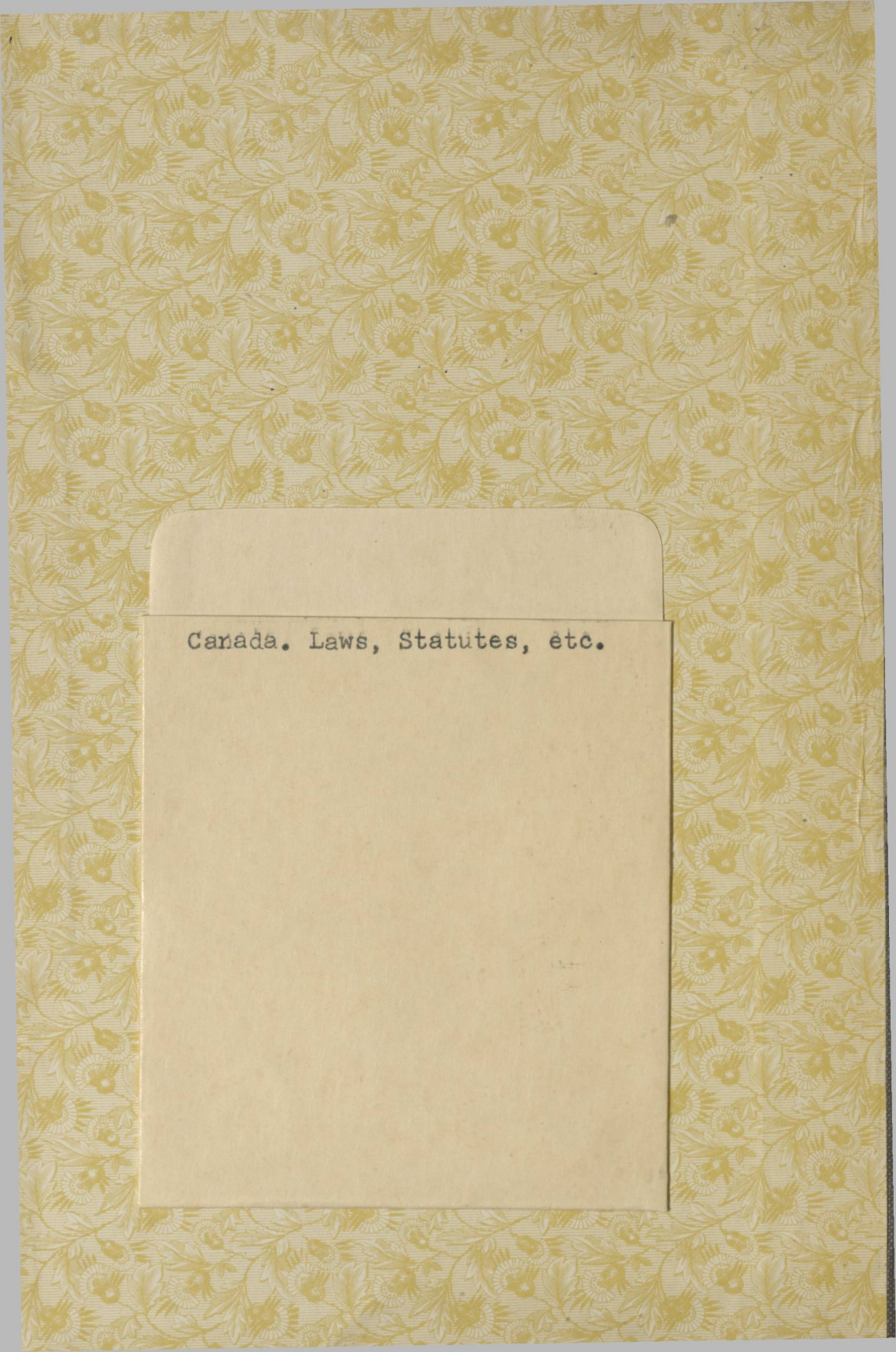


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Sixth Session, Seventeenth Parliament, 25 George V, 1935

SENATE OF CANADA.

BILL A.

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

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

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.

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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; 10

"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, 15 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 20 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 25 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, 30 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.

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Commis-
sioner 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.

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Duties of
Commis-
sioner.

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.

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Powers of
Commis-
sioner.

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.

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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.

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Assistant
Commis-
sioner.

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

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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.

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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.

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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.

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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.

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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;

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(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.

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feet.

(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.

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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. 5

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. 10 15 20

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. 25

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. 30

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. 35

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. 5

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. 15

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. 20

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. 30

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. 35

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. 40

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. 5

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. 10
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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 20
(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; 25
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.) 30
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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. 40

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 thirtieth day of June, one thousand nine hundred and twenty-three. 5 10

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. 15 20

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. 25

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. 5

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 10 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 15 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 20 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 pur- 25 poses 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 30 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 repre- 35 sentatives, 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 40 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

(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 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.

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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.)

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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.

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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

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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.

30

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.

35

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. Description and operation.	34. (1) The specification shall (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.)	5 10 15
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;	20
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.	25
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.	30
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.	35
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.	40
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.	45

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 materially 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.

5

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.
Divisional
applications
if more than
one invention
claimed.

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

(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, if 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. 5

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. 10

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. 15

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. 20

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. 25 30 35

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. 40

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- 45

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. 5

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. 15

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 20

(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). 25

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). 30

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). 40

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 45

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.

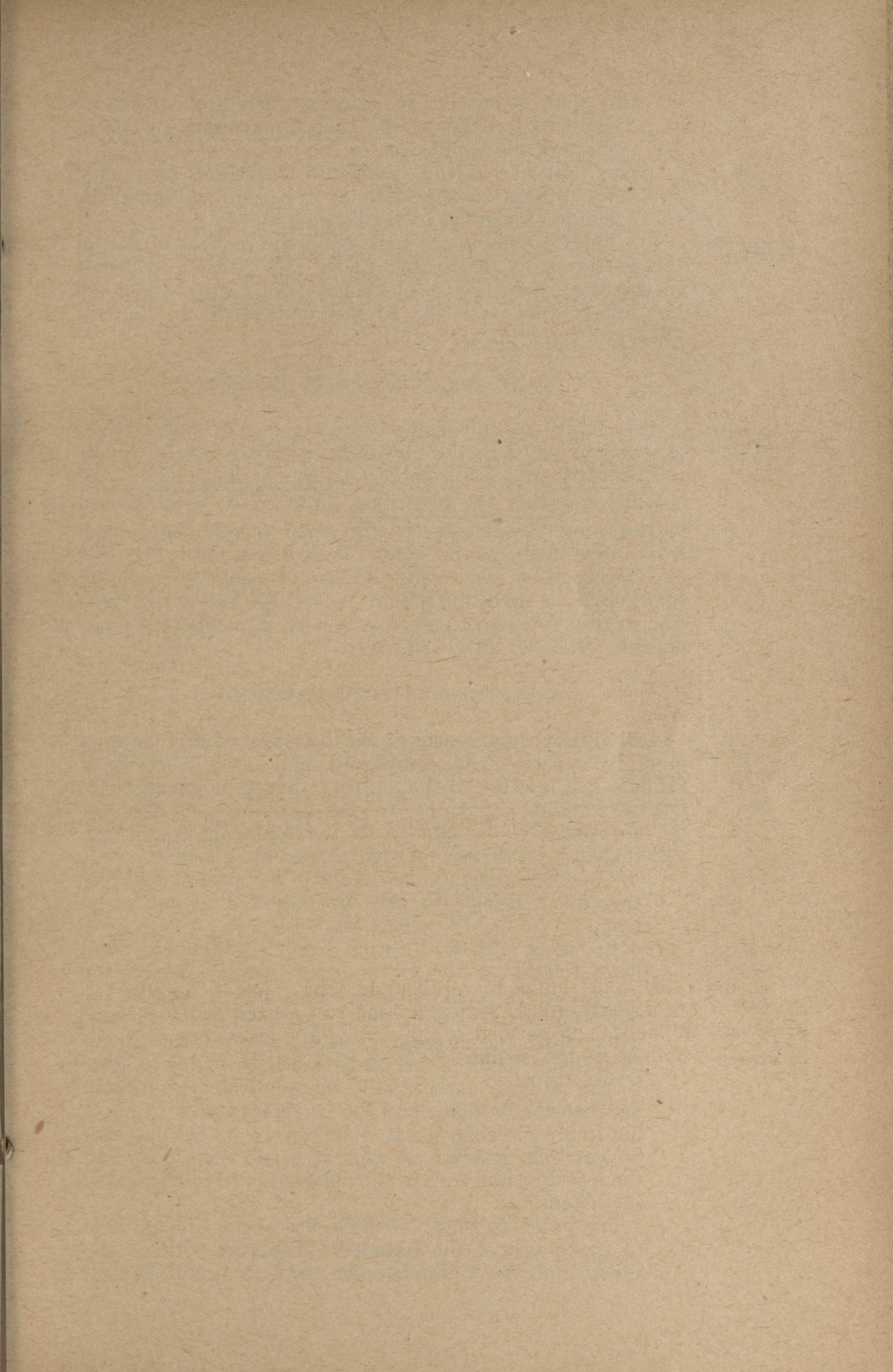
Decision of
Commissioner.

