tidsbury, farmer, Peter McArthur, farmer, James McKenzie, farmer, Joseph Trimble, farmer, Robert McDermott, farmer, all of the rural municipality of Portage la Prairie, and Arthur Sulliven, K.C., barrister, of the city of Winnipeg, in the province of Manitoba, together with such persons as become policyholders in the Company, on the mutual system, are incorporated under the name of "The Portage la Prairie Mutual Insurance Company," hereinafter called "the Company."

Corporate name.

2. Section eight of the said Act is repealed and the following is substituted therefor:—

Who may be elected a director.

"**8.** Any policyholder on the mutual system or cash system who holds a policy or policies to the amount of at least one thousand dollars who is not in default in respect of any assessment on his deposit or premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars."

Explanatory Notes.

The changes made are indicated by the words underlined.

The present section 1 reads as follows:—

1. "**1.** Edwin Herbert Muir, farmer, Mathew Gillis Tidsbury, farmer, Peter McArthur, farmer, James McKenzie, farmer, Joseph William Yuill, farmer, Joseph Trimble, farmer, Robert McDermott, farmer, all of the rural municipality of Portage la Prairie, in the province of Manitoba, together with such persons as become policyholders in the Company, are incorporated under the name of "The Portage la Prairie Mutual Insurance Company," hereinafter called "the Company."

The present section 8 reads as follows:—

2. "**8.** Any policy-holder who holds a policy or policies to the amount of at least one thousand dollars who is not in default in respect of any premium or any assessment on his deposit or premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars."

3. Section nine of the said Act is repealed and the following is substituted therefor:—

Votes.

"**9.** (1) At all meetings of the Company each policyholder on the mutual system who is not in default in respect of any assessment on his premium note shall have one vote for each one thousand dollars of insurance provided in his policy.

(2) Any member who ceases to hold a valid policy on the mutual system shall thereupon cease to be a member."

Date of coming into force.

4. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*, and such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the Company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied, by such evidence as he may require, that such approval has been given.

The present section 9 reads as follows:—

3. "**9.** At all meetings of the Company each policy-holder who is not in default in respect of his cash premium or any assessment on his premium note shall have one vote for each thousand dollars of insurance provided in his policy."

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL D[2].

An Act respecting The Portage la Prairie Mutual Insurance Company.

AS PASSED BY THE SENATE, 6th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
95749 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL D2.

An Act respecting The Portage la Prairie Mutual Insurance Company.

Preamble.

WHEREAS the Portage la Prairie Mutual Insurance Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section one of chapter sixty-nine of the statutes of 1930, is hereby repealed and the following is substituted therefor:—

Incorporation.

"**1.** Edwin Herbert Muir, farmer, Mathew Gillis Tidsbury, farmer, Peter McArthur, farmer, James McKenzie, farmer, Joseph Trimble, farmer, Robert McDermott, farmer, all of the rural municipality of Portage la Prairie, in the province of Manitoba, together with such persons as become policyholders in the Company, on the mutual system, are incorporated under the name of "The Portage la Prairie Mutual Insurance Company," hereinafter called "the Company."

Corporate name.

2. Section eight of the said Act is repealed and the following is substituted therefor:—

Who may be elected a director.

"**8.** Any policyholder on the mutual system or cash system who holds a policy or policies to the amount of at least one thousand dollars, who is not in default in respect of any assessment on his deposit or premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars."

Explanatory Notes.

The changes made are indicated by the words underlined.

The present section 1 reads as follows:—

1. "**1.** Edwin Herbert Muir, farmer, Mathew Gillis Tidsbury, farmer, Peter McArthur, farmer, James McKenzie, farmer, Joseph William Yuill, farmer, Joseph Trimble, farmer, Robert McDermott, farmer, all of the rural municipality of Portage la Prairie, in the province of Manitoba, together with such persons as become policyholders in the Company, are incorporated under the name of "The Portage la Prairie Mutual Insurance Company," hereinafter called "the Company."

The present section 8 reads as follows:—

2. "**8.** Any policy-holder who holds a policy or policies to the amount of at least one thousand dollars who is not in default in respect of any premium or any assessment on his deposit or premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars."

3. Section nine of the said Act is repealed and the following is substituted therefor:—

Votes.

"**9.** (1) At all meetings of the Company each policyholder on the mutual system who is not in default in respect of any assessment on his premium note shall have one vote for each one thousand dollars of insurance provided in his policy.

(2) Any member who ceases to hold a valid policy on the mutual system shall thereupon cease to be a member."

Date of coming into force.

4. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*, and such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the Company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied, by such evidence as he may require, that such approval has been given.

The present section 9 reads as follows:—

3. "**9.** At all meetings of the Company each policy-holder who is not in default in respect of his cash premium or any assessment on his premium note shall have one vote for each thousand dollars of insurance provided in his policy."

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL E2.

An Act to amend the Admiralty Act, 1934.

Read a first time, Tuesday, 28th May, 1935.

Right Honourable Senator MEIGHEN, P.C.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99588 1935

6th Session, 17th Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL E2.

An Act to amend the Admiralty Act, 1934.

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

Effect of decrees and orders of court.

1. Section twenty-four of *The Admiralty Act, 1934*, chapter thirty-one of the Statutes of Canada, 1934, is repealed and the following substituted therefor:—

"**24.** All decrees and orders of the Court, whereby any sums of money or any costs charges or expenses shall be payable to any person, shall have the same effect as judgments in the superior court of the province in which any decree or order is to be executed, and the persons to whom any such moneys or costs charges or expenses shall be payable, shall be deemed judgment creditors; and all powers of enforcing judgments by such superior court or any judge thereof, as well against the ships and goods arrested as against the person of the judgment debtor, shall be possessed by the Exchequer Court with respect to matters therein on its Admiralty side depending; and all remedies at law possessed by judgment creditors shall be in like manner possessed by persons by whom any moneys, costs, charges or expenses are by such order or decree of the Exchequer Court directed to be paid."

Power to enforce judgments.

Repeal.

2. Subsections three, four, five and six of section thirty-two of the said Act are repealed.

EXPLANATORY NOTES.

1. The object of this amendment is to correct a clerical error by substituting the word "creditors" where underlined for the word "debtors".

2. The object of this amendment is to dispense with the requirement of having two judges sit on appeal and leave the procedure as it was prior to the coming into force of The Admiralty Act, 1934.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL E².

An Act to amend the Admiralty Act, 1934.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99590 1935

6th Session, 17th Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL E2.

An Act to amend the Admiralty Act, 1934.

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

Effect of decrees and orders of court.

1. Section twenty-four of *The Admiralty Act, 1934*, chapter thirty-one of the Statutes of Canada, 1934, is repealed and the following substituted therefor:—

"**24.** All decrees and orders of the Court, whereby any sums of money or any costs charges or expenses shall be payable to any person, shall have the same effect as judgments in the superior court of the province in which any decree or order is to be executed, and the persons to whom any such moneys or costs charges or expenses shall be payable, shall be deemed judgment creditors; and all powers of enforcing judgments by such superior court or any judge thereof, as well against the ships and goods arrested as against the person of the judgment debtor, shall be possessed by the Exchequer Court with respect to matters therein on its Admiralty side depending; and all remedies at law possessed by judgment creditors shall be in like manner possessed by persons by whom any moneys, costs, charges or expenses are by such order or decree of the Exchequer Court directed to be paid."

Power to enforce judgments.

Repeal.

2. Subsections three, four, five and six of section thirty-two of the said Act are repealed.

EXPLANATORY NOTES.

1. The object of this amendment is to correct a clerical error by substituting the word "creditors" where underlined for the word "debtors".

2. The object of this amendment is to dispense with the requirement of having two judges sit on appeal and leave the procedure as it was prior to the coming into force of The Admiralty Act, 1934.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL F2.

An Act for the relief of Muriel Mabel Muttart.

Read a first time, Wednesday, 29th May, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94646 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL F2.

An Act for the relief of Muriel Mabel Muttart.

Preamble.

WHEREAS Muriel Mabel Muttart, residing at town of Summerside, in the province of Prince Edward Island, school teacher, wife of Ralph Graydon Muttart, fox rancher, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the twenty-third day of June, A.D. 1933, at the said town, she then being Muriel Mabel Lee, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Mabel Lee and Ralph Graydon Muttart, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Mabel Lee may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ralph Graydon Muttart had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL F2.

