

memorable Edict of 1776. Unhappily it was soon recalled, and industry, relapsing into the bondage of the old privileges, languished until the eventful year 1791. In that year the *principle* by virtue of which the property was created in the products of his intellectual skill was first recognized in France.<sup>9</sup> The National Assembly declared "privileged guilds and exclusive corporations for professions, arts and trade no longer to exist."

The various decrees and regulations arising out of the administration of this Law of 7th January, 1791, constituted, down to the year 1844, the legislation applicable to French Patents. They consisted of:—

(1) The Law of May 25, 1791, regulating the form of the Patent and the proceedings connected with its issue.

(2) The Law of September 20, 1792, by which schemes of finance were excepted from the legitimate subject-matter of Patents.

(3) The Decree of 17 Vendemaire, year 7 of the Republic, ordering the publication of the Specifications of expired Patents, and the deposit of the documents themselves, on the expiration of the term, in the Conservatoire Royal des Arts et Metiers.

(4) The Decree of 5 Vendemaire, year 9, by which

<sup>9</sup> The preamble of this law was as follows:—

"The National Assembly, considering that every new idea, the promulgation and development of which may be of use to society, belongs to the person who has conceived it, and that not to regard an industrial discovery as the property of its author would be to attack the rights of man in their essence: considering, also, how much the want of a positive and authentic declaration of this truth may have contributed until now to discourage French industry, by causing the emigration of many distinguished *artistes*, and in causing a great number of new inventions, of which this empire should have derived the first advantages, to pass over into foreign countries: considering, in fine, that every principle of justice, public order and national interest imperatively require it to mark for the future the opinion of French citizens with respect to this species of property by a law which consecrates and protects it, decrees," &c.

France.

(1) certificates of petitions for Patents were ordered to be signed by the Minister of the Interior, Patents to be issued every three months by the First Consul, and published in the *Bulletin des Lois*; and (2) a clause was directed to be inserted that the government in granting the Patent guaranteed neither the priority, merit nor success of the invention.

(5) The Decree of November 25th, 1806, repealed the provision of the Law of May 25th, 1791, which forbade the working of the Patent by Joint Stock Companies, and directed inventors desirous of adopting this mode of working their Patent to apply for the sanction of the government.

(6) The Decree of January 25th, 1807, by which Patents were to date from the delivery of the certificate, and which made the privilege between rival Patentees dependent on the deposit of their Specifications, &c.

(7) The Decree of August 13th, 1810 (not inserted in the *Bulletin des Lois*), by which Patents of importation were placed on the same footing with those of invention or improvement.

The necessity at length felt for a modern legislation in harmony with the requirements of the times, which should embody the results of the experience acquired in the development of the original Law of 1790, resulted in the enactment of the Law of July 5th, 1844, which at present forms the main portion of French legislation with regard to Patents.

The subsequent Law on the subject is contained in Ordonnances Ministerielles of the respective dates of July 5th, 1848, and October 26th, 1848; the former prescribing the formalities attendant on assignment of Patent interests, the latter extending the Law of 1844 to all French colonies.

Property.

The property conferred by the Patent is thus defined by Article 1 of the Law of 1844:—"Every new dis-

covery or invention, in any branch whatever of industrial France. pursuits, confers on its author, under the conditions and for the term hereinafter named, the exclusive right of practising for profit the said invention or discovery."

"The Patent right extends over both the utensils and the article manufactured, in cases where the use of the utensil patented is intimately and indissolubly incorporated with the manufacture, so as to change its form, its character or its intrinsic value."<sup>r</sup>

"The author of a principal invention preserves throughout the entire term of his Patent the right of preventing persons, unless licensed by him, from adopting modifications and improvements which necessarily involve the application and use of his own invention, and from producing the same results by means and processes, the working of which he is exclusively entitled to."<sup>s</sup>

A Patentee may transfer the whole or any part of his interest under the Letters-patent, or grant licences for any department, or the whole of France. Such transfer can be effected only by means of a public deed, and after payment of the entire tax prescribed by Art. 4. To be valid it must be registered<sup>t</sup> at the Office of the Secretary of the Prefecture in which the deed is executed. For the purpose of such registration an authenticated abstract of the deed must be produced. Copies of the deed are within six days forwarded to the Minister of Agriculture and Commerce.<sup>u</sup> Notice of the transfer or licences must be inserted in the margin of the original Patent.<sup>x</sup>

<sup>r</sup> Decree of the Imperial Court of Amiens, July 15th, 1853.

<sup>s</sup> Extract from the Judgment of the Civil Court on Appeal from the Court of First Instance, in the case of Elkington's and De Ruolz' Patents (electro-gilding, &c.), February, 1852.

<sup>t</sup> The fee for Registration of such transfer is one per cent. on the consideration money.

<sup>u</sup> Law of 1844, Art. 20. These provisions are only a re-enactment of those of the Law of May 25, 1791.

<sup>x</sup> Circulaire Ministerielle, 1848.

France.

Proceedings to  
obtain a  
Patent.

Specification,  
drawings, &c.

No preliminary inquiry is instituted into the novelty or utility of the Patent, the Government expressly disavowing any intention of guaranteeing the right of the Patentee in either respect.<sup>1</sup>

According to the terms of Art. 5 of the Law of 1844, every application must be accompanied with a duplicate of the Specification and drawings. This duplicate is verified by comparison with the original, and is annexed to the Ministerial Decree, which constitutes the Patent. The original is deposited at the Office of the Minister of Trade, there to lie open for inspection, and to be published either entire or in abstract, after the payment of the second annuity.<sup>2</sup> The responsibility as to the correctness of the copies rests with the applicant. Samples of the patented article cannot be sent with the Specification as a substitute for drawings.<sup>a</sup> Copies of the Specifications, when published, are sent to all Chambers of Commerce and public Libraries.<sup>b</sup> By the old Law (1791) publication was reserved till the expiration of the Patent. Indexes of all Patents granted since 1844 are in preparation. Specifications, models and drawings lie open to public inspection at the *Conservatoire des Arts et Metiers*, after a period of two years from the date of the grant. A French Patent must be worked within two years.<sup>c</sup>

Patents of im-  
provement and  
addition.

By Art. 18 no other person than the Patentee or his assign can, during a year from the date of the grant, take out a Patent of improvement or addition. Any one may, nevertheless, in the course of such year, apply for

<sup>1</sup> The number of Patents issued in France during the year 1847 was 2,132; in 1848, 852, and in 1849, 1,484. (1851) Evid. 1022.

