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No. 99.

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

An Act to confer on the Commissioner of Patents certain powers for the relief of the Miami Cycle and Manufacturing Company.

First reading, March 19, 1900.

(PRIVATE BILL.)

MR. BRITTON.

OTTAWA

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Printer to the Queen's most Excellent Majesty
1900

An Act to confer on the Commissioner of Patents certain powers for the relief of the Miami Cycle and Manufacturing Company.

WHEREAS the Miami Cycle and Manufacturing Company, Preamble.
a corporation organized under the laws of the State of Ohio, one of the United States, with its principal office at Middletown, in the said State of Ohio, has by petition represented that Letters Patent under the Great Seal of Canada, dated the twenty-seventh day of May, one thousand, eight hundred and ninety-six, and numbered 52,418, were obtained in the name of Franklin P. Burnham and Jefferson D. Alsup, both of Middletown, for a new and useful improvement in bicycle crank hangers, having for its object the production of a crank hanger which allows the maximum distance between the bearing with the minimum of tread in any given machine; that the right to use the said invention, under the said patent for the Dominion of Canada, was assigned by the said patentees to the petitioners herein by assignment dated the twenty-fifth day of August, one thousand, eight hundred and ninety-seven, with the belief that the patentees had attended to everything and complied with every requirement necessary to keep the said patent in force in Canada for the term of six years from the date of the said letters patent; that, believing the said patent was unconditional and relying thereon, the petitioners commenced to import into Canada the bicycle hangers covered by the said letters patent, and continued to so import, without manufacturing in Canada, beyond the period mentioned in section 37 of *The Patent Act*; that in the month of December, one thousand, eight and ninety-eight, they were advised by their solicitor that the time for importing into Canada expired in the month of March, one thousand, eight hundred and ninety-nine, unless such time were extended, and that they instructed their solicitor to obtain such extension, which was done for one year only; that it was not till the month of February, one thousand, eight hundred and ninety-nine, that the applicants became aware of the effect of importation upon their patent; that immediately steps were taken to apply to the Parliament of Canada for the relief herein asked for, but that owing to the lateness in making application, the matter could not be completed in time for the Session of Parliament then being holden; that now is the earliest time after learning of the effect of importations after two years from the date of the said patent, at which the petitioners could petition for the relief asked for herein; and whereas the persons and company hereinbefore named have petitioned for an Act to legalize the importations into Canada heretofore made and to authorize the

Commissioner of Patents to receive the fees and extend the time for importing into Canada up to the twenty-seventh day of May, one thousand, nine hundred and one, and to grant and issue to the applicants the certificates of payment provided by *The Patent Act*, and extensions of the time for importations into Canada, in as ample a manner as if the extensions of time for importing into Canada, mentioned in section 37 of *The Patent Act*, were four years and not one year; and whereas it is expedient to grant the prayers of the said petitioners: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, declares and enacts as follows:—

Importations not to affect letters patent.

1. Notwithstanding anything to the contrary in *The Patent Act of 1872*, and the Act in amendment or revision thereof, or in *The Patent Act*, being chapter 61 of the Revised Statutes, or in any amendment thereto, or in the said letters patent, all importations of the bicycle crank hangers covered by patent number 52,418 heretofore made are hereby ratified and confirmed and declared not to cause or to have caused a forfeiture of the said patent; subject to the provisions of section 2 of this Act, the said patent is, notwithstanding any such importations, declared to be in as full force and effect, as if no importations had been made; the time for importing the said bicycle crank hangers is extended till the first day of May, one thousand, nine hundred and one; and the Commissioner of Patents is authorized to receive from the Miami Cycle and Manufacturing Company the applications and usual fees for extensions of time to import into Canada covering the period from the expiration of the last such certificates granted to the first day of May, one thousand nine hundred and one, and to grant and issue to the said company the certificates to import provided by *The Patent Act*, in as full and ample a manner as if the extensions of time for importing under the said Act did not expire until the first day of May, one thousand nine hundred and one.

Time for importation extended.

Commissioner of Patents may grant extension of time for importation.

Rights of third persons saved.

2. Any person who has, within the period between the twenty-seventh day of May, one thousand, eight hundred and ninety-eight, and the extension hereunder of the said letters patent, acquired by assignment, user, manufacture or otherwise, any interest or right with respect to the said patent, shall continue to enjoy such interest or right as if this Act had not been passed.