An Act for the relief of Muriel Mabel Muttart.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94648 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL F2.

An Act for the relief of Muriel Mabel Muttart.

Preamble.

WHEREAS Muriel Mabel Muttart, residing at town of Summerside, in the province of Prince Edward Island, school teacher, wife of Ralph Graydon Muttart, fox rancher, who is domiciled in Canada and residing at the said town, has by her petition alleged that they were married on the twenty-third day of June, A.D. 1933, at the said town, she then being Muriel Mabel Lee, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Muriel Mabel Lee and Ralph Graydon Muttart, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Muriel Mabel Lee may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ralph Graydon Muttart had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL G2.

An Act for the relief of Emile Fossion.

Read a first time, Wednesday, 29th May, 1935.

The Honourable the Chairman of the
Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94270 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL G2.

An Act for the relief of Emile Fossion.

Preamble.

WHEREAS Emile Fossion, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the fifth day of November, A.D. 1927, at the said city, he and Hélène Boulay, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Emile Fossion and Hélène Boulay, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emile Fossion may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Hélène Boulay had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL G2.

An Act for the relief of Emile Fossion.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
94272 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL G2.

An Act for the relief of Emile Fossion.

Preamble.

WHEREAS Emile Fossion, domiciled in Canada and residing at the city of Montreal, in the province of Quebec, mechanic, has by his petition alleged that on the fifth day of November, A.D. 1927, at the said city, he and Hélène Boulay, who was then of the said city, a spinster, were married; and whereas by his petition he has prayed that, because of her adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of his petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Emile Fossion and Hélène Boulay, his wife, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Emile Fossion may at any time hereafter marry any woman whom he might lawfully marry if the said marriage with the said Hélène Boulay had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL H[2].

An Act for the relief of Eva Bennett.

Read a first time, Wednesday, 29th May, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93374 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL H[2].

An Act for the relief of Eva Bennett.

Preamble.

WHEREAS Eva Bennett, residing at the city of Ottawa, in the province of Ontario, wife of Joseph Israel Bennett, lumber merchant, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1926, at the said city of Ottawa, she then being Eva Bilsky, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Bilsky and Joseph Israel Bennett, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Bilsky may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Israel Bennett had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL H[2].

An Act for the relief of Eva Bennett.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
93376 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL H2.

An Act for the relief of Eva Bennett.

Preamble.

WHEREAS Eva Bennett, residing at the city of Ottawa, in the province of Ontario, wife of Joseph Israel Bennett, lumber merchant, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1926, at the said city of Ottawa, she then being Eva Bilsky, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Eva Bilsky and Joseph Israel Bennett, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Eva Bilsky may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Joseph Israel Bennett had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL I[2].

An Act for the relief of Helen Gertrude Bryant Wilson.

Read a first time, Wednesday, 29th May, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92219 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL I[2].

An Act for the relief of Helen Gertrude Bryant Wilson.

Preamble.

WHEREAS Helen Gertrude Bryant Wilson, residing at the city of Montreal, in the province of Quebec, switchboard operator, wife of Malcolm Wilson, stock-keeper, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the second day of August, A.D. 1930, at the said city, she then being Helen Gertrude Bryant, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Helen Gertrude Bryant and Malcolm Wilson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Helen Gertrude Bryant may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Malcolm Wilson had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL I².

An Act for the relief of Helen Gertrude Bryant Wilson.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92249 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL I[2].

An Act for the relief of Helen Gertrude Bryant Wilson.

Preamble.

WHEREAS Helen Gertrude Bryant Wilson, residing at the city of Montreal, in the province of Quebec, switchboard operator, wife of Malcolm Wilson, stock-keeper, who is domiciled in Canada and residing at the said city, has by her petition alleged that they were married on the second day of August, A.D. 1930, at the said city, she then being Helen Gertrude Bryant, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Helen Gertrude Bryant and Malcolm Wilson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Helen Gertrude Bryant may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Malcolm Wilson had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL J[2].

An Act for the relief of Gladys Sarah Jenkinson Weeks.

Read a first time, Wednesday, 29th May, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96766 1935

6th Session, 17th Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL J[2].

An Act for the relief of Gladys Sarah Jenkinson Weeks.

Preamble.

WHEREAS Gladys Sarah Jenkinson Weeks, residing at the city of Ottawa, in the province of Ontario, nurse, wife of George William Henry Weeks, chauffeur, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-fifth day of April, A.D. 1927, at the said city of Montreal, she then being Gladys Sarah Jenkinson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gladys Sarah Jenkinson and George William Henry Weeks, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gladys Sarah Jenkinson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George William Henry Weeks had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL J[2].

An Act for the relief of Gladys Sarah Jenkinson Weeks.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
96768 1935

6th Session, 17th Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL J[2].

An Act for the relief of Gladys Sarah Jenkinson Weeks.

Preamble.

WHEREAS Gladys Sarah Jenkinson Weeks, residing at the city of Ottawa, in the province of Ontario, nurse, wife of George William Henry Weeks, chauffeur, who is domiciled in Canada and residing at the city of Montreal, in the province of Quebec, has by her petition alleged that they were married on the twenty-fifth day of April, A.D. 1927, at the said city of Montreal, she then being Gladys Sarah Jenkinson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Gladys Sarah Jenkinson and George William Henry Weeks, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Gladys Sarah Jenkinson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said George William Henry Weeks had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL K².

An Act for the relief of Mary Elizabeth Taylor Nicholson.

Read a first time, Wednesday, 29th May, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

96458

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL K2.

An Act for the relief of Mary Elizabeth Taylor Nicholson.

Preamble.

WHEREAS Mary Elizabeth Taylor Nicholson, residing at the city of Montreal, in the province of Quebec, wife of David George Nicholson, clerk, who is domiciled in Canada and residing at the town of Hampstead, in the said province, has by her petition alleged that they were married on the eighteenth day of May, A.D. 1929, at the said city of Montreal, she then being Mary Elizabeth Taylor, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Elizabeth Taylor and David George Nicholson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Elizabeth Taylor may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said David George Nicholson had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL K[2].

An Act for the relief of Mary Elizabeth Taylor Nicholson.

AS PASSED BY THE SENATE, 5th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

96460

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL K2.

An Act for the relief of Mary Elizabeth Taylor Nicholson.

Preamble

WHEREAS Mary Elizabeth Taylor Nicholson, residing at the city of Montreal, in the province of Quebec, wife of David George Nicholson, clerk, who is domiciled in Canada and residing at the town of Hampstead, in the said province, has by her petition alleged that they were married on the eighteenth day of May, A.D. 1929, at the said city of Montreal, she then being Mary Elizabeth Taylor, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Mary Elizabeth Taylor and David George Nicholson, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Mary Elizabeth Taylor may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said David George Nicholson had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL L².

An Act to amend the Juvenile Delinquents Act.

Read a first time, Tuesday, 4th June, 1935.

Right Honourable Senator MEIGHEN, P.C.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99794 1935

3. Section thirty-three of the said Act, as amended by section one of chapter seventeen of the statutes of 1932, is repealed and the following is substituted therefor:—

No defence if child does not become delinquent.

"(4) It shall not be a valid defence to a prosecution under this section either that the child is of too tender years to understand or appreciate the nature or effect of the conduct of the accused, or that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent."

3. The subsection to be repealed reads as follows:—

"(4) It shall not be a valid defence to a prosecution under this section that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent."

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL L².

An Act to amend the Juvenile Delinquents Act.

AS PASSED BY THE SENATE, 13th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99796 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL L2.

An Act to amend the Juvenile Delinquents Act.

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

1. Subsection one of section five of chapter forty-six of the statutes of 1929 is repealed and the following is substituted therefor:—

Summary trials.