<sup>2</sup> The inconvenience arising at this period from the necessary withdrawal of the instrument, either for the purpose of its being transcribed or transmitted to the printer, has induced the Commission to recommend the forwarding of three copies at the period of application. Report of the Commission of 1849, Answer to Question 1.

<sup>a</sup> Ibid. to Question 3.

<sup>b</sup> (1851) Evid 2181, 2519.

<sup>c</sup> Urling, 262.

such Patent—the application remaining sealed at the Office of the Minister of Agriculture and Trade. On the expiration of the year the seal is broken, and the grant made. In case of conflicting applications preference is to be given to the original Patentee. The payment for a Patent of improvement by the original Patentee is fixed at 20 francs. Against the policy of this Regulation the Commission of 1849 expressed themselves very strongly, as calculated, if not to paralyze, very materially to discourage all applications. They proposed the reduction of the term to six months,<sup>c</sup> during which the original Specification was to remain under seal, unless made public by the desire of the Patentee; such publication to confer upon any party an equal right to a Patent of improvement with the Patentee himself. A suggestion was at the same time made that the *Comité Consultatif des Arts et Manufactures* should, on the removal of the seals, decide as to the proper connection of the additional matter with that forming the subject of the original Patent. If the matter be then deemed more proper for an original Patent, application for such Patent to date from the period of application for the Patent of addition or improvement.<sup>d</sup>

<sup>c</sup> Answer of the Commission to Question 4.

<sup>d</sup> The tribunals to which Patent causes should be referred occupied a considerable share of the attention of the Commission of 1849. The questions proposed for their consideration were: 1. Whether a central jury or departmental juries were the proper arbiters in questions of infringement and disputes arising out of Patents. 2. What should be the composition of such juries? Should their decision be without appeal, or subject to the reversal of the *Cour de Cassation*?

The following lively picture of the state of Patent Law in France, given by the Minister of Agriculture and Commerce, is cited in their Report:—“Le brevet d'invention a une valeur absolue qui s'étend à toutes les parties du territoire: toute annulation, toute extinction locale des droits qui en dérivent, répugne à sa nature. Or les tribunaux et les cours d'appel étant souverains appréciateurs des faits de leur compétence, leurs décisions se heurtent souvent et consacrent les anomalies les plus choquantes. Tel brevet déclaré valable dans un res-

France.  
Infringement.

If the Patent right be invaded the Patentee may institute proceedings before the *Juge correctionnel*.<sup>e</sup> Such action must be commenced within three years of the commission of the act complained of. Mere possession of the counterfeit does not constitute infringement, unless the possessor be the manufacturer or salesman of the article. The counterfeit may be seized by the Patentee, without prejudice to any question between such possessor and the person by whom the counterfeit was supplied. In case, however, of the possessor being declared guilty of infringement, his remedy against the party manufacturing the article is gone. Importation of counterfeits for sale is infringement.<sup>f</sup>

It is competent for the person accused to adduce evidence impugning the novelty of the invention, or establishing a breach of the conditions of the Patent. He cannot, however, plead ignorance of the Patent; their publication in the *Bulletin des Lois* being notice of them.<sup>g</sup> An acquittal on these grounds operates only to relieve the accused; it does not necessarily avoid the Patent. Proceedings for that purpose are ordinarily instituted in

sort judiciaire est frappé de nullité dans le ressort voisin: tel acte est qualifié de contrefaçon à Paris et ailleurs, ce même acte échappe à toute répression. D'un autre côté l'application des cas de déchéance et de nullité soulève à chaque instant des problèmes délicats, dont la solution ne peut-être demandée qu'aux hommes nourris d'études scientifiques ou familiarisés avec la théorie et la pratique des arts industriels: aussi les magistrats, étrangers d'habitude à ces divers ordres de connaissances, sont-ils obligés de recourir à des experts pour la décision du plus grand nombre de litiges: de là des lenteurs et des frais excessifs."

<sup>e</sup> Law of the 23rd May, 1838.

<sup>f</sup> Law of July 5th, 1844, tit. 5, Art. 41.

<sup>g</sup> Report of the Committee of 1849, Answer to Question 6. The tribunals of Police Correctionnelle have, however, under the Law of 1844, the power of giving a judgment in such proceedings which nullifies the Patent as effectually as would be done by the process of a Civil Court.

the Civil Courts.<sup>h</sup> Any person is competent to institute a suit for repeal. If such suit proceed upon the ground that the subject matter was known before the grant, the description of it must be shown to have been contained in works printed and published. Success on the part of the Patentee in previous actions of infringement is no bar to a suit instituted for the repeal of the Patent. France.

The penalty for infringement, in addition to the damages awarded to the Patentee, and confiscation, for his benefit, of counterfeits and apparatus, consists in a fine, which is always one-quarter of the amount of the damages for the first offence. On a second conviction, within five years, the ratio of the fine is doubled, and an imprisonment added of from one to six months. If the Plaintiff fail in his action he is ordered to pay damages to the Defendant, together with a fine of a quarter of the amount of such damages.

Every discovery or new invention of any kind, every means of improving a manufacture, and every first importation into France of a new invention, are subjects of a Patent. Several applications of the same principle to manufactures are patentable under one grant. Medicines are excepted from the patentable articles. On the question of novelty the French legislation is different from ours, requiring not only that the subject matter shall have been unknown in France, but that the manufacture shall not have been used or described in any other country; the description in such latter case being sufficiently definite to enable a workman to make use of the process. In this respect a change has taken place since the passing of the Law of 1844. Before that time the Courts of Law, which are in general hostile to the rights of inventors, took advantage of any vague description, or even similarity of description, in any foreign work to Subject matter.

<sup>h</sup> Dictionnaire de Legislation Usuelle (1850), Art. *Brevet d'Invention*.

France.

avoid a Patent. Previous to 1844 there existed *Brevets d'importation*. These were for inventions already patented in foreign countries, and were granted to any person who chose to demand them. Since 1844, however, no one can obtain a Patent in France for an invention previously patented in another country, except he be the original Patentee or his assign. The Patent in France expires with the foreign Patent.<sup>k</sup> The right, however, does not extend to the case of a foreign Patent where a complete Specification of the invention is published,<sup>l</sup> nor to the cases in which the invention has been described in works published either in France or the country in which the original Patent was obtained.<sup>m</sup>

Patentee.

The Law of France, with respect to the grantee of a Patent, is on a somewhat similar footing with our own, although a liberal tone was imparted to it at an earlier period. Aliens may obtain Patents by observing the formalities and conditions prescribed for French subjects;<sup>n</sup> and the holder of a foreign Patent may obtain one for the same matter in France, limited, however, to expire with the foreign grant.<sup>o</sup> The restriction as to working the Patent by means of shares, imposed by the Law of 1791, was repealed by that of November 25th, 1806, which directed the Patentee to apply in such cases for the sanction of the government. A Patentee does not in France prejudice his title by subsequently taking out a Patent in another state. In the case of rival applicants priority is decisively determined, save in the case of fraud, by the deposit of the required articles.