(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.

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. 5

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. 10
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. 15 20

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:— 25

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; 30

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; 35 40

(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 45

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. 5 10 15

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. 20

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. 25

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 30

(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; 35

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 40

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. 5

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. 10 15

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. 20

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. 25

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. 30 35

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) 40

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. 45

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. 5

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. 10 15

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. 20

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. 25 30 35 40

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. 5

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. 15

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. 20

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, 25

- (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 30
- (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. 35

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. 40

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. 45

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 infringe-
ment.

(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. 5 10

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. 15 20

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, 25

(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 30

(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. 35

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 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 prosecuted, the application shall not be deemed to have been abandoned unless the applicant fails to proceed 40 45

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. 5

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. 10

Appeal.

62. The judgment declaring or refusing to declare any patent void 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. 15

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:— 20

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. 25

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) 30

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). 35

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

(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

(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.

Order to compel supply.

To grant licences.

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. 5

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 10 15 20

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. 25

Appeal.

(9) Any decision of the Commissioner under this section shall be subject to appeal to the Exchequer Court. R.S., c. 150, s. 40, Am. 30

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. 35

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 40 45

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. 5

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. 10

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. 15

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. 20

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. 25

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. 35

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 45

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	5
On grant of patent payable on pain of forfeiture within <u>three months</u> from the date of notice of the allowance of patent.....	20 00	10
On filing an amendment after allowance of an application for patent.....	5 00	
On lodging a <i>caveat</i>	5 00	
On asking to register a judgment <i>pro tanto</i>	4 00	
On asking to register an assignment, or any other document affecting or relating to a patent.....	2 00	15
On asking to attach a disclaimer to a patent.....	2 00	
On asking for a copy of patent with specification <i>exclusive of drawings</i>	4 00	
On petition to re-issue a patent after surrender....	30 00	20
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	25
On application for registration under section fifteen..	5 00	
On office copies of documents, not above-mentioned, the following charges shall be made, <i>the minimum charge being \$1.00</i> .:—		
For every single or first folio of one hundred words certified copy.....	0 25	30
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	35
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. 40

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- 45

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. 5

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. 10

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. 15

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. 20

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. 25 30

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. 35 40

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. 5
- 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. 10
- 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. 15 20
- 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. 25

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. 30 35 40
- 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; 45

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; 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.

An
indictable
offence.

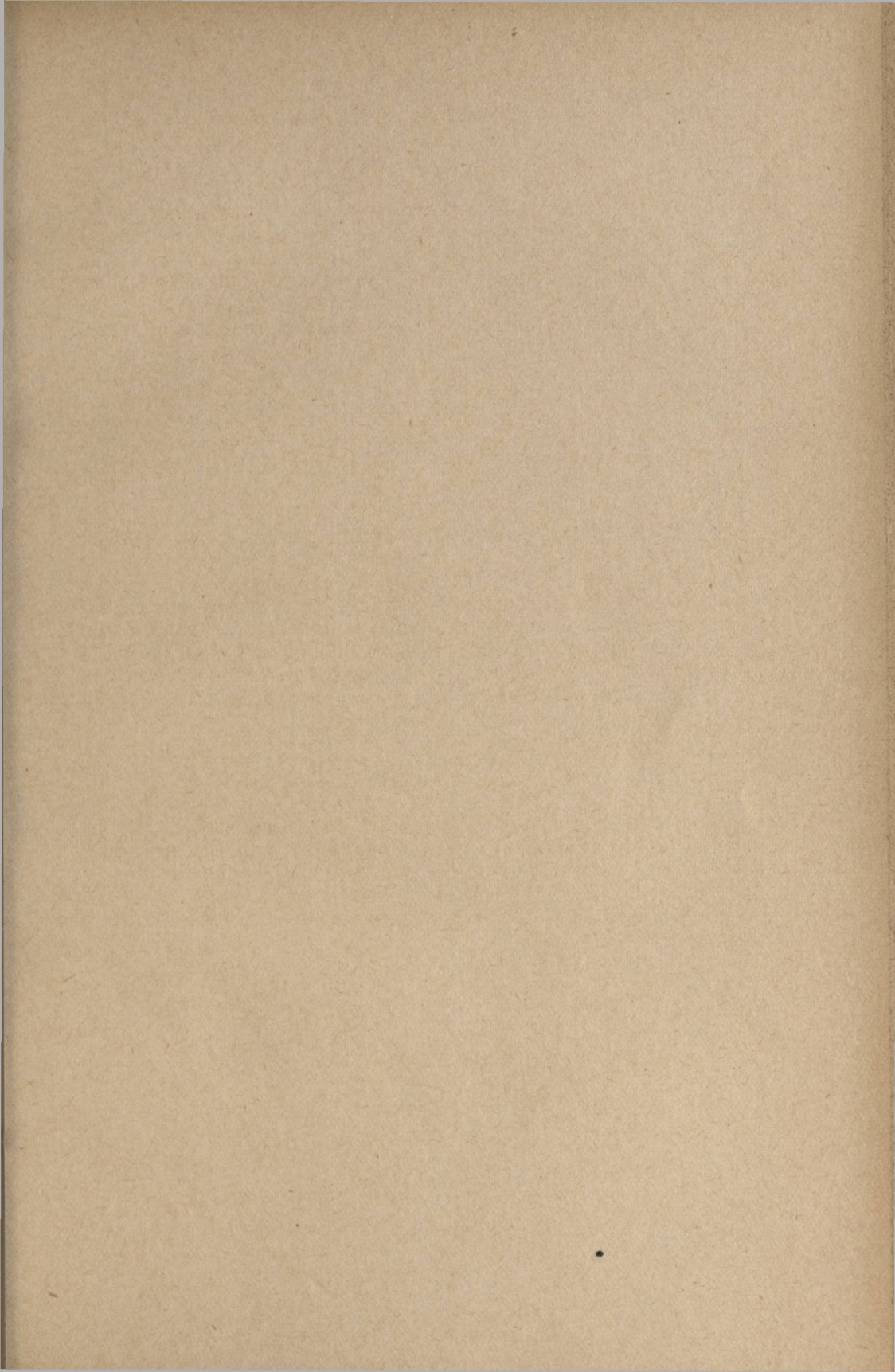
False entries
an indictable
offence.