"(1) Except as hereinafter provided, prosecutions and trials under this Act shall be summary and shall, *mutatis mutandis*, be governed by the provisions of the *Criminal Code* relating to summary convictions in so far as such provisions are applicable, whether or not the act constituting the offence charged would be in the case of an adult triable summarily: Provided that sections seven hundred and forty-nine to seven hundred and sixty-nine, both inclusive, of the *Criminal Code*, shall not apply to any proceeding in a juvenile court and that section one thousand one hundred and forty-two shall not apply to any such proceeding other than a proceeding against an adult: Provided further, that save as provided in section thirty-three hereof, section one thousand one hundred and forty of the *Criminal Code* shall, *mutatis mutandis*, apply to all proceedings in the Juvenile Court."

Proviso.

Proviso.

2. Section thirty-two of the said Act is repealed and the following is substituted therefor:—

Probation officers under control of judge.

"**32.** Every probation officer however appointed shall be under the control and subject to the directions of the judge of the court with which such probation officer is connected, for all purposes of this Act."

Explanatory Notes.

1. The words underlined in the text of the Bill are new.

2. The words underlined hereunder have been left out.

"**32.** Save in the province of Alberta every probation officer however appointed shall be under the control and subject to the directions of the judge of the court with which such probation officer is connected, for all purposes of this Act."

3. Section thirty-three of the said Act, as amended by section one of chapter seventeen of the statutes of 1932, is repealed and the following is substituted therefor:—

No defence if child does not become delinquent.

"(4) It shall not be a valid defence to a prosecution under this section either that the child is of too tender years to understand or appreciate the nature or effect of the conduct of the accused, or that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent."

3. The subsection to be repealed reads as follows:—

"(4) It shall not be a valid defence to a prosecution under this section that notwithstanding the conduct of the accused the child did not in fact become a juvenile delinquent."

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL M².

An Act to amend the Criminal Code.

Read a first time, Tuesday, 4th June, 1935.

Right Honourable Senator MEIGHEN, P.C.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99790 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL M2.

An Act to amend the Criminal Code.

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

1. Subsection three of section two hundred and fifteen of The *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, as amended by section three of chapter fifty-three of the statutes of 1932-1933 is repealed and the following substituted therefor:—

Irrebuttable presumption.

"(3) It shall be an irrebuttable presumption in any prosecution under subsection two of this section, that the child was in danger of being or becoming immoral, its morals injuriously affected and its home rendered an unfit place for it to be in, upon proof that the person accused did in fact, in the home of such child, participate in adultery, in sexual immorality, in habitual drunkenness, or in any other form of vice: Provided that this subsection shall not apply in the case of two persons who, though in fact living in adultery, are living together as man and wife and are reputed so to be and where the child so affected is the child of such union."

2. Section two hundred and fifteen of the said Act, as amended by section three of chapter fifty-three of the statutes of 1932-1933, is further amended by adding thereto the following:—

Limitation of action.

"(7) No prosecution for an offence under this section shall be commenced after the expiration of one year from the time of its commission."

Explanatory Notes.

1. The subsection to be repealed reads as follows:—

"(3) In any prosecution under subsection two of this section, *where the circumstances are such as, in the opinion of the Court, to render it likely* that the child might be in danger of being or becoming immoral, its morals injuriously affected *or* its home rendered an unfit place for it to be in, *it shall,* upon proof that the person accused did, in the home of such child, participate in adultery, in sexual immorality, in habitual drunkenness, or in any other form of vice, *be an irrebuttable presumption that the child was in fact in danger of being or becoming immoral and its morals injuriously affected and that its home had in fact been rendered an unfit place for it to be in.*"

2. New.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL M².

An Act to amend the Criminal Code.

AS PASSED BY THE SENATE, 13th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
99792 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL M2.

An Act to amend the Criminal Code.

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

1. Subsection three of section two hundred and fifteen of The *Criminal Code*, chapter thirty-six of the Revised Statutes of Canada, 1927, as amended by section three of chapter fifty-three of the statutes of 1932-1933 is repealed and the following substituted therefor:—

Irrebuttable presumption.

"(3) It shall be an irrebuttable presumption in any prosecution under subsection two of this section, that the child was in danger of being or becoming immoral, its morals injuriously affected and its home rendered an unfit place for it to be in, upon proof that the person accused did in fact, in the home of such child, participate in adultery, in sexual immorality, in habitual drunkenness, or in any other form of vice: Provided that this subsection shall not apply in the case of two persons who are not married to each other but are living together as man and wife and reputed to be man and wife, and where the child so affected is the child of the two persons so living together.

2. Section two hundred and fifteen of the said Act, as amended by section three of chapter fifty-three of the statutes of 1932-1933, is further amended by adding thereto the following:—

Limitation of action.

"(7) No prosecution for an offence under this section shall be commenced after the expiration of one year from the time of its commission."

Explanatory Notes.

1. The subsection to be repealed reads as follows:—

"(3) In any prosecution under subsection two of this section, *where the circumstances are such as, in the opinion of the Court, to render it likely* that the child might be in danger of being or becoming immoral, its morals injuriously affected *or* its home rendered an unfit place for it to be in, *it shall*, upon proof that the person accused did, in the home of such child, participate in adultery, in sexual immorality, in habitual drunkenness, or in any other form of vice, *be an irrebuttable presumption that the child was in fact in danger of being or becoming immoral and its morals injuriously affected and that its home had in fact been rendered an unfit place for it to be in.*"

2. New.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL N2.

An Act to incorporate Northern Telephone Company.

Read a first time, Thursday, 6th June, 1935.

Honourable Senator CALDER.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

99328

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL N2.

An Act to incorporate Northern Telephone Company.

WHEREAS a petition has been presented praying that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Declatory.

1. The works and undertakings of Northern Telephone Company, Limited, a company incorporated under the laws of the province of Ontario by Letters Patent dated 5th day of April, A.D. 1905, under the name of Temiskaming Telephone Company, Limited, (the name having been changed to Northern Telephone Company, Limited, by Supplementary Letters Patent dated 8th day of May, A.D. 1928), are hereby declared to be for the general advantage of Canada.

Incorporation.

2. Fergus Lawrence Hutchinson, accountant, William Allan Taylor, merchant, Sidney Cameron Macdonald, agent, Robert Robinson Woods, merchant, and Percy Randolph Craven, secretary-treasurer, all of the town of New Liskeard, in the province of Ontario, together with such persons as shall hereinafter become shareholders in the company are hereby incorporated under the name of "Northern Telephone Company", hereinafter called "the Company".

Name.

Provisional directors.

Quorum and powers.

3. The persons named in section two of this Act shall be the first or provisional directors of the Company, a majority of whom shall be a quorum; and they may forthwith open stock books and procure subscriptions for shares and receive payments on account of shares, and may make calls upon the subscribers, and may authorize the transfer of shares, and may call the first general meeting of the ordinary shareholders and may carry on the business of the Company.

Capital stock.

4. The capital of the Company shall be five hundred thousand dollars divided into five hundred thousand shares all of par value of one dollar each and may be issued in whole or in part, and in such manner and for such considerations as the directors may from time to time determine.

Increase of capital stock.

5. After ninety per cent of the capital stock has been issued and fifty per cent paid thereon the capital stock of the Company may be increased from time to time by such amounts as the shareholders deem necessary for the proper extension of the undertaking of the Company, such increase to be effected by resolution of the directors sanctioned by at least two-thirds of the votes cast at any annual, general or special general meeting of the shareholders called for that purpose: Provided that the total capital of the Company including the present authorized capital shall not exceed two million dollars.

Proviso.

Borrowing powers.

6. If authorized by by-law, sanctioned by at least two-thirds of the votes cast at any annual, general or special general meeting called for considering the by-law, the directors may from time to time,—

(a) borrow money upon the credit of the Company;

(b) limit or increase the amount to be borrowed;

(c) issue bonds, debentures, debenture stock or other securities of the Company for sums not less than one hundred dollars each;

(d) pledge or sell such bonds, debentures, debenture stock or other securities for such sums and at such prices as may be deemed expedient;

(e) mortgage, hypothecate, charge or pledge all or any of the real and personal property, undertaking and rights of the Company to secure any such bonds, debentures, debenture stock or other securities, or any money borrowed, or any other liability of the Company.

(2) Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Company.

Disposal of undertaking.

7. The Company shall have power to sell and dispose of the undertaking of the Company and its rights and properties for such consideration as the Company may think fit: Provided that no such sale or disposal shall be made until it is approved of by the holders of not less than two-thirds in value of the issued shares present in person or represented by proxy at a meeting of shareholders duly called for considering the same, and provided further that no such sale

Proviso as to approval of shareholders.

or disposal shall take effect until it has been submitted to and approved of by the Board of Railway Commissioners for Canada.