<sup>k</sup> As to the interpretation of the words "new application of known means" (Art. 2 of the Law of July 5, 1844), see a very careful opinion of M. Delorme, Advocate of the Court of Appeal in Paris, communicated to the editors of the *Génie Industriel*, vol. 4, p. 153.

<sup>l</sup> (1851) Evid. 2499.

<sup>m</sup> C. Cass. 9 Jan. 1828, s. 28, 1, 94.

<sup>n</sup> Law of July 5th, 1844, Art. 27.

<sup>o</sup> Ibid. Art. 29. (1851) Evid. 2493.



The Patent is granted, in ordinary cases, for terms of five, ten or fifteen years, according as the demand is made on application.<sup>p</sup> The dues annually payable during the continuance of the term are a sum of 100 francs.<sup>q</sup> Patents of addition, taken out by the original Patentee, pay a duty of 24 francs.

France.  
Duration.

The following provisions, somewhat similar to those enacted with reference to the Great Exhibition of All Nations in 1851, have been issued by an Imperial Decree for the regulation of the Exhibition of Industry at Paris, of 1855.

Art. 53. Any exhibitor, inventor or legal proprietor of a process, machine or design in a manufacture admitted to the Exhibition, and not yet deposited or patented, may on application, until within one month from the opening

<sup>p</sup> Law of July 5th, 1844, tit. 1, Art. 1. The term is reckoned only from the date of the certificate issued by the Minister of the Interior, although the applicant for a Patent does not endanger his privilege by public manufacture and sale in the interval between his application and the issue of such certificate.

<sup>q</sup> Although the payment is annual, so long as the Patent is the property of the Patentee, yet, before the assignment of the Patent can be legally made, the dues for the whole term must be paid. The Commission of 1849 suggested a reform of these dues on the following scale:—

For the 1st	2nd	and	3rd	years . . .	25 francs a year.
„	4th	5th	and	6th	„ . . . 50 „
„	7th	8th	and	9th	„ . . . 100 „
For each successive year	. . . . .				200 „

So that the entire dues for a Patent of five years would be 175 francs; for ten, 725, and for fifteen, 1,725 francs. The recommendation was based on the observed fact, that one-tenth only of the Patents survived to the extent of the term originally assigned them. (Rep., Answer to Question 5.) On a return recently made, it was found, that of 360 Patents from October 9th, 1844, to the end of 1845, on 170 only had the second annual dues been paid. In the third year, the number fell to seventy-one, and decreased subsequently, until, in the ninth year, not above ten were in existence. An allowance of about half-a-dozen was made on this computation for those who had, on commencing, paid the dues for the whole term.

France.

of the Exhibition, obtain from the Imperial Commission a Certificate descriptive of the article deposited.

Art. 54. This Certificate shall assure to the Petitioner the property in the object described, and the exclusive privilege of working it within the space of one year from the 1st May, 1855, without prejudice to the Patent, which the exhibitor may take in the ordinary mode before the expiration of that term.

Art. 55. All applications for Certificates must be accompanied by exact descriptions of the articles to be protected, and, if necessary, by plans or drawings.

Art. 56. These applications, and also the decisions which shall have been given, shall be inscribed upon the Register kept for that purpose, and shall be afterwards deposited at the Ministry of Agriculture, Commerce and Public Works (Office of Industry), to serve as proof during the time of the validity of the Certificate.

Art. 57. The delivery of this Certificate shall be gratuitous.

#### HOLLAND.<sup>r</sup>

Holland.  
Legislation.

Until the enactment by the latter State of the Law of 1854, Patents in the kingdoms of Holland and Belgium rested on the same Law,—that of January 25th, 1817, and the Royal Decree of March 26, in the same year, regulating its execution. In the case of Belgium some alterations were introduced by a Royal Decree, dated September 25th, 1840, ordering the republication of the Decree of March, 1817, with amendments.

With the exception of the principle on which the dues were payable in Belgium, the payment was at intervals. In Holland the whole amount of the tax was required at the time of application.

Dutch.

Patents are signed by the King. Application, with Specification under seal, is made through the Secretary to the governor of the province in which the applicant resides. This is forwarded by the governor to the Com-

<sup>r</sup> Loosey, 221; Urling, 24, App. B. 258.

missary-General of Instruction, Arts and Sciences. On Holland.  
the report of the Commissary-General, the King may  
refer the case to the Royal Institute of the Netherlands.<sup>8</sup>  
No guarantee is implied by the government grant.

The Specifications are published on the expiration or  
nullification of the Patent,<sup>1</sup> unless the government think  
fit to defer the publication.

The Patent must be worked within two years from  
the grant, unless for reasons to be approved by the go-  
vernment.<sup>11</sup>

The invention must not have been described in any Subject  
printed work.<sup>8</sup> The subject matter of a foreign Patent matter.  
may be patented in Holland, but in such case the Dutch  
Patent expires with the foreign Patent. All articles  
manufactured according to the Specification must be  
manufactured in the kingdom of Holland.<sup>9</sup> Certain  
classes of subjects are arbitrarily excepted in this country  
from receiving the protection of Patents; such, for in-  
stance, as Patents involving chemical processes for the  
manufacture of sugar.<sup>2</sup>

A Patentee cannot, after obtaining a Patent in Hol- Patentee.  
land, solicit one in a foreign country without endangering  
his Dutch Patent.<sup>3</sup> On demanding Patents of addi-  
tional improvement, the whole tax payable with the  
former Patent must be paid, but the greater part of this  
is returned in the shape of a reward for the ingenuity  
displayed in the improved invention.

The Specification must clearly indicate the claims Specification.  
made by the inventor.<sup>4</sup> If the Patent be one of impor-

<sup>8</sup> Reg. 1817, Art. 5.

<sup>1</sup> Ibid. Art. 7.

<sup>11</sup> Ibid. Art. 8 (c).

<sup>8</sup> Ibid. Jan. 25, Art. 8 (b).

<sup>9</sup> Ibid. Jan. 25, Art. 5.

<sup>2</sup> Mr. Urling, in his treatises, makes a similar statement with regard  
to railway inventions in Belgium, the railroads being in the hands of  
Government. The restriction, it will be seen by the list of Patents  
published, has, however, in that kingdom been removed.

<sup>3</sup> Reg. 25 Jan. 1817, Art. 8 (d).

