

1937

The Statute of Monopolies

Ontario

Statutes published in Appendix A are Imperial Acts and Parts of Acts relating to Property and Civil Rights that were Consolidated in The Revised Statutes of Ontario, 1897, Volume III, pursuant to Chapter 13 of the Statutes of Ontario, 1902, that are not repealed by the Revised Statutes of Ontario, 1937 and are in force in Ontario subject thereto.

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R.S.O. 1897, Chapter 323.An Act concerning Monopolies, and Dispensation
with penal laws, etc.*(Commonly called "THE STATUTE OF MONOPOLIES.")***H**IS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

All mono-
polies and
grants, etc.,
thereof, or
of dispensa-
tions and
penalties
declared
void.

1. All monopolies, and all commissions, grants, licenses, charters and letters patents, heretofore made or granted, or hereafter to be made or granted, to any person whatsoever, of or for the sole buying, selling, making, working, or using, of any thing within Ontario, or of any other monopolies, or of power, liberty, or faculty, to dispense with any others or to give license or toleration to do, use or exercise anything against the tenor or purport of any law or statute, or to give, or make, any warrant for any such dispensation, license, or toleration, to be had or made, or to agree or compound with any others for any penalty or forfeitures limited by any statute, or of any grant or promise of the benefit, profit or commodity of any forfeiture, penalty or sum of money that is, or shall be, due by any statute, before judgment thereupon had, and all proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things whatsoever any way tending to the instituting, erecting, strengthening, furthering, or countenancing, of the same, or any of them, are altogether contrary to the laws of Ontario, and so are and shall be utterly void and of none effect, and in no wise to be put in use or execution. 21 Jac. I. c. 3, s. 1.

Validity of
all mono-
polies, and
of all such
grants, etc.,
shall be
tried by the
common law.

2. All monopolies and all such commissions, grants, licenses, charters, letters patents, proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things tending as aforesaid, and the force and validity of them and every of them ought to be, and shall be forever hereafter examined, heard, tried and determined, by and according to the common law, and not otherwise. 21 Jac. I. c. 3, s. 2.

All persons
disabled to
use such
grants, mon-
opolies, etc.

3. All persons whatsoever, shall stand and be disabled and incapable to have, use, exercise or put in use, any monopoly, or any such commission, grant, license, charters, letters patents,

proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, or any liberty, power or faculty, grounded, or pretended to be grounded, upon them, or any of them. 21 Jac. I. c. 3, s. 3.

4. If any person shall be hindered, grieved, disturbed, or disquieted, or his goods or chattels any way seized, attached, distrained, taken, carried away, or detained, by occasion or pretext of any monopoly, or of any such commission, grant, license, power, liberty, faculty, letters patents, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, and will sue to be relieved in or for any of the premises, then and in every such case, the same person shall have his remedy for the same by action to be grounded upon this statute, the same action to be heard and determined in the Supreme Court against him by whom he shall be so hindered, grieved, disturbed, or disquieted, or against him by whom his goods or chattels shall be so seized, attached, distrained, taken, carried away, or detained, wherein, all and every such person which shall be so hindered, grieved, disturbed or disquieted, or whose goods or chattels shall be so seized, attached, distrained, taken, or carried away, or detained, shall recover three times so much as the damages which he sustained by means or occasion of being so hindered, grieved, disturbed, or disquieted, or by means of having his goods or chattels seized, attached, distrained, taken, carried away, or detained, and in such suits, or for the staying or delaying thereof, no privilege, injunction or order of restraint, shall be in any wise prayed, granted, admitted, or allowed; and no person shall, after notice given that the action depending is grounded upon this statute, cause or procure any action grounded upon this statute to be stayed, or delayed, before judgment, by colour or means of any order, warrant, power or authority, save only of the court wherein such action as aforesaid shall be brought and depending, or after judgment had upon such action, shall cause or procure the execution of, or upon, any such judgment to be stayed or delayed by colour or means of any order, warrant, power or authority, save only by due process of law. 21 Jac. I., c. 3, s. 4.

Party aggrieved by any monopoly or grant, etc., shall recover treble damages by action in the Supreme Court with costs.

Action not to be unduly delayed.

5. Provided also, that any declaration before mentioned shall not extend to any letters patents, and grants of privilege, made, or hereafter to be made, of the sole working or making of any manner of new manufactures within Ontario, to the true and first inventor of such manufactures, which others at the time of making such letters patents and grants shall not use, so as also they be not contrary to the law, nor mischievous to the state, by raising prices of commodities at

Proviso for patents for new inventions.

home, or hurt of trade, or generally inconvenient; but the same shall be of such force as they should be if this Act had never been made, and of none other. 21 Jac. I., c. 3, s. 6.

Proviso for
existing
grants by
Act of
Parliament.

6. Provided also that this Act or anything therein contained shall not in any wise extend, or be prejudicial, to any grant, privilege, power, or authority whatsoever, heretofore made, granted, allowed, or confirmed, by any Act of Parliament now in force in Ontario, so long as the same shall so continue in force. 21 Jac. I. c. 3 s. 7.

Proviso for
warrants to
justices to
compound
penalties.

7. Provided also that this Act shall not extend to any warrant or Privy Seal made or directed, or to be made or directed by His Majesty, his heirs or successors, to the judges of the Supreme Court, justices of the peace, and other justices for the time being, having power to hear and determine offences done against any penal statute, to compound for the forfeitures of any penal statute depending in suit and question before them, or any of them, respectively, after plea pleaded by the party defendant. 21 Jac. I. c. 3, s. 8.