Acquisition of business of other companies.

8. The Company shall have the power to amalgamate with any other company or companies having objects in whole or in part similar to the objects of the Company, and to purchase, take over, lease or otherwise acquire all or any of the property, real or personal, undertaking, business, powers, contracts, franchises, privileges and/or rights of any other company or society, firm or person carrying on any business which the Company is authorized to carry on or possessed of property suitable for the purposes of the Company; and the Company shall have power to allot and issue to any other such company or to the shareholders thereof, or any one or more of them, or to any such society, firm or persons, shares in the capital stock of the Company in payment in whole or in part of any such property, real or personal, undertaking, business, rights, contracts, powers, franchises and privileges acquired by the Company and to so allot and issue such shares as fully paid up or partly paid up as shall be agreed upon between the Company and any such other company, or any such society, firm or person.

Shares in payment.

9. Notwithstanding anything in this Act contained, all the works and undertakings of Northern Telephone Company, Limited, of whatsoever kind and wheresoever situate, are hereby vested in the Company, subject to the terms of a deed of trust and mortgage made between Northern Telephone Company, Limited, and National Trust Company, Limited, as Trustee, dated the First day of March, 1928, securing the issue by the said Northern Telephone Company, Limited, in the manner therein mentioned of bonds in the amount of two hundred thousand dollars of which one hundred and fifty-eight thousand dollars principal amount of said bonds are issued and outstanding, and the Company is hereby substituted in the said deed of trust and mortgage in the place of Northern Telephone Company, Limited, and shall be bound to carry out all the obligations and shall be entitled to exercise all the rights and powers of Northern Telephone Company, Limited, under the terms of said deed of trust and mortgage, and in connection with the said bonds already issued or which may be issued thereunder; and accordingly all rights which the parties to the said deed of trust and mortgage, or the holders of the said bonds heretofore may have had against Northern Telephone Company, Limited, shall be had against the Company, and the said deed of trust and mortgage and the bonds already issued or which may be hereafter issued pursuant to the said deed of trust and

mortgage shall be the first claim and charge upon the Company and the works and undertakings hereby vested in the Company, or hereafter acquired by the Company, in the manner and to the extent provided in the said deed of trust and mortgage, and the Company shall be substituted for the said Northern Telephone Company, Limited, in all contracts to which Northern Telephone Company, Limited, is a party, and thereafter all such contracts shall be binding upon the Company, and the other parties to the said contracts, in the same manner and to the same extent and with the same rights and privileges and liabilities as if the said contracts had originally been between the Company and the said parties, and the Company shall be entitled to use, enjoy and carry on its operations under any and all franchises held by Northern Telephone Company, Limited, prior to June 1st, 1935, as well as any further franchises which may hereafter be acquired by the Company, subject to such directions or orders as may from time to time be made by the Board of Railway Commissioners for Canada. Without limiting the generality of the provisions of section eight of this Act, the Company may forthwith allot and issue to the shareholders of Northern Telephone Company, Limited, of record the date of the passing of this Act, as consideration for the works and undertakings hereby vested in the Company fully paid shares of the capital stock of the Company on the basis of one fully paid share for every fully paid share of the capital stock of Northern Telephone Company, Limited, then issued and outstanding.

10. The works and undertakings authorized by this Act shall be deemed to be and are hereby declared to be works and undertakings for the general advantage of Canada.

Election of directors.

11. (1) The provisional directors shall call a meeting for the election of directors, and for the transaction of such other business as may be transacted at an annual meeting of the Company.

Notice.

(2) Notice of such meeting shall be sufficiently given by mailing the notice, by registered letter, at least ten days previous to the date of such meeting to the last known post office address of each shareholder.

Number of directors.

12. The business of the Company shall be managed by a Board of not less than three nor more than nine directors as may from time to time be determined by a resolution of the shareholders.

Head office.

13. The head office of the Company shall be in the town of New Liskeard, in the province of Ontario, or at such other place in Canada as may hereafter be determined upon by the directors of the Company.

S. 163, Companies Act, not to apply.

14. Section one hundred and sixty-three of the *Companies Act* shall not apply to the Company.

Powers.

15. Subject to the provisions of section three hundred and seventy-three of the *Railway Act*, and of the *Navigable Waters Protection Act*, the Company may

Telephone lines.

(a) construct, purchase, lease or otherwise acquire, maintain, repair and operate lines of electric telephone and telegraph and any other means of communication that may be deemed expedient by the Company at any time hereafter over and under land or under water or both between any places or anywhere in the Dominion of Canada;

Extension of lines.

(b) construct, purchase, lease or otherwise acquire, maintain, repair and operate extensions of lines hereby authorized to any places or anywhere within the Dominion of Canada, either over or under land or under water or both;

Towers, poles, etc.

(c) construct, manufacture, purchase, lease or otherwise acquire, lay, erect, maintain, repair, use and operate all such towers, cables, wires, poles, manholes, conduits, works, structures, buildings, plants, instruments, switch-boards, machinery, apparatus, appliances, implements, materials and supplies as may be necessary for the purpose of the Company's undertaking or as may appertain to its business, and dispose of the same in whole or in part;

Vessels, etc.

(d) for the purposes of the Company's undertaking construct, purchase, lease or otherwise acquire, charter, maintain and operate steamships and other vessels either within or without the Dominion of Canada for the laying, maintenance and operation of submarine and sub-aqueous cables;

Letters patent.

(e) acquire and use any privilege granted by any federal, provincial or municipal authority and acquire, use, and dispose of any invention, letters patent of invention, or the right to use any inventions in any way connected with or appertaining to its business.

Arrangement with federal, etc., authorities.

(f) enter into any contracts or arrangements with any federal, provincial or municipal authority or any person or company for any purpose or work in the Company's interest, or that may seem conducive or incidental to the Company's objects, and to obtain from or give to any such federal, provincial or municipal authority, person or company, any rights, privileges

and concessions which the Company may think it desirable to obtain or to give, and to carry out, exercise and comply with any such contract or arrangement;

Advancing of money.

(g) upon such security as it may deem necessary, advance money to any corporation, company or person, to build or operate any telephone, telegraph or other communication system or systems;

Contractors.

(h) as contractors for any other corporation, company or person, do anything as contractors which it might do for its own purposes;

Investments.

(i) invest and deal with any of the moneys (including moneys held by the Company to the credit of any of its sinking funds) of the Company not immediately required for the purposes thereof upon such securities as trustees may under the laws of the Dominion of Canada invest in, and in such manner as they may think fit, and from time to time vary or realize such investments; and

Offices.

(j) establish offices for the transmission and reception of messages and may transmit messages for the public and charge tolls and rates therefor.

As to agreements with other companies.

16. It shall be lawful for the Company for such consideration as may be agreed upon, to enter into and carry out to completion any agreement in the nature of assuming the payment of or guaranteeing the payment of principal and interest, or either, on bonds, debenture stock or debentures issued or to be issued, or assuming the obligations or of guaranteeing the carrying out of any obligation or any part thereof created by any person or company selling, leasing, or conveying to the Company under the above powers, such agreement to be approved of by the holders of a majority in value of the shares of the Company who are present or represented by written proxy at any special meeting to be called for the purpose, in accordance with the by-laws of the Company; and every such agreement when so approved shall be valid and binding according to the terms and tenor thereof.

17. Sections one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three and one hundred and eighty-nine of the *Railway Act*, chapter one hundred and seventy, Revised Statutes of Canada, 1927, and the provisions of the said Act, and any Acts amending the same, relating to telephones, telephone systems or lines, and telegraph systems or lines, shall apply to the Company.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL O².

An Act to incorporate The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada.

Read a first time, Tuesday, 11th June, 1935.

Honourable Senator COTE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
75 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL O2.

An Act to incorporate The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada.

Preamble. Prov. of Canada, 1849, c. 108; Prov. of Canada, 1861, c. 116.