<sup>4</sup> Reg. 1817, Art. 6.

Holland.

tation, the Specification must state the date, title and term of the foreign Patent.

Duration.

The term is five, ten or fifteen years, at the option of the petitioner, the duty payable being 150, 300 and 600 florins respectively.<sup>b</sup>

DUTCH WEST INDIES.<sup>c</sup>

Dutch West Indies.

In the Dutch West Indies a Patent is avoided by (1) a defective Specification; (2) prior user of the invention; (3) neglect to work the Patent within two years from the date of the grant, unless for reasons approved of by the government; (4) the taking out by the Patentee of a Patent for the same matter in a foreign State; (5) neglect to establish within two years from the date of the grant a factory sufficient to supply the invention at reasonable cost; (6) the subject-matter being dangerous to the security or safety of the government or the inhabitants of the colony.

Leave of the Governor-General is necessary to a transfer of the interest under the Patent, to whom also notice of the devolution of the same by succession must be given. Entries of such acquired interests are made in a Register. Failure of compliance with the regulation in this behalf renders the Patent void. The fee on such transfer is 20 florins (1*l.* 15*s.*)

The term of the privilege is varied by the importance of the invention, the dues being for five years 150 florins (13*l.*); for ten years 300 florins (26*l.*), or 400 florins (34*l.* 10*s.*); for fifteen years 600 florins (52*l.*), or 700 florins (60*l.*), according to the importance of the invention.<sup>d</sup>

<sup>b</sup> Urling, 258; Reg. 27 Jan. 1817, Art. 14.

<sup>c</sup> Regulations dated Paramaribo, 4 July, 1844, Art. 20; Urling, 28, App. C. 260.

<sup>d</sup> Art. 9.

ITALY.  
*Sardinia.*<sup>e</sup>

The existing Laws on Patents in the kingdom of Sardinia are those contained in the Patents of February 28th, 1826, January 2nd, 1829, and March 31st, 1832, the provisions of which are framed in a spirit of great liberality.

ITALY.  
Sardinia.  
Legislation.

To obtain the grant, a petition, with Specification, &c., is presented through the Secretary of State for the Interior.<sup>f</sup> The Specification, drawings and models are, upon the grant of the Patent, deposited in the Academy of Science at Turin.<sup>g</sup> Where the Patent extends over the whole State the grant must be registered in all Councils and all Tribunals of Commerce. But Patents applying only to the capital or to certain districts need only be registered in the Consulate of Turin or the District Tribunal of Commerce. If the grant be not published within six months from its date, the Patent becomes void.<sup>h</sup> A list of the Patents granted, with their subject matter and term, is published by the Academy of Science.<sup>i</sup> The period within which the Patent must be worked is prescribed specially in each case,<sup>k</sup> and every year proof must be given to the Council of Turin or the Chamber of Commerce of the district in which the Patentee resides that it is in such operation.

The term is fixed at the discretion of the government. Six, eight and ten years are those ordinarily granted.<sup>l</sup>

Duration.

<sup>e</sup> Loosey, 389.

<sup>f</sup> Patent of Feb. 28, 1826, Art. 3.

<sup>g</sup> Ibid. Art. 4.

<sup>h</sup> Patent of Jan. 2, 1829, Art. 1.

<sup>i</sup> Patent of Feb. 28, 1826, Art. 15.

<sup>k</sup> Ibid. 1826, Art. 6.

<sup>l</sup> Ibid. 1826, Art. 2.

*Modena.<sup>m</sup>*

Modena. The Laws in force in this State are those passed July 1st, 1848, with reference to inventions patented in the Sardinian States.

*Tuscany.*

Tuscany. The same remarks apply to this State, the only regulations there existing being those contained in the Royal Decree of October 31st, 1840, giving effect to the proposals made by their Majesties the Emperor of Austria and the King of Sardinia, in Article 27 of the treaty concluded between them for the securing of the rights of authors of literary and artistic works in their respective States.

*Parma, Piacenza and Guastalla.*

Parma, Piacenza and Guastalla. The grant in these States is still governed by the French Laws of 7th January and 25th May, 1791, and a Decree of 27th September, 1800 (5 Vendem. An. IX.), and a Sovereign Ducal Decree dated 21st August, 1833.

*Rome, States of the Church.<sup>n</sup>*

Rome, States of the Church. The Law consists of a Patent issued from the Apostolic Chamber, September 3rd, 1833.

Aliens may become Patentees. Patents of imported subject matter expire with the foreign Patent if there be one, or is limited to five years if there be not. The terms for those of invention are five, ten and fifteen years, with possibility of extension. Opposition to avoid the grant must be made within six months from its date. The Patent must be worked within a year, and never suspended for an entire year.

<sup>m</sup> Loosey, 219.

<sup>n</sup> Loosey, 353; Urling, 169, App. M. 271.

*Lucca.*<sup>o</sup>

Patents in this State are regulated by Laws of the Lucca. date of 5th May, 1807, and 31st August, 1819.

KINGDOM OF THE TWO SICILIES.<sup>p</sup>

Patents in the kingdom of the Two Sicilies are regulated by Decrees of the dates of March 2nd, 1810, and March 18th, 1844.

Kingdom of the Two Sicilies. Legislation.

## NOVA SCOTIA.

Patents in Nova Scotia are granted under a recent Act of the General Assembly of the province of Nova Scotia. The Letters-patent issue at the direction of the Governor, and are recorded by the Provincial Secretary in a book kept for that purpose.<sup>q</sup> Copies of the Letters-Patent are obtainable at the rate of six-pence per folio, and drawings at a reasonable rate.<sup>r</sup> The interest is assignable. The assignment (which must be recorded in the Office of the Secretary) carries with it the liabilities as well as the rights of the Patentee. Copies of Specifications, certified by the provincial Secretary, are admissible evidence within the Courts of the province.

Nova Scotia. Source of the grant.

“Any new and useful art, machine, manufacture or composition of matter, or any new or useful improvement thereon previously unknown.”<sup>s</sup> Simple change of form or proportions of any machine or composition of matter is not deemed a discovery.<sup>t</sup>

Subject matter.

The only limitation with respect to the Patentee is, that he shall have resided in the province for twelve months prior to the date of his application.<sup>u</sup> No distinction is made with respect to the tax between British subjects and others, the fee being 20s. for all parties, payable at the Office of the Secretary, on application.<sup>x</sup>

Patentee.

<sup>o</sup> Loosey, 201.

<sup>p</sup> Loosey, 427.

<sup>q</sup> Sect. 1.

<sup>r</sup> Sect. 5.