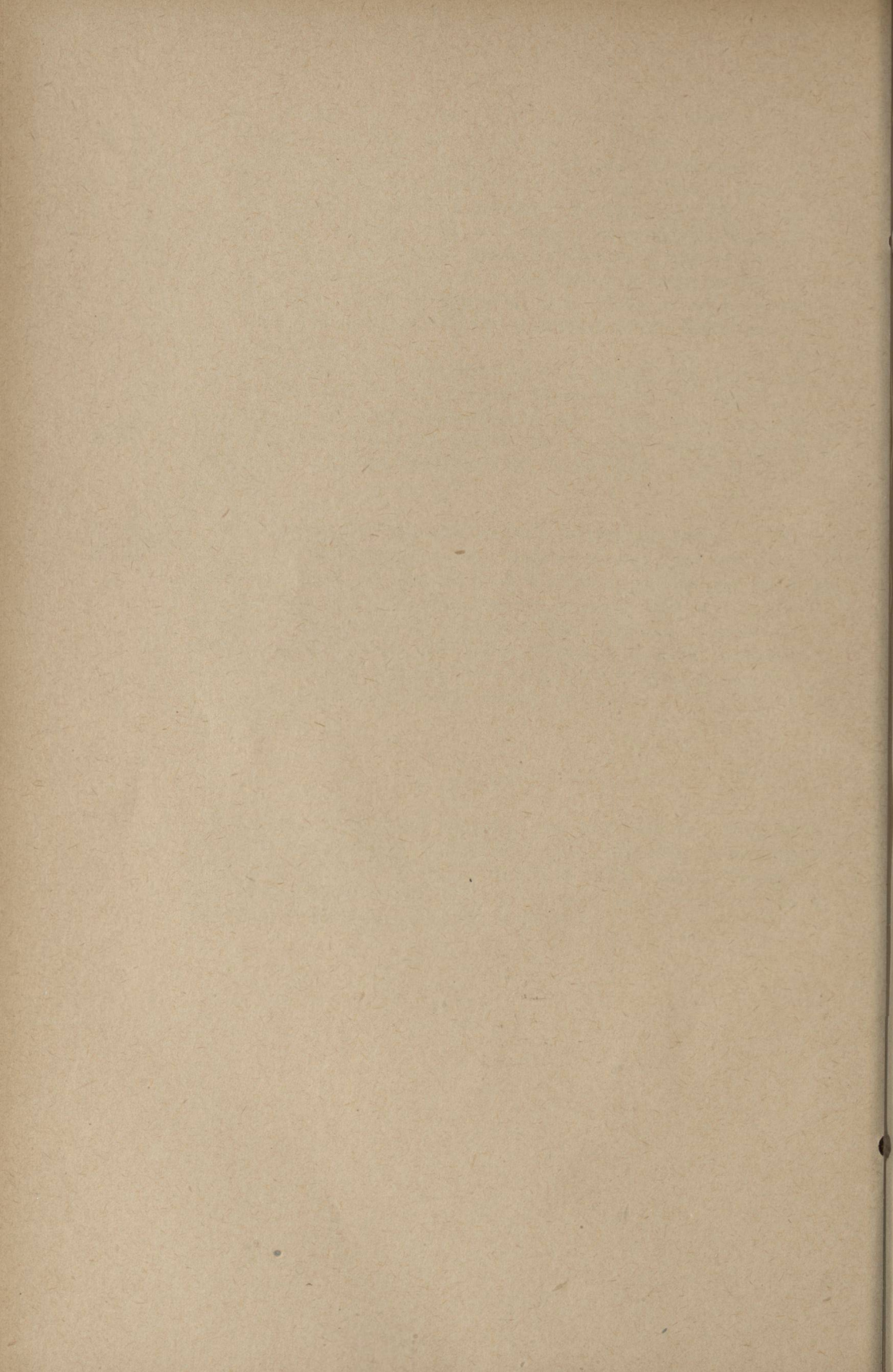
73. Every person who wilfully makes or causes to be made any false entry in any register or book or any false or altered copy of any document relating to the purposes of this Act, or who produces or tenders any such false or altered document in evidence, knowing the same to be such, is guilty of an indictable 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.

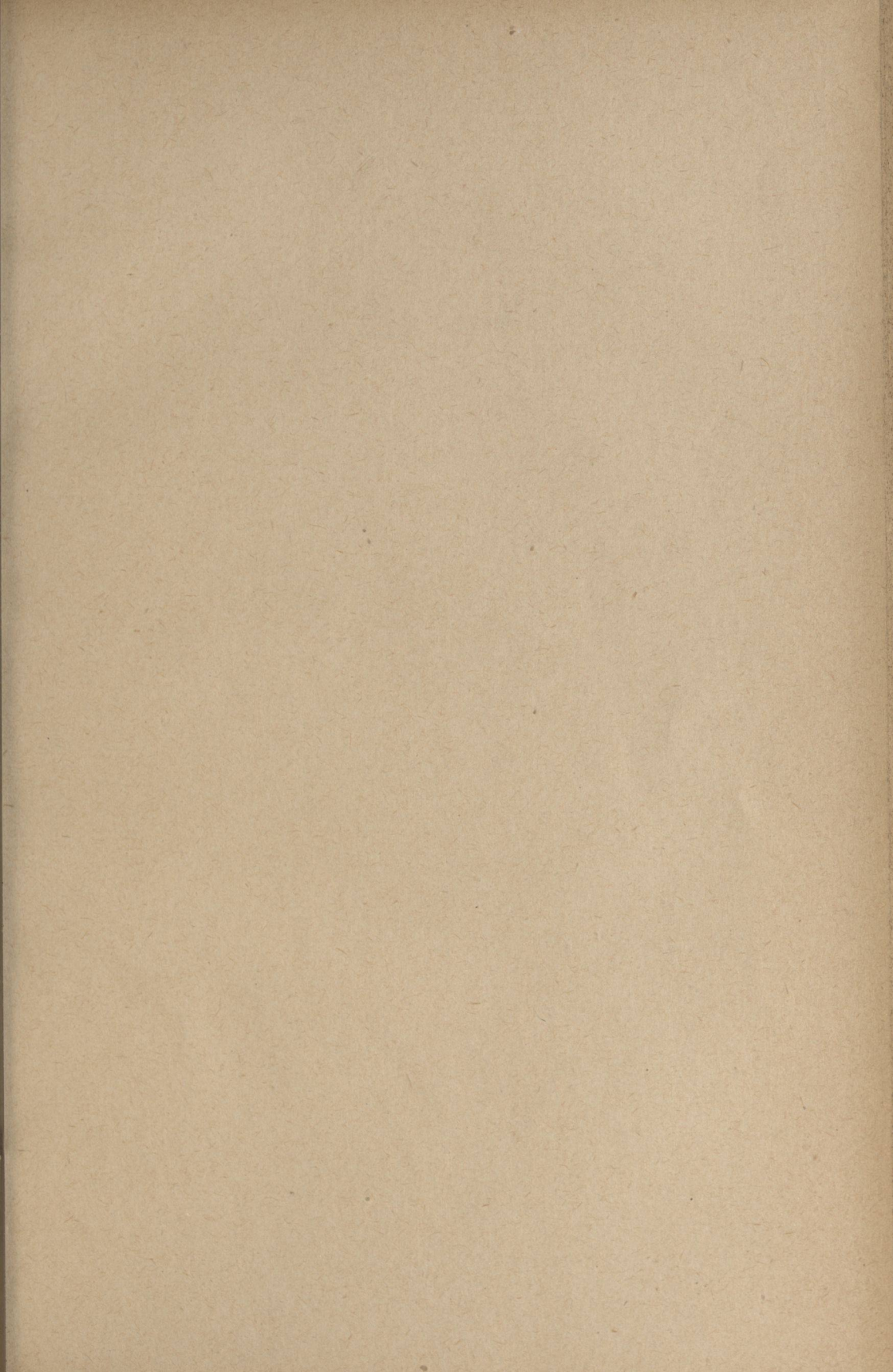
REPEAL.

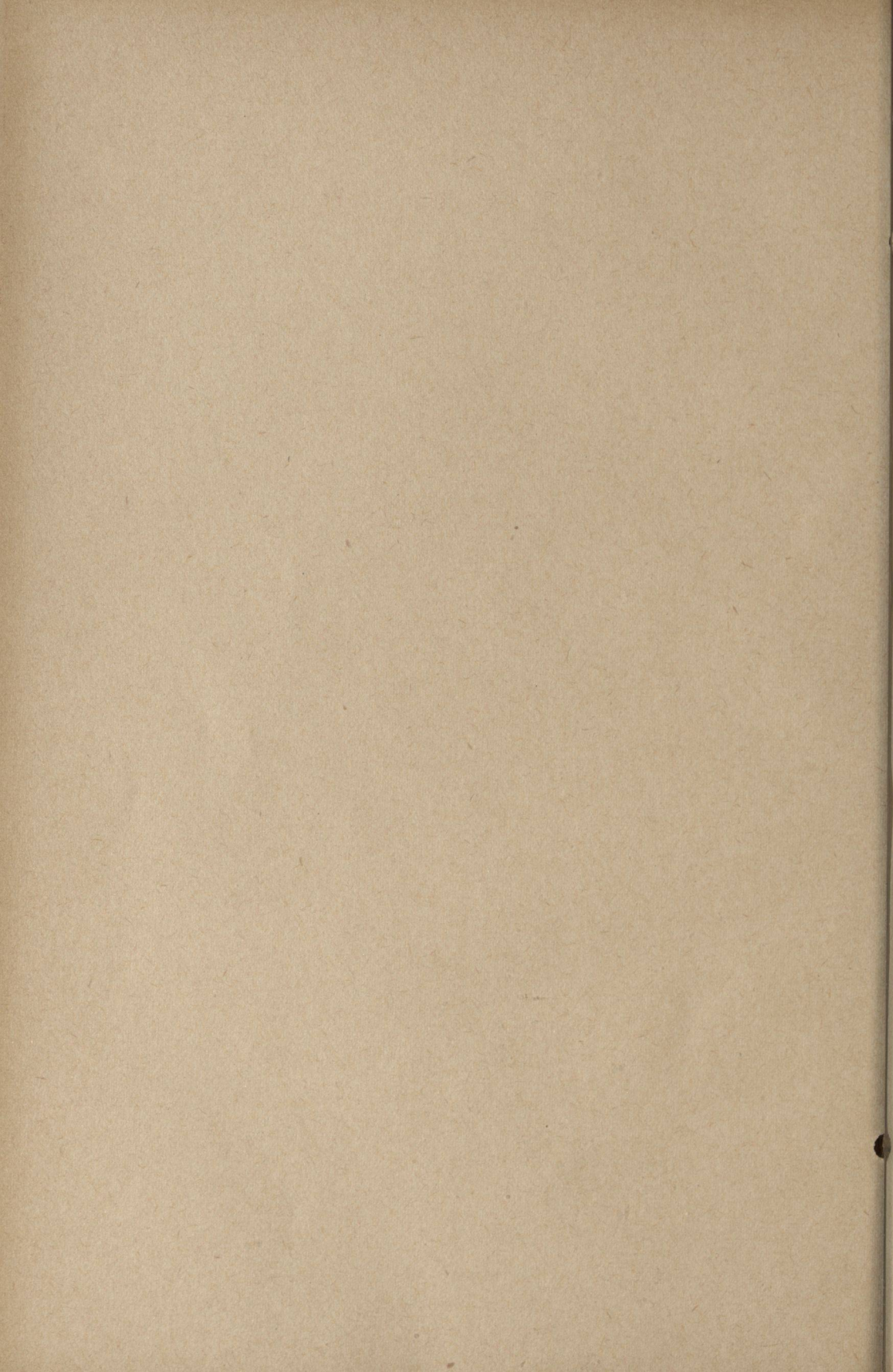
Repeal.