WHEREAS The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, has by its petition represented that it was duly incorporated by chapter one hundred and eight, of the statutes of the late Province of Canada, 1849, as amended by chapter one hundred and sixteen of the statutes of the said Province, 1861, and has by its petition prayed to be incorporated by the Parliament of Canada under the name "The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada," and for the purposes and objects hereinafter set forth; and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporate name.

1. The petitioner is hereby incorporated under the name of "The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada", in this Act called "the Corporation".

Officers.

2. Until others are elected according to the rules, orders, regulations or by-laws of the Corporation, the present officers, directors or councillors, namely, Reverend Sister Saint Bruno, Superior General; Reverend Sister Saint Bernardin de Sienne, Assistant Superior General; Reverend Sister Guillaume, First Council General; Reverend Sister Saint Thomas d'Aquin, Second Council and Secretary General; Reverend Sister Saint Laure, Third Council General; and Reverend Sister Saint Josaphat, Bursar General; shall be those of the Corporation.

Objects and powers.

3. The objects of the Corporation are religious and charitable, and the Corporation shall have power to promote, erect, maintain and conduct churches, cemeteries, schools, colleges, convents, seminaries, orphanages, hospitals and other like or similar works, in any of the provinces and territories of Canada.

Consolidation of Province of Canada Statutes.

4. Chapter one hundred and eight of the statutes of the late Province of Canada, 1849, as amended by chapter one hundred and sixteen of the statutes of the said Province, 1861, and chapter ninety of the statutes of the said Province, 1863, set forth in Schedule "A" to this Act, are hereby adopted and confirmed to the same extent as if re-enacted herein, and the body thereby incorporated is hereby consolidated with, absorbed by and merged in the Corporation, but as if section six of said chapter one hundred and eight had been struck out; and from section one of the said chapter, the words "this Province, not exceeding in yearly value the sum of two thousand pounds, currency", had been struck out, and in lieu thereof the words "the Dominion of Canada", had been substituted.

Merger of by-laws.

5. The rules, orders, regulations or by-laws of the petitioner are hereby adopted, confirmed and merged in the Corporation, as if created and enacted by the said Corporation, subject, however, to repeal, alteration or amendment pursuant to the provisions of this Act.

Property vested in the Corporation.

6. The Corporation is hereby vested with the full ownership of all the property, real and personal, movable and immovable, corporeal and incorporeal, endowments, rights, titles and interests whatsoever of The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, which are hereby transferred to the Corporation, and it is hereby made responsible and liable for all debts and liabilities whatsoever, of The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa aforesaid, as if the said debts and liabilities had been created by the Corporation.

Acquisition of property.

7. Without in any way restricting the generality of the foregoing, the Corporation may receive, take, and hold real and personal estate by purchase, gift, devise, or in any manner whatsoever, and in regard to any real property which by reason of its situation or otherwise is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act.

Powers of Corporation.

8. (1) If authorized thereto by a rule, order, regulation or by-law of a majority vote of the officers, directors or councillors of the Corporation at a meeting duly called for the purpose of considering same, the Corporation may from time to time, for the purposes of the Corporation,—

Borrowing.

(a) borrow money upon the credit of the Corporation;

Limitation.

(b) limit or increase the amount to be borrowed;

Issue of securities.

(c) issue bonds, debentures or other securities of the Corporation for sums not less than one hundred dollars each and pledge or sell the same for such sums and at such prices as may be deemed expedient;

Mortgage, etc.

(d) hypothecate, mortgage, or pledge the real or personal property of the Corporation, or both, to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Corporation.

Bills of exchange, etc.

(2) Nothing in this section contained shall limit or restrict the borrowing of money by the Corporation on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Corporation.

Banking, insurance, etc., prohibited.

(3) Nothing herein shall be deemed to authorize the Corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking or insurance.

Functions throughout Canada.

9. Notwithstanding anything contained in Schedule "A" to this Act, the Corporation may exercise its functions throughout the Dominion of Canada and elsewhere, and may do all things necessary or which may be deemed expedient for the purpose of perpetuating or in any wise concerning the operation and work of the Corporation.

SCHEDULE "A".

ANNO DUODECIMO.

VICTORIAE REGINAE.

CAP. 108.

An Act to incorporate La Communauté des Révérendes Soeurs de la Charité, at Bytown.

(30th May, 1849.)

Preamble.

WHEREAS an Association hath existed for several years at Bytown, in Upper Canada, under the name of La Communauté des Révérendes Soeurs de la Charité, and hath established an Hospital for the reception and care of indigent and infirm sick persons of both sexes, and of orphans of both sexes, to whom they impart a Christian education in conformity with their condition in

life: And whereas the said Ladies have by their petition prayed that the said Association may be incorporated, and in consideration of the great benefits which must arise from the said Institution, it is expedient to grant their prayer: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada; and it is hereby enacted by the authority of the same,

Certain persons incorporated.

That Les Révérendes Soeurs Elizabeth Bruyère, Eléonore Thibodeau, Marie Ursule Cécile Charlebois dite St. Joseph, Hélène Antoinette Howard dite Rodriguez, Pétronille Clément dite Xavier, Marguerite Rivais, Marie Anne Josephine Jones dite St. Pierre, Martha Hogan, Adélaide Pageau dite Ste. Croix, Marie Curran dite Youville, Mary Phelan, Eléonore Lavoie, Esther Cadieux dite Normand, Rose Leblanc and Léocadie Dubé, and such other persons as shall, under the provisions of this Act, become Members of the said Institution, shall be and are hereby declared to be a Body Politic and Corporate, in deed and in name,

Corporate name and powers.

by the name of La Communauté des Révérendes Soeurs de la Charité, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall by the same name, from time to time and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive, to them and their successors, to and for the uses and purposes of the said Corporation, any lands, tenements and hereditaments, and real or immoveable

Holding real property. Value limited.

property and estate, situate, lying and being within this Province, not exceeding in yearly value the sum of two thousand pounds, currency; and the same to sell, alienate and dispose of, and to purchase others in their stead, for the same purpose; and by the said name shall and may be

Suing and being sued.

able and capable in law, to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of Law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law, may or can sue and be sued, implead and impleaded, answer and be

Making by-laws.

answered unto, in any matter whatsoever; and any majority of the Members of the Corporation for the time being shall have power and authority to make and establish such Rules, Orders and Regulations, not being contrary to this Act, nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of

the said Corporation, and for the management thereof, and for the admission of Members into the said Corporation, and from time to time to alter, repeal and change the said Rules, Orders and Regulations, or any of them, or those of the said Institution in force at the time of the passing of this Act; and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto; subject, nevertheless, to the Rules, Regulations, Stipulations and Provisions hereinafter prescribed and established.

General powers.

To what purposes only the revenue of the Corporation shall be applied.

2. Provided always, and be it enacted, That the rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the Members of the Corporation, the construction and repair of the buildings requisite for the purposes of the said Corporation, and to the advancement of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property of the present Association vested in the Corporation, and its bylaws made those of the Corporation until altered.

3. And be it enacted, That all and every the estate and property, real and personal, belonging to or hereafter to be acquired by the Members of the said Association as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established; and the Rules, Orders and Regulations now made or to be made for the management of the said Association, shall be and continue to be the Rules, Orders and Regulations of the said Corporation until altered or repealed in the manner herein provided.

Corporation may appoint attorneys, officers, etc.

4. And be it enacted, That the Members of the said Corporation for the time being, or a majority of them, shall have power to appoint such Attorney or Attorneys, Administrator or Administrators of the property of the Corporation, and such Officers and Teachers and Servants of the said Corporation as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively as shall be reasonable and proper, and all Officers so appointed shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation as shall be prescribed by the Rules, Orders and Regulations of the said Corporation.

Powers of officers.

Individual members not to be liable for the debts of the Corporation.

5. And be it enacted, That nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the Members of the said Corporation, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract

or security incurred or entered into for or by reason of the Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the said Corporation.

Corporation to lay yearly before the Legislature a statement of their property.

6. And be it enacted, That it shall be the duty of the said Corporation to lay before each branch of the Provincial Legislature within fifteen days after the beginning of each Session, a detailed Statement of the real or immoveable property or estate held by virtue of the present Act, and of the revenue arising therefrom.

Rights of the Crown saved.

7. And be it enacted, That nothing herein shall affect or be construed to affect in any manner or way, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for.