<sup>s</sup> Sect. 1.

<sup>t</sup> Sect. 3.

<sup>u</sup> (1851) Evid. 2388.

<sup>x</sup> Sect. 4.

**Nova Scotia.** The applicant is required to make oath that he believes himself to be true inventor, and that his invention is new within the province.<sup>y</sup>

**Specification.** Before the grant the applicant is required to deliver a full description of his invention, and the manner of using or the process of compounding the same; and in the case of a machine to deliver a model and explain the principles by which it may be distinguished from other machines; similarly in other cases to deliver drawings or specimens of ingredients sufficient for the purposes of experiment. The whole is to be deposited and kept in the Secretary's Office. The Governor may dispense with the delivery of a model.

**Term.** The term is not to exceed fourteen years.<sup>z</sup>

#### PORTUGAL.<sup>a</sup>

**Portugal.  
Legislation.** The Laws relating to Patent privileges in Portugal are those of 16th of January, 1837, and the clauses 367—385 inclusive of the penal Law.

The government reserves to itself the right to purchase the Patent.<sup>b</sup> It guarantees neither the novelty, priority or merit of the invention.<sup>c</sup>

The Patent is transferable in the same manner as other property.<sup>d</sup> A register of all Patents is kept at the Office of the Secretary of State for the Home Department.

The Patent must be worked within half the term assigned to the Patent.<sup>e</sup> If the Patent involve a chemical process, a bond of 1,000,000 R. (250*l.*) is given by the Patentee, conditioned to become void on his publicly

<sup>y</sup> Sect. 6.

<sup>z</sup> Sect. 1.

<sup>a</sup> Loosey, 321; Urling, 193, App. O. 273.

<sup>b</sup> Law of Jan. 16, 1837, Art. 5.

<sup>c</sup> Ibid. Art. 7.

<sup>d</sup> Ibid. Art. 4.

<sup>e</sup> Ibid. Art. 22.



exhibiting his invention on the expiration of his Patent.<sup>f</sup> Portugal.  
 During the term of the privilege the inventor is required twice in every month publicly to manufacture the subject matter of his Patent.

Each Patent is limited to one substantive invention.<sup>g</sup> Subject matter.  
 Foreign user, prior to the Patent, does not invalidate the grant.<sup>h</sup> If the subject matter be previously patented abroad, the Portuguese Patent expires with the foreign Patent.

No limitation is imposed as to the person of the Patentee.  
 A kind of caveat, which ensures a priority of claim, may be deposited with a description. It has this advantage,—that it avoids the necessity of putting the invention of which such priority is claimed into such speedy execution as would be insisted on in the case of a Patent.

The term is for any period less than fifteen years at the option of the Patentee. The duty payable is under 1*l.* per annum. Prolongations are not allowed. Duration.

### RUSSIA.

The Laws of Russia on the subject of Patents are those of the respective dates of 22nd November, 1833, and 23rd October, 1840, forming a part of Vol. IV., Bk. 1, pt. 3, § 3, of the Imperial Code.<sup>i</sup> From the form of government in this State the precise terms of the Law are naturally not so sure an index of the conditions under which inventors' privileges exist as in other States. Great activity is displayed by the government in the improvement of their manufactures, and of late years an agent has been constantly travelling in this country and on the Con- Russia. Legislation.

<sup>f</sup> Law of Jan. 16, 1837, Art. 19.

<sup>g</sup> Decree of 1826, Art. 16.

<sup>h</sup> Penal Code, 2 Dec., cap. 2, Art. 369.

<sup>i</sup> Previous to the revision of the Law in 1833, Patents were regulated by imperial ukases, dated June 17, 1812, and May 16, 1829, respectively. Urling, 266.

Russia.

continent for the purpose of reporting the progress made in manufactures, with a view to the introduction of the improvements into Russia.<sup>k</sup>

Nature of property.

By the Laws referred to every discovery, invention or improvement in art or trade is declared to be the property of the person with whom it originates, although a *legal right* to such property is only to be obtained by means of an exclusive privilege.<sup>l</sup> In granting such privilege the government guarantees neither the success nor the merit of the invention, nor that it was the invention of the party applying, the grant being proof only of the nature of the invention, the name of the Patentee and the term of the Patent.<sup>m</sup> The title thus acquired by the Patentee is defeasible on proof by any person that the invention was not the property of the Patentee, or that it had been put in practice before the date of the grant. The right is transferable.<sup>n</sup>

Practice of obtaining.

Applications for Patents are made to the Department of Manufactures and Commerce of the Interior. They must contain (1) a special petition, mentioning the term desired for the Patent and indicating the advantages of the discovery; (2) an exact and complete Specification, with, if necessary, drawings and models, such as to enable competent persons to exercise the discovery without having to resort to experiments; (3) the petitioner must annex to his petition a receipt for the duty payable for the Patent. A certificate signed by the Director of the Department, and sealed with the seal of the Office, is, on the deposit of these articles, delivered on the same day to the Petitioner.<sup>o</sup> The certificate contains the year, month, day and hour of the presentation of the petition.<sup>p</sup> The matter is then referred to the Council of Manufac-

<sup>k</sup> (1851) Evid. 2479, Brewster.

<sup>l</sup> Art. 116.

<sup>m</sup> Art. 118.

<sup>n</sup> Art. 120 (1).

<sup>o</sup> Art. 126.

<sup>p</sup> Art. 127.

tures,<sup>q</sup> at whose sitting the Director of the Department Russia.  
to whose province the subject matter belongs is required  
to be present. The only questions on the examination  
by the Council are,—whether a similar grant is already  
in existence, whether the Specification is sufficiently pre-  
cise, and whether the public is likely to derive any ad-  
vantage from the invention.<sup>r</sup>

If the examination be satisfactory on these points, a Report.  
report is immediately made by the Council of Manufac-  
tures to the Minister of Finance, who is charged with the  
office of issuing the Patents. The report is communi-  
cated by the Council to the department or branch of the  
administration to which the privilege belongs, in order  
that ulterior arrangements may be made in accordance  
with the rules established.

If, on the contrary, it is found by the report that the  
invention has been described or put in general practice,  
the petition is refused; and if the invention is pronounced  
injurious to public health or safety, it enjoins the peti-  
tioner in writing to abstain from its employment under  
pain of the penalties prescribed by the Law. The causes  
of such refusal are published in the official journals of  
the two capitals.<sup>s</sup> If the petition be refused on the  
ground only that the Specification is incomplete, the  
petitioner may, on amending it in the parts objected to,  
receive his Patent.<sup>t</sup> If different parties simultaneously  
apply for the same Patent, no grant is made, unless on  
legal proof that one party has adopted the invention of  
the other.<sup>u</sup> In case of refusal of the Patent, the duty  
paid in respect of the Patent is immediately returned.<sup>x</sup>

Infringement is defined<sup>y</sup> as consisting in the exact  
imitation of all the essential parts of the patented inven-

<sup>q</sup> Inventions having reference to agriculture are examined by the  
authorities of the Agricultural Administration.