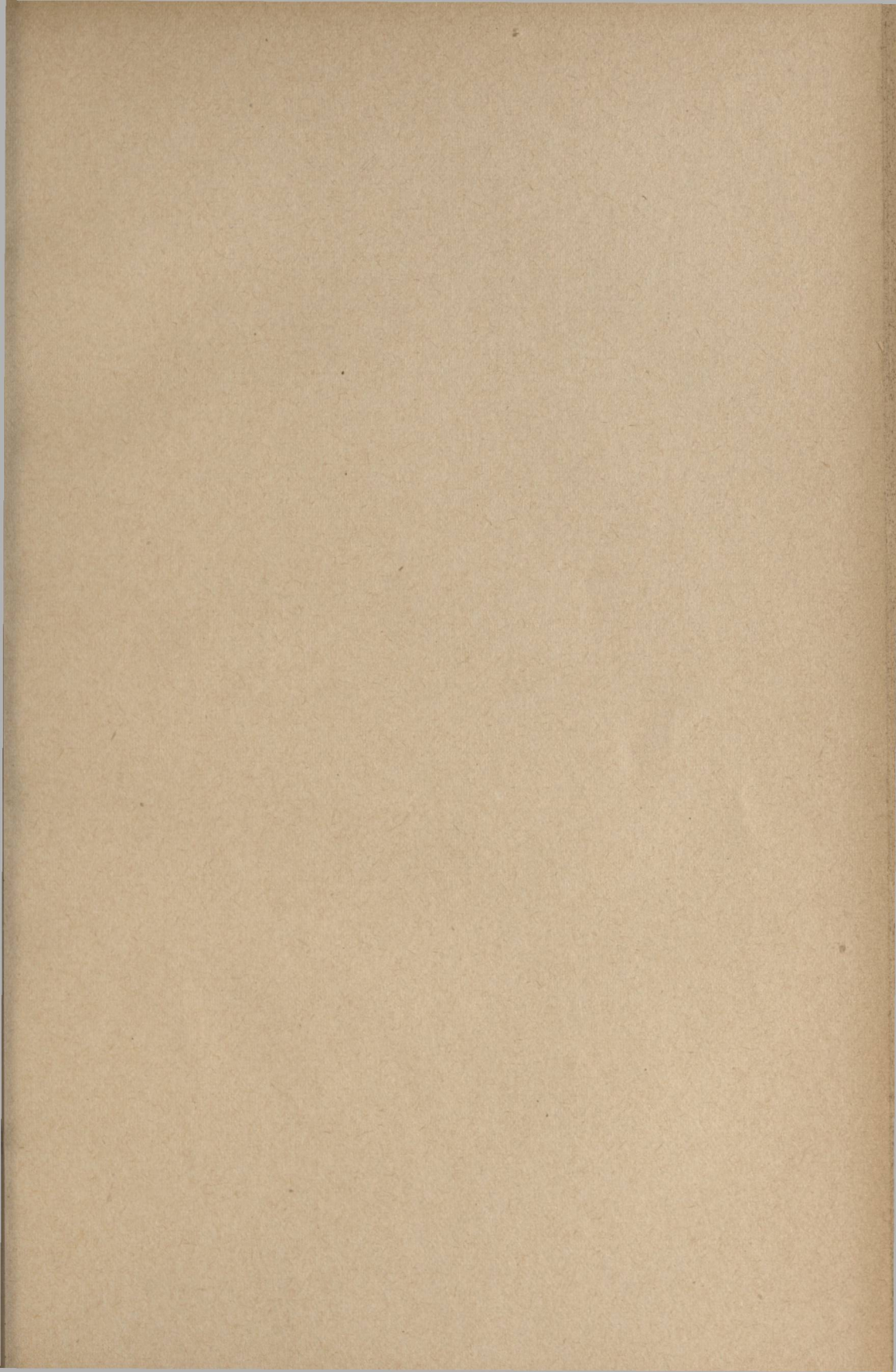
74. The *Patent Act*, chapter one hundred and fifty of the Revised Statutes of Canada, 1927, and the amending Acts, chapter four of the Statutes of 1928, chapter thirty-four of the Statutes of 1930, and chapter twenty-one of the Statutes of 1932, are hereby repealed.