Act to be a Public Act.

8. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, or other persons whatsoever, without being specially pleaded.

CAP. 116.

An Act to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled: An Act to Incorporate La Communauté des Révérendes Soeurs de la Charité, at Bytown.

[*Assented to 18th May, 1861.*]

Preamble.

WHEREAS "La Communauté des Révérendes Soeurs de la Charité," at Bytown, have by their petition, set forth that in connection with the Hospital established under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, intituled: An Act to incorporate La Communauté des Révérendes Soeurs de la Charité, at Bytown, the said Corporation have, for many years past, conducted a Seminary of Learning, and also an Alms House, and the said petitioners have prayed that the corporate name of their Institution should be changed, so as more clearly to express not only the object of their original Association, but also the subsequent additional augmentations, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Name of Corporation constituted by 12 V., c. 108, changed.

1. From and after the passing of this Act, the Corporation incorporated by the Act of Parliament of this Province, passed in the Session held in the twelfth year of Her Majesty's Reign, intituled: An Act to incorporate La Communauté des Révérendes Soeurs de la Charité,

at Bytown, shall henceforth be caleld and known by the name of "The Community, General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity at Ottawa," any thing in the said Act to the contrary notwithstanding; provided always, that such change of name shall not be construed to make the said Corporation a new Corporation, or to impair or alter in effect any Act relating to the said Corporation, or any instrument or proceeding to or in which the said Corporation by its former name may be or may have been a party or in any wise concerned or interested, but the same shall have full force and effect, and shall apply to and may be continued with respect to the said Corporation by the name hereby assigned to it.

Proviso: as to effect of change of name.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. 90.

An Act to amend the Act incorporating the Community, General Hospita , Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa.

[*Assented to 15th October, 1863.*]

Preamble.

WHEREAS the Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, have represented by their Petition, that they are erecting an extensive building for an Hospital at Ottawa, and that they desire that their Act of incorporation may be so amended as to give them the power to mortgage their property, and thus obtain a loan of the moneys necessary for the completion of the building, and it is desirable to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Power to mortgage for loans.

1. The Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa, shall have power at all times hereafter to mortgage their Real Estate for any loans of money they may be desirous of obtaining.

Public Act.

2. This Act shall be deemed a Public Act.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL O^2.

An Act to incorporate The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada.

AS PASSED BY THE SENATE, 12th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL O2.

An Act to incorporate The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada.

Preamble. Prov. of Canada, 1849, c. 108; Prov. of Canada, 1861, c. 116; Prov. of Canada, 1863, c. 90.

WHEREAS The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, has by its petition represented that it was duly incorporated by chapter one hundred and eight, of the statutes of the late Province of Canada, 1849, as amended by chapter one hundred and sixteen of the statutes of the said Province, 1861, and has by its petition prayed to be incorporated by the Parliament of Canada under the name "The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada," and for the purposes and objects hereinafter set forth; and it is expedient to grant the prayer of the said petition; Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Corporate name.

1. The petitioner is hereby incorporated under the name of "The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, Canada", in this Act called "the Corporation".

Officers.

2. Until others are elected according to the rules, orders, regulations or by-laws of the Corporation, the present officers, directors or councillors, namely, Reverend Sister Saint Bruno, Superior General; Reverend Sister Saint Bernardin de Sienne, Assistant Superior General; Reverend Sister Guillaume, First Council General; Reverend Sister Saint Thomas d'Aquin, Second Council and Secretary General; Reverend Sister Saint Laure, Third Council General; and Reverend Sister Saint Josaphat, Bursar General; shall be those of the Corporation.

Objects and powers.

3. The objects of the Corporation are religious and charitable, and the Corporation shall have power to promote, erect, maintain and conduct churches, cemeteries, schools, colleges, convents, seminaries, orphanages, hospitals and other like or similar works, in any of the provinces and territories of Canada.

Consolidation of Province of Canada Statutes.

4. Chapter one hundred and eight of the statutes of the late Province of Canada, 1849, as amended by chapter one hundred and sixteen of the statutes of the said Province, 1861, and chapter ninety of the statutes of the said Province, 1863, set forth in Schedule "A" to this Act, are hereby adopted and confirmed to the same extent as if re-enacted herein, and the body thereby incorporated is hereby consolidated with, absorbed by and merged in the Corporation, but as if section six of said chapter one hundred and eight had been struck out; and from section one of the said chapter, the words "this Province, not exceeding in yearly value the sum of two thousand pounds, currency", had been struck out, and in lieu thereof the words "the Dominion of Canada", had been substituted.

Merger of by-laws.

5. The rules, orders, regulations or by-laws of the petitioner are hereby adopted, confirmed and merged in the Corporation, as if created and enacted by the said Corporation, subject, however, to repeal, alteration or amendment pursuant to the provisions of this Act.

Property vested in the Corporation.

6. The Corporation is hereby vested with the full ownership of all the property, real and personal, movable and immovable, corporeal and incorporeal, endowments, rights, titles and interests whatsoever of The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, which are hereby transferred to the Corporation, and it is hereby made responsible and liable for all debts and liabilities whatsoever, of The Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa aforesaid, as if the said debts and liabilities had been created by the Corporation.

Acquisition of property.

7. Without in any way restricting the generality of the foregoing, the Corporation may receive, take, and hold real and personal estate by purchase, gift, devise, or in any manner whatsoever, and in regard to any real property which by reason of its situation or otherwise is subject to the legislative authority of the Parliament of Canada, a licence in mortmain shall not be necessary for the exercise of the powers granted by this Act.

Powers of Corporation.

8. (1) If authorized thereto by a rule, order, regulation or by-law of a majority vote of the officers, directors or councillors of the Corporation at a meeting duly called for the purpose of considering same, the Corporation may from time to time, for the purposes of the Corporation,—

Borrowing.

(a) borrow money upon the credit of the Corporation;

Limitation.

(b) limit or increase the amount to be borrowed;

Issue of securities.

(c) issue bonds, debentures or other securities of the Corporation for sums not less than one hundred dollars each and pledge or sell the same for such sums and at such prices as may be deemed expedient;

Mortgage, etc.

(d) hypothecate, mortgage, or pledge the real or personal property of the Corporation, or both, to secure any such bonds, debentures or other securities and any money borrowed for the purposes of the Corporation.

Bills of exchange, etc.

(2) Nothing in this section contained shall limit or restrict the borrowing of money by the Corporation on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the Corporation.

Banking, insurance, etc., prohibited.

(3) Nothing herein shall be deemed to authorize the Corporation to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as the note of a bank, or to engage in the business of banking or insurance.

Functions throughout Canada.

9. Notwithstanding anything contained in Schedule "A" to this Act, the Corporation may exercise its functions throughout the Dominion of Canada and elsewhere, and may do all things necessary or which may be deemed expedient for the purpose of perpetuating or in any wise concerning the operation and work of the Corporation.

SCHEDULE "A".

ANNO DUODECIMO.

VICTORIAE REGINAE.

CAP. 108.

An Act to incorporate La Communauté des Révérendes Soeurs de la Charité, at Bytown.

(30th May, 1849.)

Preamble.

WHEREAS an Association hath existed for several years at Bytown, in Upper Canada, under the name of La Communauté des Révérendes Soeurs de la Charité, and hath established an Hospital for the reception and care of indigent and infirm sick persons of both sexes, and of orphans of both sexes, to whom they impart a Christian education in conformity with their condition in

life: And whereas the said Ladies have by their petition prayed that the said Association may be incorporated, and in consideration of the great benefits which must arise from the said Institution, it is expedient to grant their prayer: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled: An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada; and it is hereby enacted by the authority of the same,

Certain persons incorporated.