<sup>r</sup> Art. 128.

<sup>s</sup> Art. 129.

<sup>t</sup> Art. 130.

<sup>u</sup> Art. 131.

<sup>x</sup> Art. 132.

<sup>y</sup> Art. 121.

Russia.

tion, discovery or improvement, notwithstanding unimportant or immaterial variations introduced by the infringer. The power of pursuing infringers dates from the delivery of the certificate before mentioned; for which reason, the certificates are published in the official journals of both capitals.<sup>z</sup>

Subject matter.

No grant will be conceded for the exclusive use of abstract theoretical principles, but only for new means, processes and apparatus carrying those principles into practice.<sup>a</sup> Patents are granted for inventions practised under Patents in other States, but not introduced into Russia. The term of such Patent cannot, however, exceed that of the foreign Patent. In the case of inventions practised without Patent in foreign States, but unknown and unpractised in Russia, Patents can only be exceptionally granted in regard of the advantage to be derived from and the expenses attendant upon their introduction. Such Patents, however, when granted, confer the same rights as those for inventions originating in Russia.<sup>b</sup> No grant will be made in respect of discoveries, however ingenious, which present no prospect of material advantage, nor those which may prove detrimental to the public interests or the revenues of the State.<sup>c</sup>

Patentee.

The right to a Patent exists in an equal degree for Russian subjects and foreigners who purpose to establish manufactures without becoming Russian subjects.<sup>d</sup>

Duration.

The term depends upon the demand of the petitioner and the discretion of the government. It may be for three, five or ten years as an extreme. Patents of importation cannot be granted for longer than six years, or for the term fixed by Art. 122, unless the petitioner be the owner of the foreign Patent, in which case it may be for ten years.<sup>e</sup> Patents can in no case be prolonged.<sup>f</sup>

<sup>z</sup> Art. 135.<sup>a</sup> Art. 123.<sup>b</sup> Art. 122.<sup>c</sup> Art. 124.<sup>d</sup> Art. 125.<sup>e</sup> Art. 133.<sup>f</sup> Art. 134.

The term commences with the day on which the Patent is signed.<sup>g</sup> Russia.

The duty payable in respect of Patents is<sup>h</sup>—

		Silver Roubles.	£	s.	d.
For Patents of Invention for	3 years	. . 90 . . .	14	10	0
"    "	5    "	. . 150 . . .	24	0	0
"    "	10   "	. . 450 . . .	72	0	0
For Patents of Importation for	1 year	. . 60 . . .	9	12	0
"    "	2 years	. . 120 . . .	19	4	0
"    "	3    "	. . 180 . . .	28	16	0
"    "	4    "	. . 240 . . .	38	8	0
"    "	5    "	. . 300 . . .	48	0	0
"    "	6    "	. . 360 . . .	57	12	0

In no case after issue of the Patent will the duty paid be returned, whether the Patent be cancelled before the expiration of the term, or fail in consequence of the Patent not being put into operation.<sup>i</sup> Duty.

The duties prescribed cover the expenses of the Patent and its publication. The surplus is devoted to the acquisition of useful matters, such as books, models, &c.

#### SPAIN.<sup>k</sup>

The grant of Patents in Spain is regulated by the Royal Decree of Ferdinand VII., dated March 27, 1826, and the Royal Ordinances dated June 14 and December 30, 1829, containing the details of the said decree. Spain. Legislation.

Under the provisions of Arts. 1 and 5 of the Law of March 27, 1826, every inventor, whether Spanish subject or alien, may obtain for five, ten or fifteen years, at his option, a Royal Patent, conferring on him the exclusive use of his invention, provided such invention have not been published in Spain or elsewhere. Inventions are held to be known where descriptions in the Spanish language or models have been deposited in the

<sup>g</sup> Art. 135.

<sup>h</sup> Art. 136.

<sup>i</sup> Art. 137.

<sup>k</sup> Loosey, 439; Urling, 177, App. N. 272.

Spain.

Royal Conservatory of Arts, unless three years have elapsed since such deposit, without the invention having been reduced to actual practice.<sup>1</sup>

If the subject matter patented or in use elsewhere be made the subject of a Patent by a person other than the inventor or his assign, the Spanish Patent is limited to a term of five years; and by Art. 3 of the Law of 1826, and the Ordinance dated June 14, 1829, the Patent exclusive powers of sale are conferred on the Patentee, on condition only of his manufacturing in Spain the articles sold under the Patent.

The application is by petition to the Queen. This (which must be on stamped paper), accompanied by a Specification, and models, &c., is then delivered to the Intendant of Madrid or the Intendant of the province in which the applicant resides. The demand is forwarded to the Secretary of State. No investigation is made into, nor does the Government grant imply, a guarantee as to the novelty or utility of the invention.<sup>m</sup> The Patentee must apply for Letters-patent within three months from the date of his application.

The titles of the Patents granted are published in the State Gazette. A Register, open to public inspection at the Royal Conservatory of Arts, contains further particulars as to the subject matter, the parties interested, and the term of the Patent.<sup>n</sup> Notice of the expiration of Patents is given by the Director of the Museum of Arts to the Council of the Royal Exchequer. Transfers of the right must be by public deed, registered by the Intendant within thirty days of its execution.

Working.

The Patent must be worked within a year and a day from the date of the Patent. Cessation of the working for the period of a year and a day avoids the Patent.

In case of infringement, the remedy is by civil action,

<sup>1</sup> Royal Decree of March 27, 1826, Art. 5.

<sup>m</sup> Ibid. Art. 21.