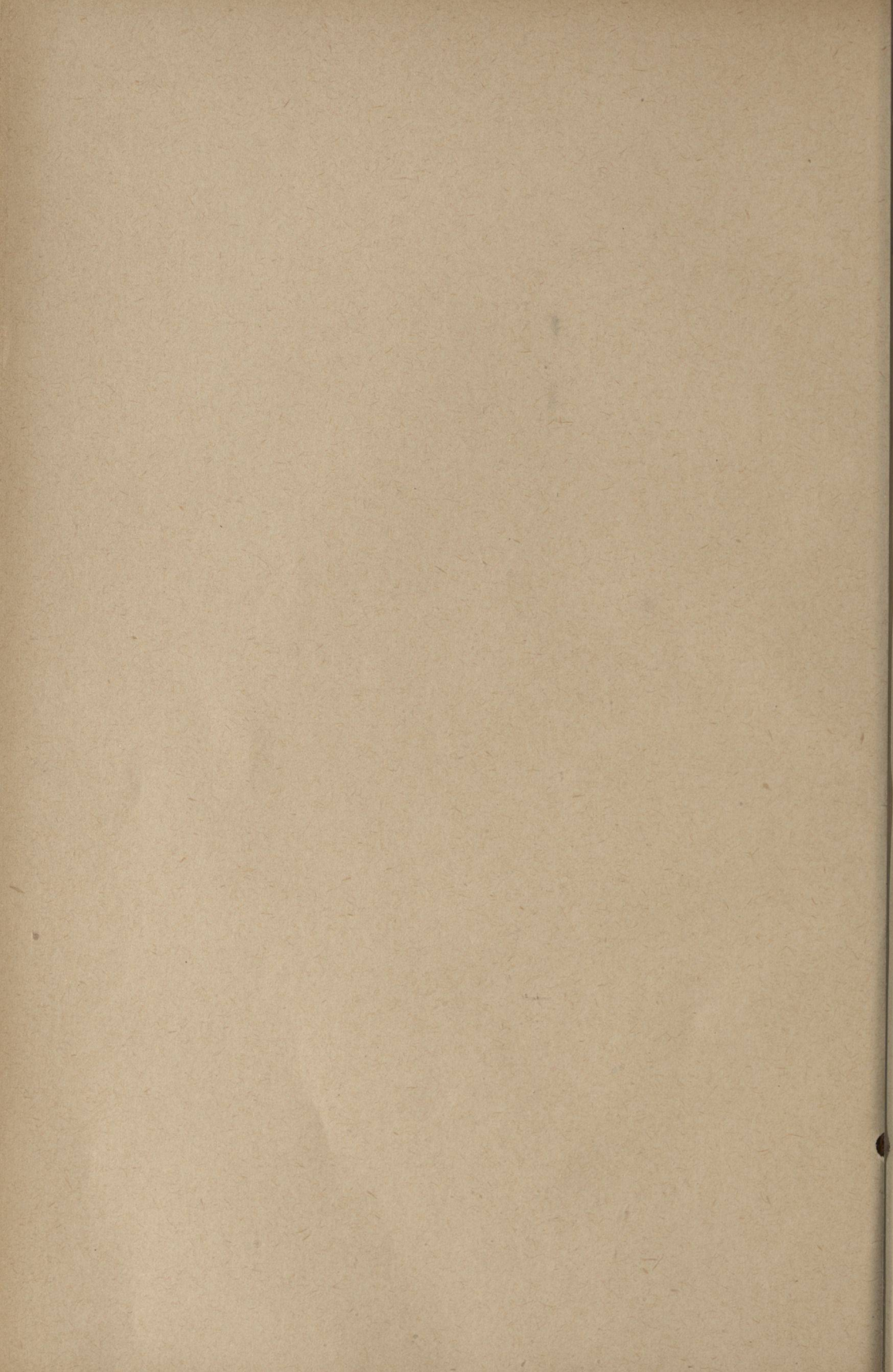












PATENT ACT, 1935.

Arrangement of Sections.

SECTION

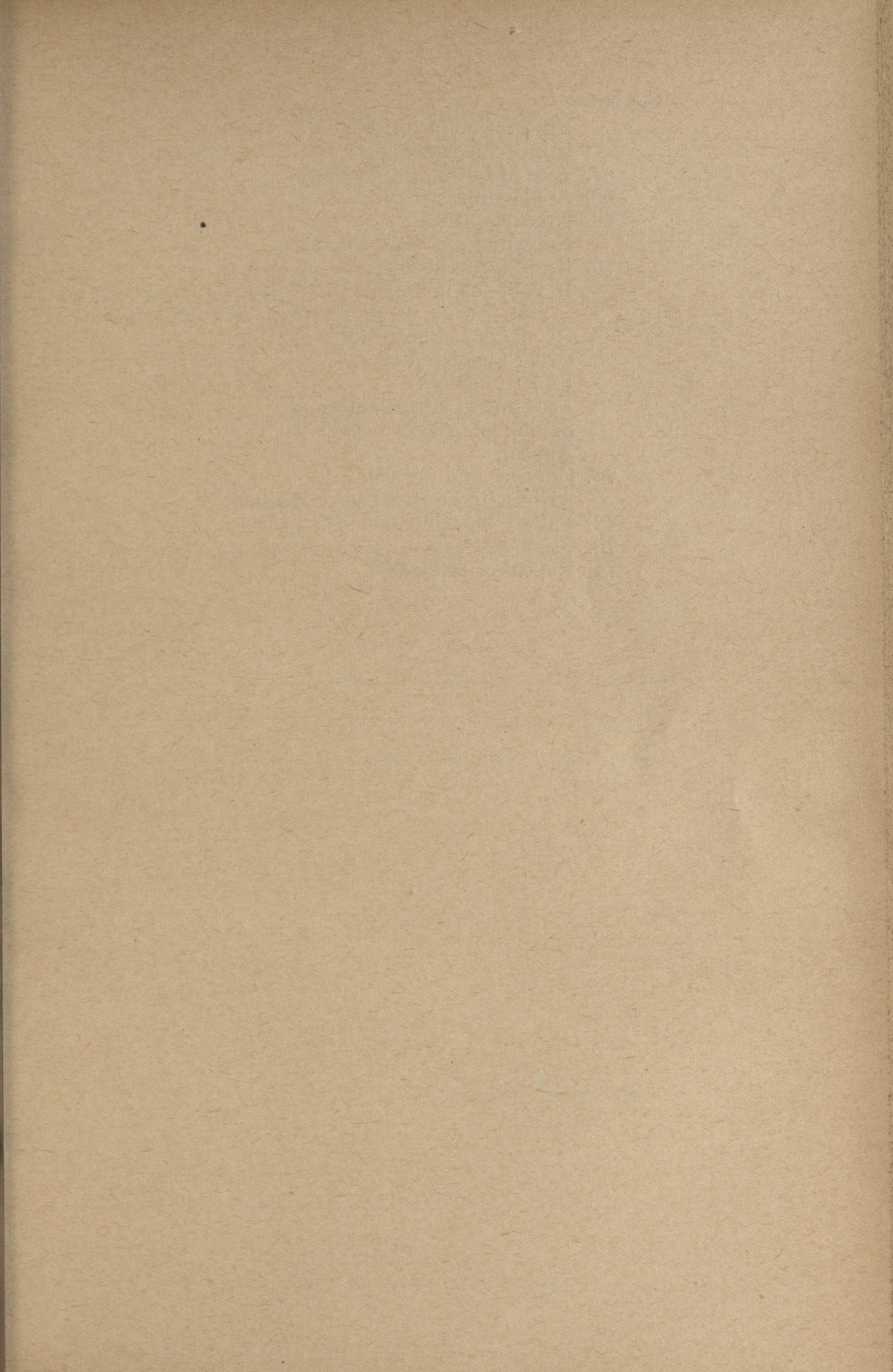
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 - Notice.
 - Duration.
66. Patent fees, tariff.
 - Paid prior to this Act.
 - Further fees.



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.

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

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. 10

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.” 15

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.” 25

EXPLANATORY NOTES.

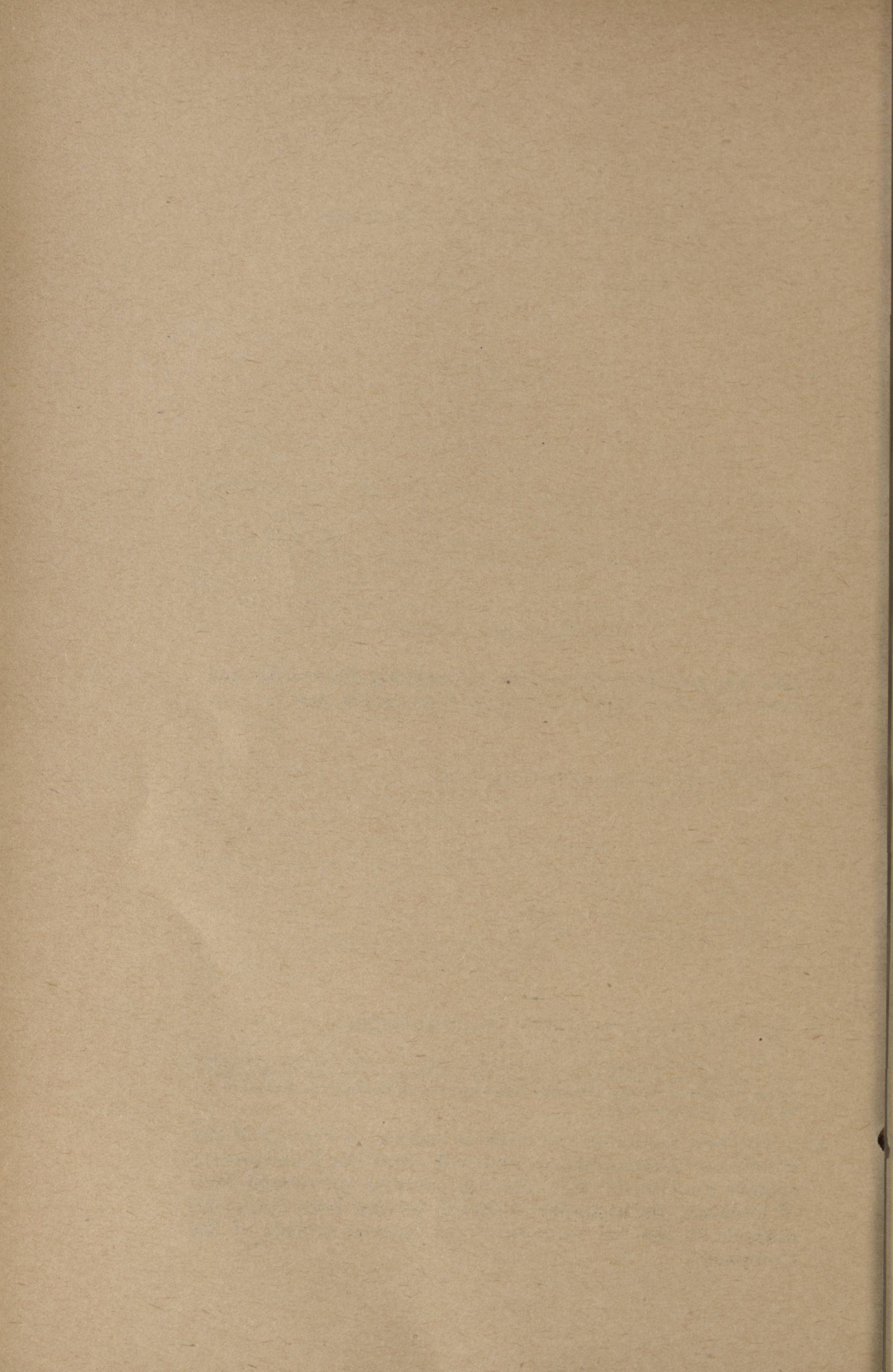
1. The number of directors is presently limited to nine under Part three of the Dominion Companies Act.

