

the owner for grain of the better grade, shall be held to have committed a misdemeanor, and shall be subject to a fine not exceeding five hundred dollars, nor less than one hundred dollars, and to imprisonment for not more than one year, nor less than thirty days.

SEC. 3. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 6, 1871.

CHAPTER XXVI.

An Act to regulate the sale of patent rights, and prevent frauds in connection therewith.

March 6, 1871.

- SECTION 1. Authorizing the sale of patent rights through application to the Clerk of District Court—Clerk to give applicant certificate upon satisfactory proofs.
2. What to be taken as prima facie evidence in all courts of this State.
 3. Penalty for non-compliance with provisions of this act.
 4. Penalty for false swearing.
 5. Fees of Clerk of Court.
 6. When Clerk to file copy of letters patent—penalty for violation of provisions of this act.
 7. How suits to be brought.
 8. Definition of the words "patent right."
 9. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be unlawful for any person or persons to sell or barter, or offer to sell or barter in any county within this state, any patent right, or any right which such person shall allege or pretend to be a patent right, without first having filed with the clerk of the district court of such county, a true copy of the letters patent, duly authenticated under the seal of the proper officer, and at the same time subscribing and swearing or affirming to an affidavit before such clerk, that such

To make application of Clerk of the District Court—when certificate may be given.

letters patent are genuine, and have not been revoked or annulled, and that he has full authority to sell or barter in such county the right so patented; and said affidavit shall also set forth his name, age occupation and residence, and if an agent, the name, occupation and residence of his principal. Said affidavit shall be filed in the office of said clerk, who shall give to the applicant a certificate under his official seal, setting forth in detail the facts showing a full compliance by said applicant with the provisions of this act, and said applicant shall exhibit the same to any person on demand.

What to be deemed evidence.

SEC. 2. Any person who may take any promissory note or other obligation in writing, for which any patent right, or right claimed or pretended by him or her to be a patent right, shall form the whole or any part of the consideration, shall, before it shall be signed by the maker or makers, insert in the body of said note or other written instrument, above the place of signature of said maker or makers, in plain and legible writing, or print the words, "Given for a patent right," and in all cases where such words or equivalent words are written or printed upon the face of any note or other written instrument, the same shall be deemed and taken in all courts and places to be *prima facie* evidence that the consideration of said note or other instrument was the sale of a patent right or a pretended patent right, or of the right to make, use or vend the same, or the pretended right to make, use and vend the same; and the same defense may be interposed thereto if said note or instrument shall have been transferred that might have been interposed had the same remained in the hands of the person to whom the same was given or made payable.

Penalty for non-compliance.

SEC. 3. Any person who shall sell or barter, or offer to sell or barter within this state, any patent right, or pretended patent right, or shall take any promissory note or obligation in writing for a patent right, or for what he may call or pretend to be a patent right, without complying with all the requirements of this act, or shall refuse to exhibit the certificate mentioned in section one of this act, whenever demanded, shall be deemed guilty of a misdemeanor, and upon conviction thereof by any court of competent jurisdiction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the jail of the proper county not more than one year, or by such fine and imprisonment both, in the discretion of

the court, and shall also be liable to the party injured, in a civil action, for treble the amount of damages sustained.

SEC. 4. Whoever shall willfully swear or affirm falsely in regard to any of the matters or things required to be set forth in the affidavit mentioned in section one of this act, shall be deemed guilty of perjury. Penalty for false swearing.

SEC. 5. Clerks of the district court shall be entitled to the following fees for their services under this act: Fees of Clerk of Court. For receiving and filing copies of letters patent, one dollar; for administering oaths, twenty-five cents; for the certificate provided in section one of this act, one dollar; for all other certificates, fifty cents.

SEC. 6. No clerk of the district court shall receive or file in his office any copy of letters patent unless the same shall have been duly authenticated under the seal of the commissioner of patents, nor shall such clerk issue to any person the certificate mentioned in section one of this act, until such person shall have first fully complied with all the provisions of this act. And if any such clerk shall violate any of the provisions of this act, he shall be adjudged guilty of misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, and also be liable in damages to any party injured in a civil action. Clerk to file copies of letters patent—penalty for violation.

SEC. 7. All actions commenced before a justice of the peace, in the district court, or in a court of common pleas in this state, to recover any debt, demand or sum of money, upon any promissory note or other written instrument, when such note or instrument has written or printed upon it the words, "Given for a patent right," shall be brought in the county where the defendant resides at the time of the commencement of such action, and not elsewhere. How suits to be brought.

SEC. 8. The words "patent right" shall, for the purpose of this act, be construed to include any instrument, article or thing whatsoever having a part thereof, or attached thereto, or connected therewith any device, combination or mechanism whatever, upon which letters patent may have been granted and in force, or pretended or represented to have been granted and in force, or either, at the time of the making the note or other written instrument, upon which an action is or may be brought. Defines "patent right."

SEC. 9. This act shall take effect and be in force from and after the first day of June next. When act to take effect.

Approved March 6, 1871.