<sup>n</sup> Ibid. Art. 14.

the ultimate appeal in which is to the Council of the Royal Exchequer.<sup>o</sup> A decision in favour of the Patentee is followed by confiscation to his use of the counterfeits and instruments of manufacture used by the infringer, together with compensation of three times their value, as estimated by competent persons.<sup>p</sup>

Patents of invention granted for five years may, on good cause being shown, be extended to ten years, but those originally granted for the longer terms cannot.<sup>q</sup> The right of the applicant to the exclusive use of his invention dates from the presentation of his petition to the Intendant, but the term is computed only from the date of the Patent. The fees payable are, in the case of Patents of invention for five years, 1,000 reals (£10:16s.); for ten years, 3,000 reals (£32:8s.), and for fifteen years, 6,000 reals (£64:16s.). Patents of importation pay 3,000 reals.<sup>r</sup>

#### SWEDEN.<sup>s</sup>

Swedish Patents are granted under the provisions of an Ordinance of the King, dated 13th December, 1834. They confer on the Patentee the exclusive right of manufacturing and selling and licensing others to manufacture and sell the Patent article.<sup>t</sup> It is transferable, like other property. Notice of transfer must, however, be given to the College of Commerce.<sup>u</sup>

The subject-matter is distinguished as either original, improved or imported,<sup>x</sup> and the term varied accordingly, being fifteen, ten and five years respectively.<sup>y</sup>

The Patentee may be either a native or foreigner. If the latter, he is required within one year from the date

<sup>o</sup> Royal Decree of March 27, 1826, Art. 26.

<sup>p</sup> Ibid. Art. 27.

<sup>q</sup> Ibid. Art. 4.

<sup>r</sup> Ibid. Art. 11.

<sup>s</sup> Urling, 199, App. P. 276; Loosey, 410.

<sup>t</sup> Art. 2.

<sup>u</sup> Art. 18.

<sup>x</sup> Art. 3.

<sup>y</sup> Art. 4.

Sweden.

of the grant either to establish himself in the kingdom or to appoint some resident in it to whom the Patent is to be transferred.<sup>2</sup> In the event of two parties applying for the same Patent, the first applicant will have the preference.<sup>a</sup>

Nature of the grant.

Royal Ordinances of the dates of 13th December, 1834, and 30th December, 1841, regulate the concessions in Sweden. The grant is obtained upon petition to the Crown. Specifications and drawings of the invention are inspected by the Royal College of Commerce. The Patentee is required, within two months from the date of the grant, to insert his Specification three times in the official Gazette (*Sweriges Stats Tidningen*).<sup>b</sup> Opposition may be made within six weeks after the last insertion by any party, on the ground that the invention is not such as is stated by the Patentee.<sup>c</sup> The decision on such opposition is by arbitration, from which there is no appeal. The arbitrators are five in number, two chosen by the Patentee, two by the opposing party, and one by the four so chosen.<sup>d</sup> If the opposition be successful on such arbitration, the benefit of the decision is lost, unless the decision be communicated by the party opposing to the President of the Chamber of Commerce within two months from its date.<sup>e</sup> Pending the arbitration, the Patentee enjoys the full rights derivable from the invention.<sup>f</sup> The invention must commence its operation within two years from the date of the Patent, or such further period as the College of Commerce may allow, and must, once in every year, be proved to that body to be in continued activity.<sup>g</sup> Transfers of interests must be registered at

<sup>2</sup> Art. 5.<sup>a</sup> Art. 8.<sup>b</sup> Law of December 13, 1834, Art. 10; Loosey, 414.<sup>c</sup> Law of Dec. 13, 1834, Art. 11.<sup>d</sup> *Ibid.* Art. 12.<sup>e</sup> *Ibid.* Art. 13.<sup>f</sup> *Ibid.* Art. 14.<sup>g</sup> *Ibid.* Art. 16.



the College of Commerce.<sup>b</sup> Infringement is on the Sweden.  
first offence punished by a fine of 100 rix-dollars, and on  
each further instance 200: one half of such fine goes to  
the owner, the other half to the use of the poor. Coun-  
terfeits are confiscated for the benefit of the Patentee.<sup>i</sup>

Although any person may apply for and obtain the Patentee.  
beneficial interest under the grant, a resident in Sweden  
must be named to whom the Patent may be issued, and  
who may be responsible for the performance of the con-  
ditions prescribed in the Patent.

The term of the grant is, for Patents of invention, Duration.  
fifteen years; for Patents of improvement, ten years;  
for a Patent of importation, five years; subject, how-  
ever, to variation, according to the importance of the  
invention and expense of its establishment. The date of  
the grant is from the day on which it is placarded on  
the door of the College of Commerce at Stockholm.<sup>k</sup>  
Prolongation of the term may be obtained on proof of  
insufficient remuneration.<sup>l</sup>

### SWITZERLAND.<sup>m</sup>

In Switzerland no Patents are granted.

Switzerland.

### ZOLLVEREIN.

At the period of the revolutionary outbreak of 1849, Zollverein.  
arrangements were all but concluded for the establish-  
ment of a general Patent Law, which would have ren-  
dered one Patent operative over the whole extent of the

<sup>b</sup> Law of Dec. 13, 1834, Art. 18.

<sup>i</sup> Ibid. Art. 17.

<sup>k</sup> Ibid. Art. 4.

<sup>l</sup> Urling, 274.

<sup>m</sup> Loosey, 425; (1851) Evid. 2137.

Zollverein.

States comprised within the Customs and Trade Union.<sup>o</sup> By that movement, however, the plan was necessarily suspended, and matters still remain on the footing established in 1843. By a Convention of the various states in union, ratified June 29th, in that year, certain general rules were agreed upon, subject to which each State was to be at liberty to regulate the grant by its existing or future laws. Of the States thus in union, the principal, such as Bavaria, Hanover, Prussia, Saxony and Wurtemberg, had already made the matter subject of Legislation. The following petty States and free towns, although without special Laws upon the subject, are, as may be seen from the Commissioners of Patents Journal, in the habit of granting Patents, the average duration of the grant being about five years:—Anhalt Dessau, Anhalt Bernburg, Anhalt Cöthen, Brunswick, Bremen, Frankfort, Hamburg, Hessen Cassel, Hessen Darmstadt, Hessen Homburg, Hohenzollern-Hechingen, Hohenzollern-Sigmaringen, Lippe Detmold, Lippe Schaumburg, Lübeck, Mecklenburg Schwerin, Mecklenburg Strelitz, Nassau, Oldenburg, Reuss zu Schleitz, Reuss zu Ebersdorf, Reuss zu Greiz, Sachsen Altenburg, Sachsen Coburg Gotha, Sachsen Meiningen, Sachsen Weimar Eisenach, Schwarzburg Rudolstadt, Schwartzburg Sondershausen, Waldeck.<sup>p</sup>

Baden.

The Grand Duchy of Baden has no special enactments with reference to Patents. The practice hitherto with reference to such has been to present a Petition to the Minister of the Interior, who, after having obtained the opinion of technical judges as to the novelty and utility of the invention, issued the Patent.

<sup>o</sup> By arrangement of the authorities in the various States, Patents can now be taken out in all, by application to that effect at the time of obtaining a Patent at Berlin. (1851) Evid. 2240.