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.



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.

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 5
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 10
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:— 15

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 20
hereafter marry any man whom she might lawfully marry if the said marriage with the said Ernest Alfred Bennett had not been solemnized.

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

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.

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
Committee on Divorce.

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

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 5 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 10 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:— 15

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 20 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

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 5 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 10 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, 15 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 20 had not been solemnized.

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.

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:— 5

“(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— 10

(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 15

(c) is a conspiracy in restraint of trade or commerce.” 20

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.” 25

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.”

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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.

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

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 5 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 10 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 15 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 20 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

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- 5
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 10
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 15
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 20
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

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, 5 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 10 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:— 15

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 20 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

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:—

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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.

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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

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.

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.

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:—

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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.

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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

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. 20

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.

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

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 Emilv 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

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

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 5 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 10 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 15 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 20 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 25 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

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

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.*"

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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. 10

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. 20

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

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, 5 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 10 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 15 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 here- after marry any man whom she might lawfully marry if 20 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

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

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 5 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 10 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:— 15

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 20 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

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.

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

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:—

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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.

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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

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, book-keeper, 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:—

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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.

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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

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.

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.

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.”

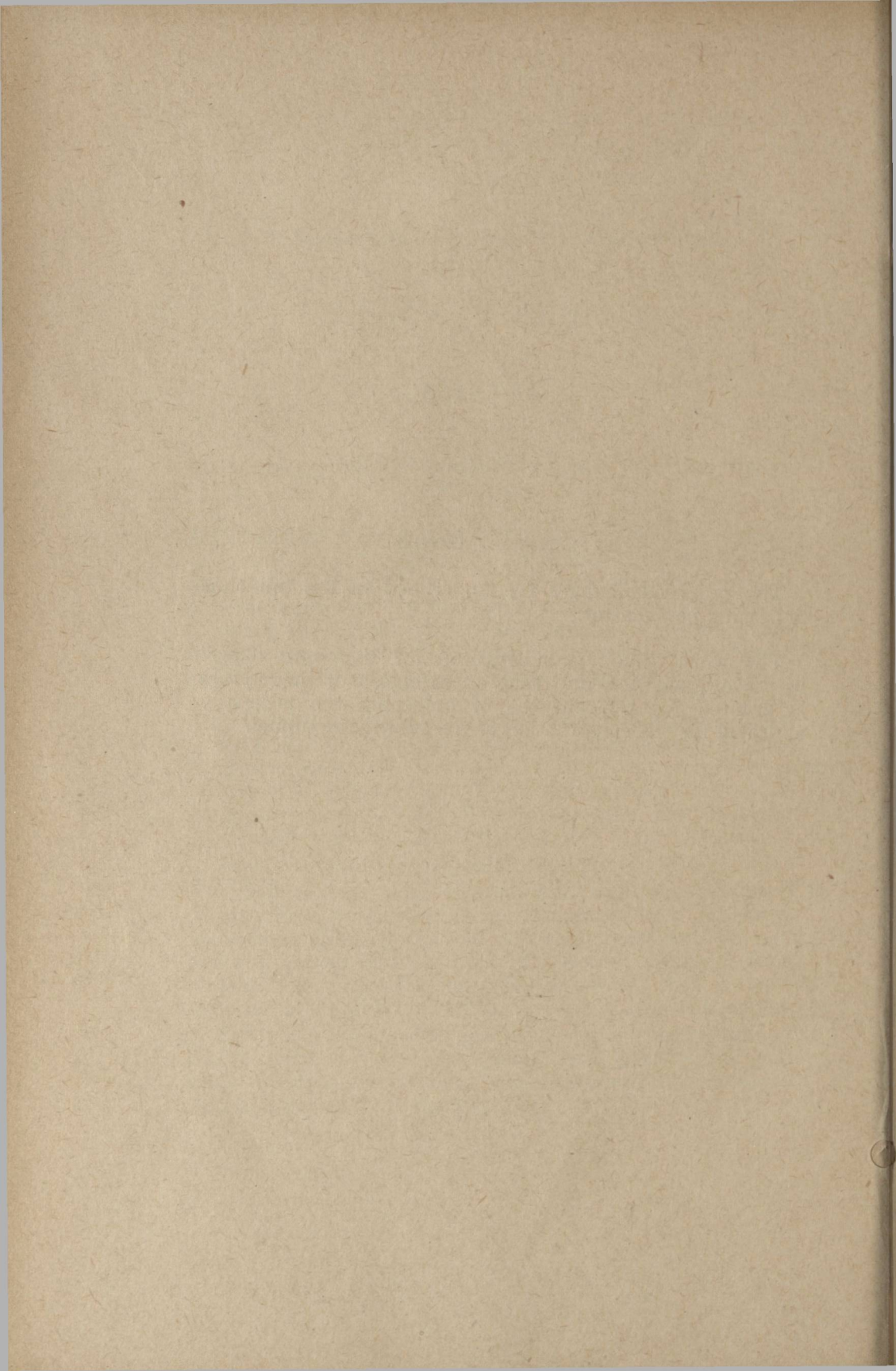
Proviso.

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

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:—

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Term^s
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.

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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.

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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

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: There- 5
fore His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Extension
of time.

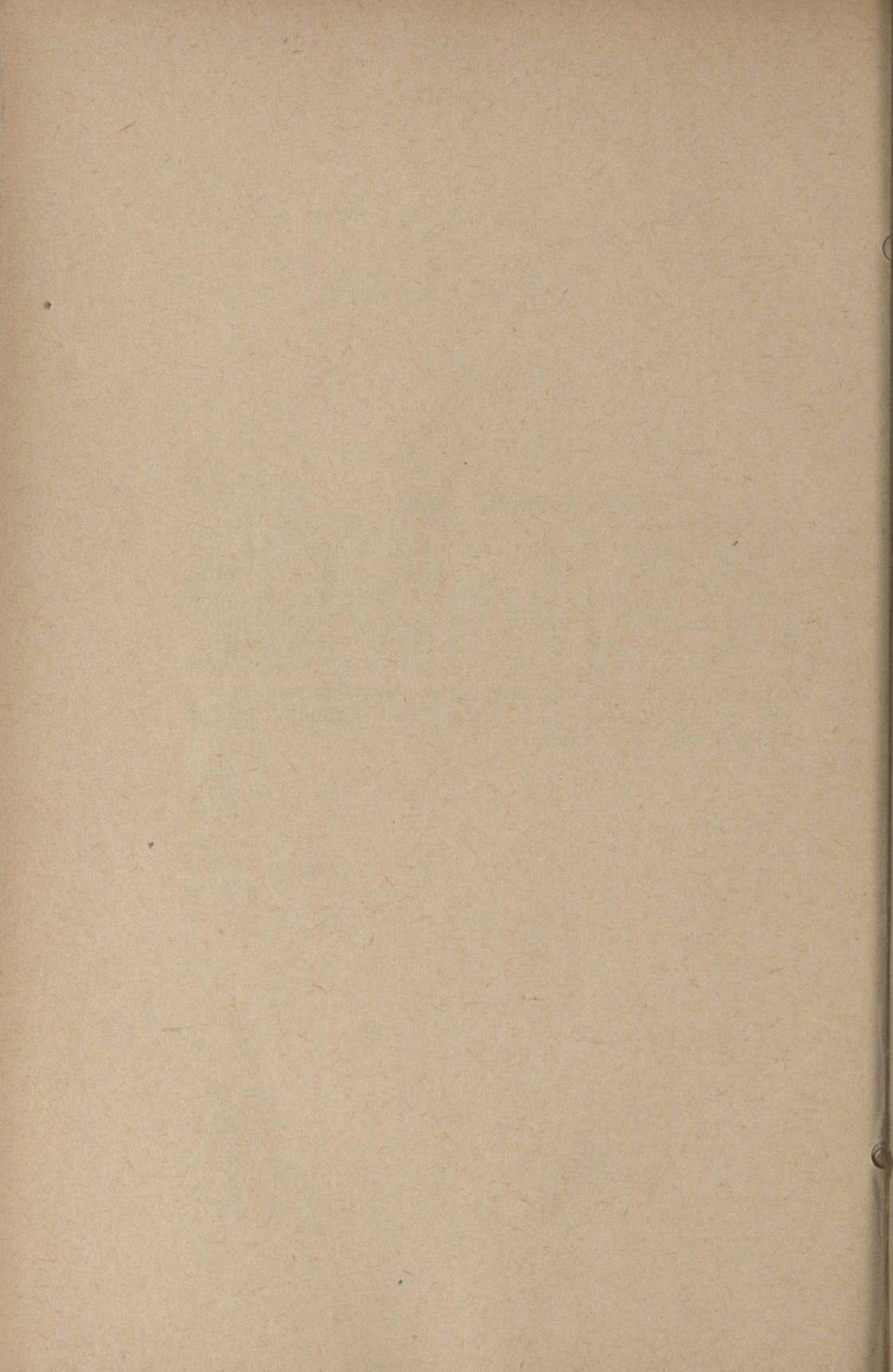
1. Notwithstanding anything in the *Insurance Act*, chapter one hundred and one of the Revised Statutes of 10
Canada, 1927, or in the Act incorporating The Wapiti Insurance Company, chapter eighty-four of the statutes of 1929, or in the Act extending the time during which the Minister of Finance may grant to the said Company the licence to carry on business, chapter seventy-four of the 15
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 20
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 25
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. 30