That Les Révérendes Soeurs Elizabeth Bruyère, Eléonore Thibodeau, Marie Ursule Cécile Charlebois dite St. Joseph, Hélène Antoinette Howard dite Rodriguez, Pétronille Clément dite Xavier, Marguerite Rivais, Marie Anne Josephine Jones dite St. Pierre, Martha Hogan, Adélaide Pageau dite Ste. Croix, Marie Curran dite Youville, Mary Phelan, Eléonore Lavoie, Esther Cadieux dite Normand, Rose Leblanc and Léocadie Dubé, and such other persons as shall, under the provisions of this Act, become Members of the said Institution, shall be and are hereby declared to be a Body Politic and Corporate, in deed and in name,

Corporate name and powers.

by the name of La Communauté des Révérendes Soeurs de la Charité, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall by the same name, from time to time and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive, to them and their successors, to and for the uses and purposes of the said Corporation, any lands, tenements and hereditaments, and real or immoveable

Holding real property. Value limited.

property and estate, situate, lying and being within this Province, not exceeding in yearly value the sum of two thousand pounds, currency; and the same to sell, alienate and dispose of, and to purchase others in their stead, for the same purpose; and by the said name shall and may be

Suing and being sued.

able and capable in law, to sue and be sued, implead and be impleaded, answer and be answered unto, in all courts of Law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law, may or can sue and be sued, implead and impleaded, answer and be

Making by-laws.

answered unto, in any matter whatsoever; and any majority of the Members of the Corporation for the time being shall have power and authority to make and establish such Rules, Orders and Regulations, not being contrary to this Act, nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of

the said Corporation, and for the management thereof, and for the admission of Members into the said Corporation, and from time to time to alter, repeal and change the said Rules, Orders and Regulations, or any of them, or those of the said Institution in force at the time of the passing of this Act; and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto; subject, nevertheless, to the Rules, Regulations, Stipulations and Provisions hereinafter prescribed and established.

General powers.

To what purposes only the revenue of the Corporation shall be applied.

2. Provided always, and be it enacted, That the rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the Members of the Corporation, the construction and repair of the buildings requisite for the purposes of the said Corporation, and to the advancement of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property of the present Association vested in the Corporation, and its bylaws made those of the Corporation until altered.

3. And be it enacted, That all and every the estate and property, real and personal, belonging to or hereafter to be acquired by the Members of the said Association as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established; and the Rules, Orders and Regulations now made or to be made for the management of the said Association, shall be and continue to be the Rules, Orders and Regulations of the said Corporation until altered or repealed in the manner herein provided.

Corporation may appoint attorneys, officers, etc.

4. And be it enacted, That the Members of the said Corporation for the time being, or a majority of them, shall have power to appoint such Attorney or Attorneys, Administrator or Administrators of the property of the Corporation, and such Officers and Teachers and Servants of the said Corporation as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively as shall be reasonable and proper, and all Officers so appointed shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation as shall be prescribed by the Rules, Orders and Regulations of the said Corporation.

Powers of officers.

Individual members not to be liable for the debts of the Corporation.

5. And be it enacted, That nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the Members of the said Corporation, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract

or security incurred or entered into for or by reason of the Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the said Corporation.

Corporation to lay yearly before the Legislature a statement of their property.

6. And be it enacted, That it shall be the duty of the said Corporation to lay before each branch of the Provincial Legislature within fifteen days after the beginning of each Session, a detailed Statement of the real or immoveable property or estate held by virtue of the present Act, and of the revenue arising therefrom.

Rights of the Crown saved.

7. And be it enacted, That nothing herein shall affect or be construed to affect in any manner or way, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are hereinbefore mentioned and provided for.

Act to be a Public Act.

8. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, or other persons whatsoever, without being specially pleaded.

CAP. 116.

An Act to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled: An Act to Incorporate La Communauté des Révérendes Soeurs de la Charité, at Bytown.

[*Assented to 18th May, 1861.*]

Preamble.

WHEREAS "La Communauté des Révérendes Soeurs de la Charité," at Bytown, have by their petition, set forth that in connection with the Hospital established under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, intituled: An Act to incorporate La Communauté des Révérendes Soeurs de la Charité, at Bytown, the said Corporation have, for many years past, conducted a Seminary of Learning, and also an Alms House, and the said petitioners have prayed that the corporate name of their Institution should be changed, so as more clearly to express not only the object of their original Association, but also the subsequent additional augmentations, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Name of Corporation constituted by 12 V., c. 108, changed.

1. From and after the passing of this Act, the Corporation incorporated by the Act of Parliament of this Province, passed in the Session held in the twelfth year of Her Majesty's Reign, intituled: An Act to incorporate La Communauté des Révérendes Soeurs de la Charité,

at Bytown, shall henceforth be caleld and known by the name of "The Community, General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity at Ottawa," any thing in the said Act to the contrary notwithstanding; provided always, that such change of name shall not be construed to make the said Corporation a new Corporation, or to impair or alter in effect any Act relating to the said Corporation, or any instrument or proceeding to or in which the said Corporation by its former name may be or may have been a party or in any wise concerned or interested, but the same shall have full force and effect, and shall apply to and may be continued with respect to the said Corporation by the name hereby assigned to it.

Proviso: as to effect of change of name.

Public Act.

2. This Act shall be deemed a Public Act.

CAP. 90.

An Act to amend the Act incorporating the Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa.

[*Assented to 15th October, 1863.*]

Preamble.

WHEREAS the Community, General Hospital, Alms House and Seminary of Learning of the Sisters of Charity at Ottawa, have represented by their Petition, that they are erecting an extensive building for an Hospital at Ottawa, and that they desire that their Act of incorporation may be so amended as to give them the power to mortgage their property, and thus obtain a loan of the moneys necessary for the completion of the building, and it is desirable to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Power to mortgage for loans.

1. The Community, General Hospital, Alms House and Seminary of Learning, of the Sisters of Charity at Ottawa, shall have power at all times hereafter to mortgage their Real Estate for any loans of money they may be desirous of obtaining.

Public Act.

2. This Act shall be deemed a Public Act.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL P2.

An Act for the relief of Jean Taggart Harfield.

Read a first time, Tuesday, 11th June, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

98880

6th Session, 17th Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL P2.

An Act for the relief of Jean Taggart Harfield.

Preamble.

WHEREAS Jean Taggart Harfield, residing at the city of Verdun, in the province of Quebec, waitress, wife of Bernard Lloyd Harfield, salesman, who is domiciled in Canada and residing at the town of Magog, in the said province of Quebec, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1929, at the city of Winnipeg, in the province of Manitoba, she then being Jean Taggart, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Taggart and Bernard Lloyd Harfield, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Taggart may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bernard Lloyd Harfield had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL P2.

An Act for the relief of Jean Taggart Harfield.

AS PASSED BY THE SENATE, 13th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

98382

6th Session, 17th Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL P2.

An Act for the relief of Jean Taggart Harfield.

Preamble.

WHEREAS Jean Taggart Harfield, residing at the city of Verdun, in the province of Quebec, waitress, wife of Bernard Lloyd Harfield, salesman, who is domiciled in Canada and residing at the town of Magog, in the said province of Quebec, has by her petition alleged that they were married on the thirty-first day of August, A.D. 1929, at the city of Winnipeg, in the province of Manitoba, she then being Jean Taggart, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Jean Taggart and Bernard Lloyd Harfield, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Jean Taggart may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Bernard Lloyd Harfield had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Q[2].

An Act for the relief of Lily Usheroff Bruker.

Read a first time, Tuesday, 11th June, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

97317

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Q2.

An Act for the relief of Lily Usheroff Bruker.

Preamble.

WHEREAS Lily Usheroff Bruker, residing at the city of Outremont, in the province of Quebec, sales clerk, wife of Ernest Bruker, salesman, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the third day of November, A.D. 1929, at the said city of Montreal, she then being Lily Usheroff, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lily Usheroff and Ernest Bruker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lily Usheroff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Bruker had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Q[2].

An Act for the relief of Lily Usheroff Bruker.

AS PASSED BY THE SENATE, 13th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

97319

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Q2.

An Act for the relief of Lily Usheroff Bruker.

Preamble.

WHEREAS Lily Usheroff Bruker, residing at the city of Outremont, in the province of Quebec, sales clerk, wife of Ernest Bruker, salesman, who is domiciled in Canada and residing at the city of Montreal, in the said province, has by her petition alleged that they were married on the third day of November, A.D. 1929, at the said city of Montreal, she then being Lily Usheroff, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Lily Usheroff and Ernest Bruker, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Lily Usheroff may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Bruker had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL R[2].

An Act for the relief of Hilda High de Boissière.

Read a first time, Tuesday, 11th June, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92231 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL R2.

An Act for the relief of Hilda High de Boissière.

Preamble.

