CHAPTER 33.

An Act for the Amendment of the Trade Marks Registration Act, 1875.

[24th July 1876.]

WHEREAS by the Trade Marks Registration Act, 1875, in this Act referred to as the principal Act, it is provided that from and after the first day of July one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act: 38 & 39 Vict. c. 91.

And whereas by reason of the number of trade marks, and especially by reason of the difficulties attending the registration of trade marks in relation to textile fabrics, it has been found impossible to complete the registration of existing trade marks within the time specified by the said section; and it is therefore expedient to prolong the time for the completion of such registration as aforesaid, and otherwise to amend the principal Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. There shall be repealed so much of section one of the principal Act as provides that from and after the first day of July one thousand eight hundred and seventy-six a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by that Act until and unless such trade mark is registered in pursuance of that Act, and in place thereof be it enacted that— Amendment of s. 1. of the principal Act.

From and after the first day of July one thousand eight hundred and seventy-seven, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused as herein-after is mentioned.

2. When an application by any person to register as a trade mark a device, mark, name, word, combination of words, or other matter or thing proposed for registration as a trade mark, which has been in use as a trade mark before the passing of the recited Act, has been refused, it shall be the duty of the registrar, on request, and on payment of the prescribed fee, to give to the applicant a certificate of such refusal, and a certificate so ranted shall be conclusive evidence of such refusal. Saving of marks and devices not capable of being registered under Act.

3. This Act may be cited for all purposes as the Trade Marks Registration Amendment Act, 1876. Short title.

CHAPTER 34.

An Act to amend the Law relating to Elver Fishing. [24th July 1876.]

WHEREAS by the fifteenth section of "The Salmon Fishery Act, 1873," it was enacted that "no person between the first day of January and the twenty-fourth "day of June, inclusive, shall hang, fix, or use in any salmon river any baskets, nets, "traps, or devices for catching eels or the fry of eels:"

And whereas it is expedient to amend the law relating to elver fishing:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act, so much of the fifteenth section of "The Salmon Fishery Act, 1873," as prohibits the taking of elvers or the fry of eels shall be and the same is hereby repealed. Repeal of part of 15th section of 36 & 37 Vict. c. 71.

Close period for elvers in the River Severn Fishery District.

2. With respect to the River Severn Fishery District the period between the first day of January and the last day of February, inclusive, and the period between the twenty-sixth day of April and the twenty-fourth day of June, inclusive, shall each be a close period for elvers or the fry of eels, and the following provisions shall apply:

(*a.*) Any person who, during either of the said close periods, shall take or use any instrument for taking in the River Severn Fishery District elvers or the fry of eels shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings.

(*b.*) Any person who, during either of the said close periods, shall sell or have in his possession for sale elvers or the fry of eels within the hundreds of Kiftsgate, Deerhurst, Dudstone and Kings Barton, Berkeley, Duchy of Lancaster, Westbury, Westminster, and Tewkesbury, in the county of Gloucester, shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings, unless he satisfies the court before whom he is charged that such elvers or the fry of eels were not taken within the Severn Fishery District.

For the purposes of this Act the River Severn Fishery District shall mean and include the River Severn Fishery District as defined by the certificate of one of Her Majesty's Principal Secretaries of State, dated 18th January 1866.

CHAPTER 35.

An Act for consolidating the Duties of Customs. [24th July 1876.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Instead of all other duties and drawbacks of Customs, those in table annexed to be paid and allowed.

1. In lieu and instead of all other duties of Customs and drawbacks there shall, on and after the passing of this Act, be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, upon goods imported into and exported from any part of Great Britain or Ireland, the several duties of Customs, and there shall be allowed the several drawbacks, as the same are respectively inserted, described, and set forth in the Table of Duties of Customs to this Act annexed, and in the Act next herein-after referred to; and notwithstanding that the several duties of Customs imposed upon tobacco by an Act of the twenty-sixth year of Her Majesty's reign, chapter seven, are included and repeated in the said table, all the enactments and provisions contained in the said recited Act, and now in force, shall remain in as full force as if the said duties had not been so included and repeated in the said table; and all other provisions contained in the Customs Acts, and in force at the time of the passing of this Act, shall, so far as the same are applicable, have full force and effect with respect to the said duties and drawbacks granted and allowed by this Act.

A distinctive mark to be placed on plate imported from foreign parts when assayed.

2. All gold and silver plate which shall be imported from foreign parts, and which shall be sent to any assay office in the United Kingdom at which gold and silver plate is now or shall at any time hereafter be by law required to be assayed, and which when so sent shall be then assayed, tested, stamped, and marked, shall, in addition to the marks for the time being used at such assay office for the purpose of marking British plate, be marked with the further mark of the letter F on an oval escutcheon, in order to denote that such gold or silver plate was imported from foreign parts, and was not wrought or made in England, Scotland, or Ireland; and the warders and officers in such and every such assay office, and the persons employed by them, shall have power to impress and mark, and shall impress and mark, such further and additional mark before such plate shall be delivered out from such assay office.

Foreign and British unsweetened spirits and rum

3. The Commissioners of Customs or Inland Revenue may permit and authorise any licensed rectifier of spirits, or any person who shall be duly licensed under an Act passed in the eighteenth and nineteenth years of Her Majesty's reign, chapter thirty-eight, to