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.



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

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:— 5

1. Section one of chapter sixty-nine of the statutes of 1930, is hereby repealed and the following is substituted therefor:— 10

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 Sullivan, 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." 15 20

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." 25 30

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. 5

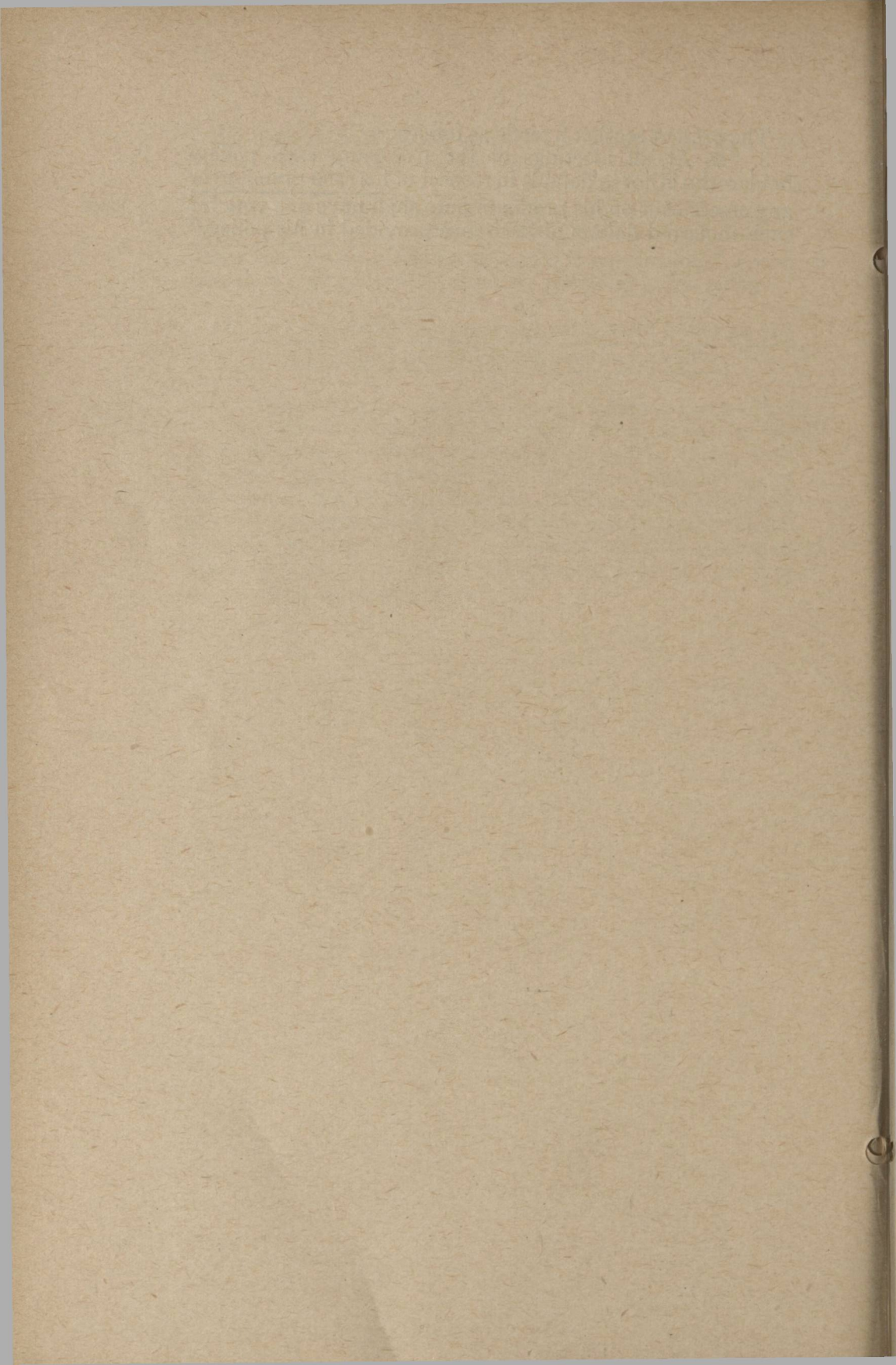
(2) Any member who ceases to hold a valid policy on the mutual system shall thereupon cease to be a member.”

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. 10 15

The present section 9 reads as follows:—

3. "9. At all meetings of the Company each policyholder 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."



Part I

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

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:— 5

Power to
enforce
judgments.

“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.” 10 15 20

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.

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.

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

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:—

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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.

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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 H².

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

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 Israël 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 Israël 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 Israël Bennett had not been solemnized.

SENATE OF CANADA

BILL 12.

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.

SENATE OF CANADA

BILL 12.

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 5 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 10 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 15 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 20 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 J².

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

SENATE OF CANADA

BILL J².

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 5 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 10 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:— 15

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 20 hereafter marry any man whom she might lawfully marry if the said marriage with the said George William Henry Weeks had not been solemnized.

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.

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

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."