WHEREAS Hilda High de Boissière, residing at the city of Montreal, in the province of Quebec, rooming house keeper, wife of Vernon de Boissière, doctor of medicine, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the twenty-ninth day of April, A.D. 1914, at the city of Toronto, in the province of Ontario, she then being Hilda High, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hilda High and Vernon de Boissière, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hilda High may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Vernon de Boissière had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL R[2].

An Act for the relief of Hilda High de Boissière.

AS PASSED BY THE SENATE, 13th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
92261 1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL R2.

An Act for the relief of Hilda High de Boissière.

Preamble.

WHEREAS Hilda High de Boissière, residing at the city of Montreal, in the province of Quebec, rooming house keeper, wife of Vernon de Boissière, doctor of medicine, who is domiciled in Canada and residing at the said city of Montreal, has by her petition alleged that they were married on the twenty-ninth day of April, A.D. 1914, at the city of Toronto, in the province of Ontario, she then being Hilda High, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Hilda High and Vernon de Boissière, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Hilda High may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said Vernon de Boissière had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL S[2].

An Act respecting The Cornwall Bridge Company.

Read a first time, Wednesday, 12th June, 1935.

Honourable Senator WHITE (Pembroke).

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

99919

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL S2.

An Act respecting The Cornwall Bridge Company.

Preamble.

WHEREAS The Cornwall Bridge Company, incorporated by chapter fifty-five of the statutes of 1930, has by its petition prayed that it may be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section sixteen of chapter fifty-five of the statutes of 1930 is hereby repealed and the following is substituted therefor:—

Extension of time.

"**16.** The said bridge or bridges shall be commenced within five years after the plans therefor have been approved by the Governor in Council and shall be completed within three years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted. Section one hundred and sixty-one of the *Railway Act* shall not apply to the Company."

R.S., c. 170.

Explanatory Notes.

The section to be repealed reads as follows:—

"**16.** The said bridge or bridges shall be commenced within three years after the plans therefor have been approved by the Governor in Council and shall be completed within three years after such commencement otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within two years after the passing of this Act, the powers granted for the construction of the said bridge or bridges shall cease and be null and void."

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL S[2].

An Act respecting The Cornwall Bridge Company.

AS PASSED BY THE SENATE, 13th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

99921

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL S2.

An Act respecting The Cornwall Bridge Company.

Preamble. WHEREAS The Cornwall Bridge Company, incorporated by chapter fifty-five of the statutes of 1930, has by its petition prayed that it may be enacted as hereinafter set forth and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section sixteen of chapter fifty-five of the statutes of 1930 is hereby repealed and the following is substituted therefor:—

Extension of time. "**16.** The construction of the said bridge or bridges shall be commenced before the thirty-first day of May, 1937, and shall be completed within three years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted. Section one hundred and sixty-one of the *Railway Act* shall not apply to the Company."

R.S., c. 170.

Explanatory Notes.

The section to be repealed reads as follows:—

"**16.** The said bridge or bridges shall be commenced within three years after the plans therefor have been approved by the Governor in Council and shall be completed within three years after such commencement otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within two years after the passing of this Act, the powers granted for the construction of the said bridge or bridges shall cease and be null and void."

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL T².

An Act for the relief of Dora Eleanor Mathieson Campbell.

Read a first time, Tuesday, 18th June, 1935.

The Honourable the Chairman of the Committee on Divorce.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

155

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA.

BILL T2.

An Act for the relief of Dora Eleanor Mathieson Campbell.

Preamble.

WHEREAS Dora Eleanor Mathieson Campbell, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of James Oliver Clair Campbell, barrister, who is domiciled in Canada and residing at the city of Charlottetown, in the province of Prince Edward Island, has by her petition alleged that they were married on the fourth day of December, A.D. 1926, at the said city of Charlottetown, she then being Dora Eleanor Mathieson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dora Eleanor Mathieson and James Oliver Clair Campbell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dora Eleanor Mathieson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Oliver Clair Campbell had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL T2.

An Act for the relief of Dora Eleanor Mathieson Campbell.

AS PASSED BY THE SENATE, 19th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA.

BILL T2.

An Act for the relief of Dora Eleanor Mathieson Campbell.

Preamble.

WHEREAS Dora Eleanor Mathieson Campbell, residing at the city of Montreal, in the province of Quebec, sales clerk, wife of James Oliver Clair Campbell, barrister, who is domiciled in Canada and residing at the city of Charlottetown, in the province of Prince Edward Island, has by her petition alleged that they were married on the fourth day of December, A.D. 1926, at the said city of Charlottetown, she then being Dora Eleanor Mathieson, a spinster; and whereas by her petition she has prayed that, because of his adultery since then, their marriage be dissolved; and whereas the said marriage and adultery have been proved by evidence adduced and it is expedient that the prayer of her petition be granted: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Marriage dissolved.

1. The said marriage between Dora Eleanor Mathieson and James Oliver Clair Campbell, her husband, is hereby dissolved, and shall be henceforth null and void to all intents and purposes whatsoever.

Right to marry again.

2. The said Dora Eleanor Mathieson may at any time hereafter marry any man whom she might lawfully marry if the said marriage with the said James Oliver Clair Campbell had not been solemnized.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL U².

An Act respecting The Hamilton Life Insurance Company.

Read a first time, Wednesday, 19th June, 1935.

Honourable Senator LITTLE.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL U2.

An Act respecting The Hamilton Life Insurance Company.

Preamble.

WHEREAS The Hamilton Life Insurance Company has by its petition prayed that an Act be passed extending the time during which the Minister of Finance may grant to the said Company the certificate of registry to carry on business, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time.

1. Notwithstanding anything in *The Canadian and British Insurance Companies Act, 1932*, chapter forty-six of the statutes of 1932, or in the Act incorporating The Hamilton Life Insurance Company, chapter sixty-six of the statutes of 1930, the said chapter sixty-six of the statutes of 1930 shall be deemed not to have expired and ceased to be in force after the twenty-ninth day of May, 1932, but to have continued and to be in force for all purposes thereof whatsoever until the first day of June, 1937, and the Minister of Finance may at any time not later than the thirty-first day of May, 1937, and subject to all other provisions of *The Canadian and British Insurance Companies Act, 1932*, grant to the said company the certificate of registry to carry on business.

Limitation.

2. If the Company has not obtained the said certificate of registry before the first day of June, 1937, the said chapter sixty-six of the statutes of 1930 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the Company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever.

Explanatory Notes.

The purpose of this Bill is to restore in force the Act incorporating The Hamilton Life Insurance Company which expired on the thirtieth day of May, 1932.

Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL U2.

An Act respecting The Hamilton Life Insurance Company.

AS PASSED BY THE SENATE, 20th JUNE, 1935.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1935

6th Session, 17th Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL U2.

An Act respecting The Hamilton Life Insurance Company.

Preamble.

WHEREAS The Hamilton Life Insurance Company has by its petition prayed that an Act be passed extending the time during which the Minister of Finance may grant to the said Company the certificate of registry to carry on business, and it is expedient to grant the prayer of the said petition: Therefore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension of time.

1. Notwithstanding anything in *The Canadian and British Insurance Companies Act, 1932*, chapter forty-six of the statutes of 1932, or in the Act incorporating The Hamilton Life Insurance Company, chapter sixty-six of the statutes of 1930, the said chapter sixty-six of the statutes of 1930 shall be deemed not to have expired and ceased to be in force after the twenty-ninth day of May, 1932, but to have continued and to be in force for all purposes thereof whatsoever until the thirtieth day of May, 1937, and the Minister of Finance may at any time not later than the twenty-ninth day of May, 1937, and subject to all other provisions of *The Canadian and British Insurance Companies Act, 1932*, grant to the said company the certificate of registry to carry on business.

Limitation.

2. If the Company has not obtained the said certificate of registry before the thirtieth day of May, 1937, the said chapter sixty-six of the statutes of 1930 shall then expire and cease to be in force thereafter, except for the sole purpose of winding up the Company's business, but otherwise shall remain in full force and effect for all purposes thereof whatsoever.

Explanatory Notes.

The purpose of this Bill is to restore in force the Act incorporating The Hamilton Life Insurance Company which expired on the thirtieth day of May, 1932.