

*The Provincial Statutes of Lower-Canada, Being the fourth session of the eleventh Provincial Parliament of Lower-Canada.* Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1824.

4 George IV – Chapter 25

**An Act to promote the progress of useful Arts in this Province. (9th March, 1824.)**

Whereas it is expedient for the encouragement of Genius and of Arts in this Province, to secure an exclusive right to the Inventor of any new and useful Art, Machine, Manufacture or Composition of Matter;—Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North-America,' and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that when any subject of His Majesty, being an inhabitant of this Province, shall allege that he has invented any new and useful Art, Machine, Manufacture or Composition of Matter, not known or used before the application, and shall present a Petition to the Governor, Lieutenant-Governor or person administering the Government of the Province for the time being, signifying a desire of obtaining an exclusive property in the same, and praying, that a Patent may be granted therefor, it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, to cause Letters Patent of His Majesty to be made out, hearing test by the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, containing a summary of the said Petition, and giving a short description of the said invention or discovery, and therefore granting to Petitioner or Petitioners his, her or their heirs or assigns, or their legal Representatives, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using and vending to others to be used the said invention or discovery, which Letters Patent shall be delivered to His Majesty's Attorney, or in his absence, to His Majesty's Solicitor General in this Province, to be examined, who within fifteen days after such delivery, if he find the same conformable to this Act, shall certify accordingly at the foot thereof, and return the same to the Secretary of the Province, who or whose Deputy, or person appointed to do the duty of that office, shall present the Letters Patent thus certified to be signed by the Governor, Lieutenant-Governor or person administering the Government of the Province for the time being, to be signed, and shall cause the Great Seal of the Province to be thereto affixed, and the same shall be good and available to the Grantee or Grantees by force of this Act, and shall be recorded in a Book to be kept for that purpose in the office of the said Secretary of the Province, and delivered to the Patentee or his order.

II. Provided always, and be it further enacted by the authority aforesaid, that any person who shall have discovered an improvement in the principle of any Machine, or Composition of Matter, which shall have been Patented, and shall have obtained a Patent for such improvement, shall not be at liberty to make, use or vend the original discovery, but the improvement only, nor shall the first Inventor be at liberty to use the improvement. And it is hereby enacted and declared, that simply

changing the form or the proportion of any Machine or Composition in any degree shall not be deemed a discovery.

III. And be it further enacted by the authority aforesaid, that every Inventor, before he can receive a Patent shall swear, or being a Quaker, shall affirm, that he does verily believe that he is the true Inventor or Discoverer of the Art, Machine or Improvement for which he solicits a Patent, which oath or affirmation may be made before any Justice of the Peace, and shall deliver a written description of his invention or improvement, and of the manner or process of compounding the same in such full, clear and exact terms as to distinguish the same from all other things before known, and to make any person skilled in the Art or Science of which it is a branch, or with which it is most clearly connected, to make, compound and use the same; and in the case of any Machine, he shall fully explain the principle and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, or of the composition of matter, sufficient in quantity for the purpose of experiment; which description, signed by himself and attested by two witnesses, shall be filed in the office of the Secretary of the Province, and certified copies thereof shall be competent evidence in all Courts where any matter or thing touching Patent right shall come in question. Such Inventor shall moreover deliver a model of the Machine by him invented, provided the Secretary shall deem such model to be necessary.

IV. And be it further enacted by the authority aforesaid, that it shall be lawful for any Inventor, his heirs, or other lawful Representative, to assign the title and interest in the said invention, at anytime; and the Assignee, having recorded the said assignment in the office of the said Secretary of the Province, shall therefore, stand in the place and the responsibility, and so the Assignees of Assigns to any degree.

V. And be it further enacted by the authority aforesaid, that if any person shall make or manufacture for sale, any article or composition so invented, or shall make or manufacture or make use of any Instrument or Machinery so invented or specified, the exclusive right of which shall, as aforesaid, have been secured to any person by Patent, without the consent of the Patentee, his heirs and assigns, or other lawful Representatives, first obtained in writing, every person so offending, shall forfeit and pay to the Patentee, his heirs or assigns or lawful Representative, a sum that shall be at least equal to three times the price for which the Patentee, his heirs or Assigns or lawful Representative, has usually sold or licensed, or might have sold or licensed to other persons the use of the said Invention, which may be recovered in an action in any Court of competent jurisdiction.

VI. Provided always, and be it further enacted by the authority aforesaid, that if upon trial in any such action, it shall be made apparent, to the satisfaction of the Court, the Defendant having specially pleaded the same, that the specification filed by the Plaintiff does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made for the purpose of deceiving the Public, or that the thing thus secured by Patent was not originally discovered by the Patentee, but had been in use, or had been described in some public work anterior to the supposed discovery of the Patentee, or

that he had surreptitiously obtained a Patent for the discovery of another person, in either of which cases, judgement shall be rendered for the Defendant, with costs, and the Patent shall be declared void.

VII. And be it further enacted by the authority aforesaid, that in case of interfering applications, the same shall be submitted to the arbitration of three persons, one of whom shall be chosen by each of the applicants, and the third person shall be chosen by the said Secretary of the Province, or by his Deputy, or person appointed to do the duty of that office; and the decision or award of such arbitrators, delivered to the said Secretary in writing, and subscribed by them or any two of them, shall be final, as far as respects the granting of the Patent; and if either of the applicants shall refuse or fail to chose an arbitrator, the Patent shall issue to the opposite party; and when there shall be more than two interfering applications, and the parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the said Secretary of the Province, or his Deputy, or person appointed to do the duty of that office, to appoint three arbitrators for the purpose.

VIII. And be it further enacted by the authority aforesaid, that upon oath or affirmation being made before any Judge of the Court of King's Bench of the District where the Patentee, his heirs and Assigns, or other legal Representatives reside, that any Patent which shall be issued in pursuance of this Act, was obtained surreptitiously, or upon false suggestion and motion made to the said Court within three years after issuing the said Patent, but not afterwards; it shall and may be lawful for the Court aforesaid, if the matter alleged shall appear to be sufficient to grant a Rule, that the Patentee or his heirs, Assigns or other legal Representatives, show cause why Process should not issue to repeal such Patent, and if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said Court shall order Process to issue against such Patentee, his heirs, Assigns, or other legal Representatives, with cost of suit; and in case no sufficient cause shall be shown to the contrary, or if it shall appear that the Patentee, was not the true Inventor or Discoverer, judgement shall be rendered by such Court for the repeal of such Patent; and if the party at whose complaint the Process issues, shall have judgement given against him, he shall pay such costs to the Defendant as shall be taxed by the Court, which costs shall be recovered in the usual and customary manner.

IX. And be it further enacted by the authority aforesaid, that every Inventor as aforesaid, presenting a Petition signifying his desire to obtain a Patent pursuant to this Act, shall pay into the hands of the Secretary of the Province, or his Deputy, or person appointed to do the duty of that office, the fee of three pounds ten shillings, currency; which shall be in full of all fees due and payable by any such person petitioning for a Patent as aforesaid, with respect to such Patent, and for all services by whomsoever performed in relation thereto, whether by such Secretary or others. Provided always, that for every copy which may be required at the office of the said Secretary, of or respecting any such Patent that shall have been granted, the person obtaining such copy shall pay at the usual rate by Law authorised for copies in the said office; and for every copy of any drawing relating to such Patent, the party entitled to and obtaining the same, shall be liable to pay eleven shillings and eight-pence, currency, and no more.

X. And be it further enacted by the authority aforesaid, that this Act shall be and remain in force until the first day of May, one thousand eight hundred and twenty-eight, and no longer.