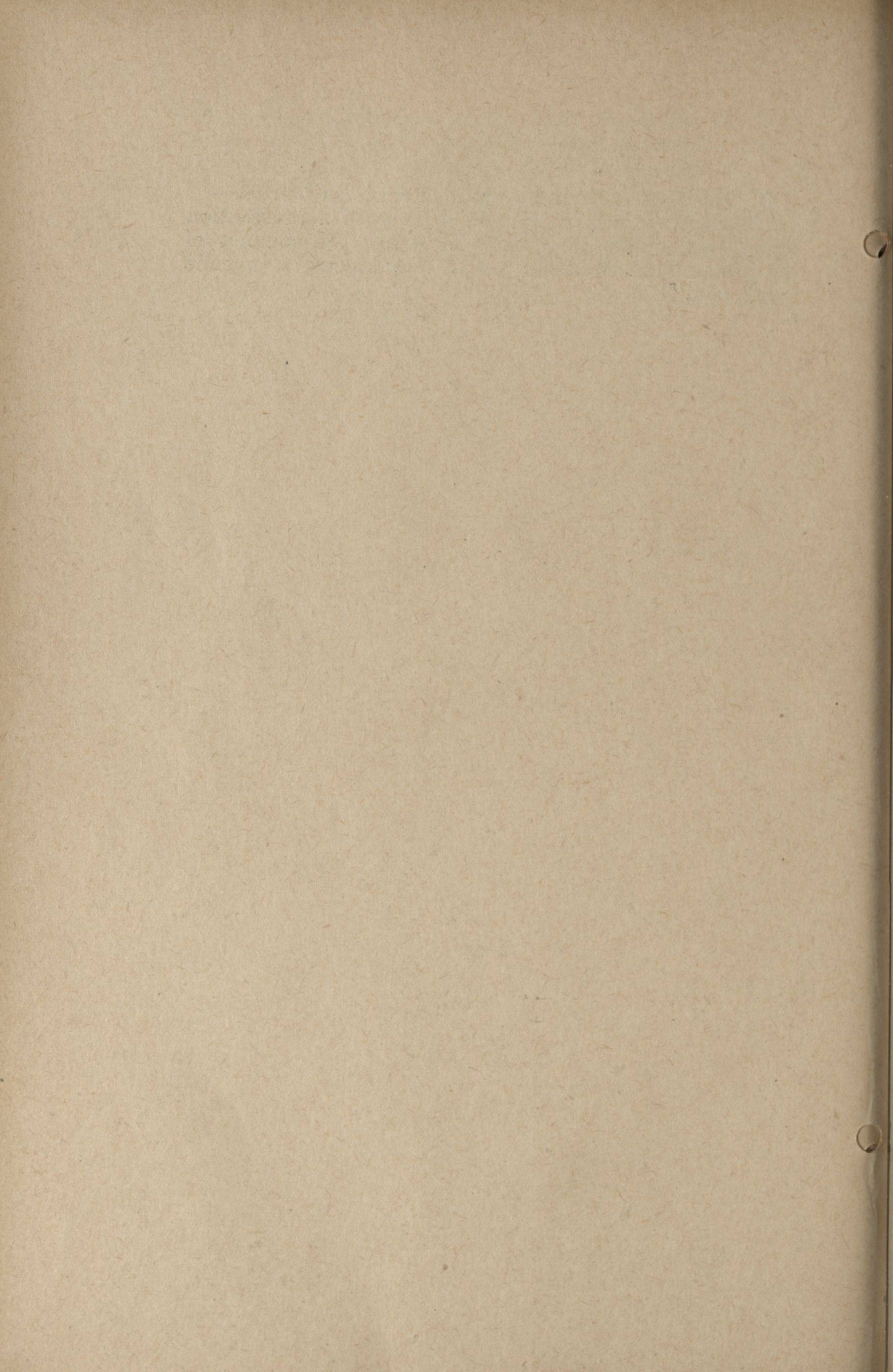
3. Section thirty-three of the said Act, as amended by section one of chapter seventeen of the statutes of 1932, is repealed and the following is substituted therefor:—

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 5
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.”



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.

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.”

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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.”

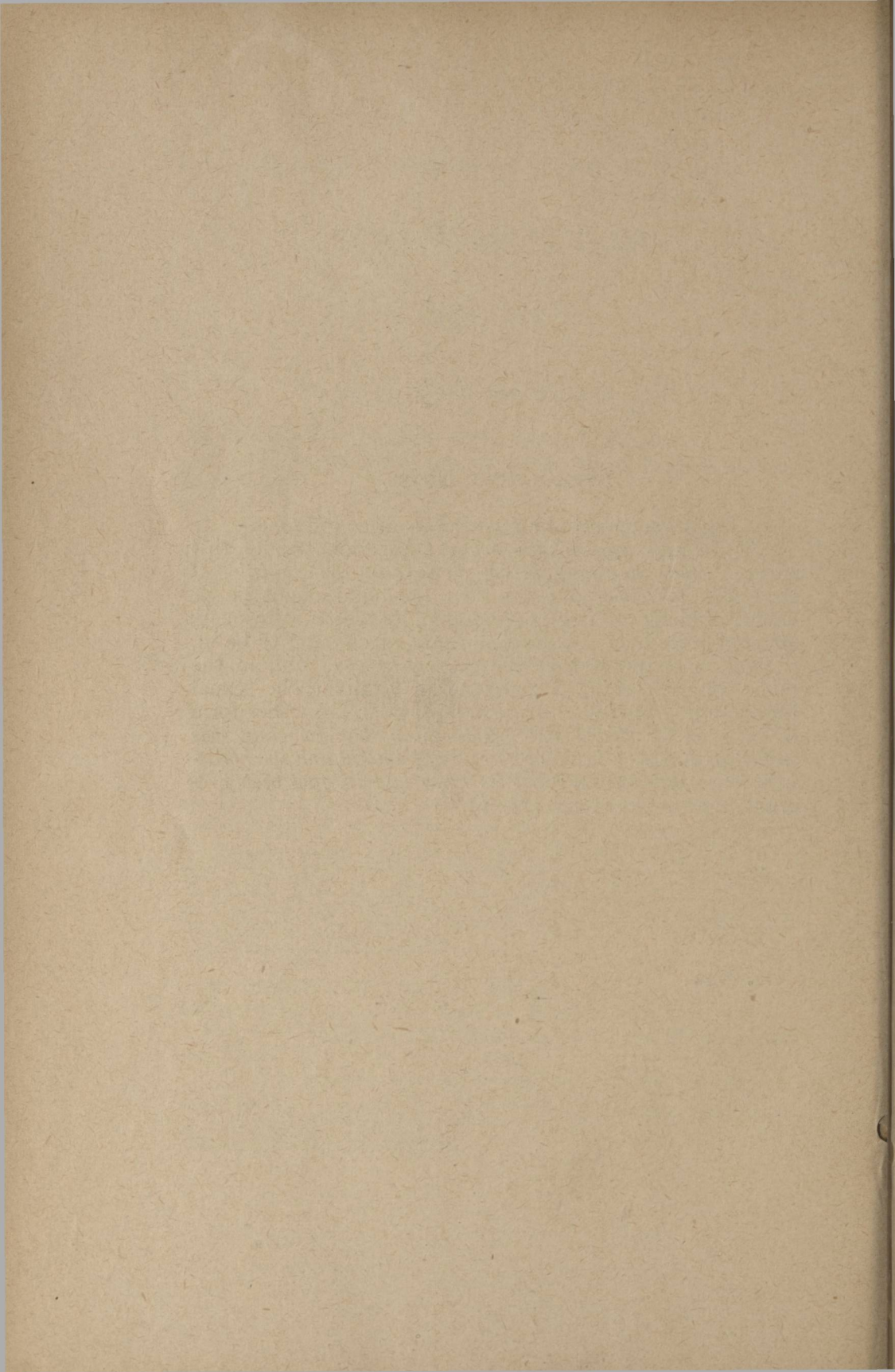
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EXPLANATORY NOTES.

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 N^o.

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

SENATE OF CANADA

BILL N^o2.

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:— 5

Declaratory.

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 10 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.

15

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 20 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 25 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 30 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. 5

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. 10 15

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,— 20

- (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; 25
- (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 30 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 35 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 under-
taking.

7. The Company shall have power to sell and dispose of 40 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 con- 45 sidering 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. 5

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; 15

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; 20

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; 25

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; 30 35

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. 40

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 45

- 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; 5
- Contractors. (h) as contractors for any other corporation, company or person, do anything as contractors which it might do for its own purposes; 10
- 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 15
- Offices. (j) establish offices for the transmission and reception of messages and may transmit messages for the public and charge tolls and rates therefor. 20

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. 25 30 35

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. 40

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.

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.

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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. 5

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. 10
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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. 25

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. 30
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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. 40
45

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,— 5

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 10

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. 15

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 20 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" 25 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. 30

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, 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, Adélaïde 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, 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 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 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 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

Certain
persons
incorporated.

Corporate
name and
powers.

Holding
real
property.
Value
limited.

Suing and
being sued.

Making
by-laws.

... of the ... from ...
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General powers.

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.

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 herein-before 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

1870
The following is a list of the names of the persons who were members of the
Board of Directors of the Bank of the City of New York, from the year 1870 to
the year 1871, inclusive.

1870
The following is a list of the names of the persons who were members of the
Board of Directors of the Bank of the City of New York, from the year 1870 to
the year 1871, inclusive.

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 immovable 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,

Proviso: as
to effect
of change
of name.

at Bytown, shall henceforth be called 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.

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

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:—

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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.

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Sixth Session, Seventeenth Parliament, 25-26 George V, 1935.

SENATE OF CANADA

BILL Q².

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

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 5
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 10
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 15
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 20
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 R².

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

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:—

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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.

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Sixth Session, Seventeenth Parliament, 25-26 George V, 1935

SENATE OF CANADA

BILL S².

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

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:— 5

1. Section sixteen of chapter fifty-five of the statutes of 1930 is hereby repealed and the following is substituted therefor:— 10

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.” 15

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.”

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.

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:—

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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.

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SENATE OF CANADA

BILL U².

An Act respecting The Hamilton Life Insurance
Company.

Read a first time, Wednesday, 19th June, 1935.

Honourable Senator LITTLE.

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:— 5

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. 10 15 20

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. 25

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.

EP