Lousey, 33.

The duty payable is about forty or fifty florins (4*l.*), Zollverein. and the term variable from five to ten years.<sup>9</sup>

The following are the principal Rules of the Convention referred to:—

I. The subject matter must be really new and original, and never published within the limits of the Union. The question of novelty or originality is left to the decision of each State. The publication, by description or drawing, in any printed work, German or foreign, vitiates the Patent, if it be such that the execution or imitation of the Patent could be effected by a competent person from such description or drawing.

If the subject-matter is once patented in any State in Union, Patents in the other States will for that matter be granted only to the Patentee or his assign.

II. Patents of improvement on articles already known or patented may be granted, provided the improvement result from the discovery of some new and original property: such Patent cannot, however, prejudice the original one, nor can it be made use of without the consent of its proprietor.

III. A Patent in any State in Union will not entitle the grantee,

- (a) To the exclusive importation of the Patent article;
- (b) To an injunction to restrain its sale; or
- (c) To an injunction to restrain the use and employment of the Patent (if it consist of articles or materials of general trade), unless the article patented be bought of him or with his consent. The exception to this Rule is in the case of the patented article being a machine or instrument used in manufacture.

<sup>9</sup> Loosey, 31.

Zollverein.

IV. Each State may, within its own jurisdiction, issue Patents conferring on the grantee the right to,

(1) The exclusive manufacture or employment of the article in question ;

(2) The exclusive application of

(a) A new mode of manufacture ;

(b) New machines or instruments for such manufacture to this extent, that the Patentee may restrain from the use of the Patent method, or the Patent article, all persons who have not been licensed by him to use such method, or have not obtained the Patent articles through him.

V. Subjects of all States in Union are to be placed on the same footing with those of the State making the grant. The grant of a Patent in one State of the Union is by no means to be used as an argument against the refusal of one for the same matter in another. The decision of the question whether an object is patentable is left to the independent judgment of each State, on the principles laid down for this purpose by each, without in any degree being influenced by what has taken place in other States. The grant of a Patent by any State to a subject of another State does not necessarily imply a right to the independent establishment and practice of the trade to which the Patent article belongs. Permission for this end must be specially obtained, in conformity with the regulations of each particular State.

VI. If, after the granting of a Patent, proof be adduced that the pretensions of its subject-matter to novelty cannot be sustained, the Patent shall be immediately annulled ; but in cases where the invention has been known only to a few individuals, who keep the particulars thereof secret, the Patent shall be held valid (provided there be no other reason for nullifying the same) against

all persons, except such as were previously acquainted with the invention. Zollverein.

VII. The grant of a Patent in any State must be published immediately in the official journals, together with a notice of its subject-matter, the name and residence of the Patentee, and the duration of the grant. Patents prolonged or cancelled must be noticed in the same manner.

VIII. The different Governments of the States in Union are bound to communicate to each other, at the end of each year, an exact account of the Patents granted in them during the year.

#### BAVARIA.

The Bavarian Law of Patents rests, so far as the seven older departments of the Kingdom are concerned, upon Arts. 9—11 of the Law of 11th September, 1825, and a Royal Ordinance of the 10th February, 1848; that for the Rhenish Provinces and the Palatinate upon the French Laws of 31st December, 1790, and 7th January, 1791 (Art. 357 of the Constitution of the year 3).<sup>r</sup> Bavaria. Legislation.

There is little calling for special remark. Any person may become a Patentee. His subsequently obtaining a Patent for the invention in a foreign State does not invalidate his privilege. Patentee.

The Patent must be worked within two years from the date of the grant. Working.

Infringement is punishable by fine of from 100 to 500 florins, of which half becomes the property of the Patentee, and half is given to the poor of the district in which the infringement is discovered. In addition to this fine, the counterfeits are confiscated for the benefit of the Patentee.<sup>s</sup>

The term is at the discretion of the Government, and varies from two to fifteen years. It is, however, usual Duration.

<sup>r</sup> Loosey, 35.

<sup>s</sup> Law of September 11, 1825, Art. 9.

for the applicant to name a period in his application. The annual duty is about 17. 10s.<sup>4</sup>

Rhenish  
Bavaria.  
Duration.

In Rhenish Bavaria, Patents are granted for five, ten or fifteen years, at the option of the inventor. The term of fifteen years cannot, however, be extended without a special decree of the legislative body.

#### HANOVER.

Hanover.  
Legislation.

The Hanoverian Law on the subject of Patents is contained in Articles 269—291, inclusive, of the Laws relative to trade, and which came into operation on July 1st, 1848.

Patents are divided into those of invention, importation and improvement. Petitions are addressed to the Minister of the Interior, accompanied by a complete Specification, the necessary models and drawings, and, if possible, a sample of the manufactured article. The Minister refers the matter to persons of experience, and on their favourable report issues the Patent. The grant is published in the official journals. If the Patent has been practised secretly before the grant the restrictive provisions of the Law do not apply to such persons, at the same time that such prior user does not invalidate the Patent. The Specifications may be published on their deposit. They are open to inspection by all persons resident in the kingdom, copies of them are issued on payment of the expenses. If the Patent be not at work within six months from the grant, or if it be suspended for six months at any time, the Patent is avoided. The Patent, if granted to aliens, contains a condition that the manufacture shall take place in the kingdom. The costs of the preparation of the Patent are defrayed by the Patentee. Patents cannot be granted for more than a term of ten years, or for a term beyond the expiration of a foreign Patent. If originally granted for less than this term it may be extended to it. Such decision must,

<sup>4</sup> Urling, 266.

however, be published upwards of a year before the expiration of the term originally named. Hanover.

Infringement is visited with a fine of from five to twenty dollars (15s. to 3*l.*), with confiscation of counterfeits and of the utensils, in cases where their retention would enable the infringer to repeat the offence.<sup>u</sup>

The property is transferable by deed or will, or by operation of law.

#### PRUSSIA.<sup>v</sup>

Prussian Patents are founded on the Royal Proclamation of 14th October, 1815, and various supplementary Proclamations. They are, of course, subject to the General Rules of the Convention before mentioned. Prussia.  
Legislation.

A list of the Titles of all Patents granted, cancelled or prolonged is advertised by the Government in the "Prussian State Gazette."<sup>x</sup> The Titles of those in force are also published annually in the Transactions of the Society for the Promotion of the Useful Arts, Trade and Commerce. A list taken from the former source is to be found in the Commissioners of Patents Journal, published in this country. The Specifications are not published, but a Library and Museum at Berlin, containing scientific treatises and models, are open on certain days to the public.

The inventor in Prussia has to submit his claims to a far more severe ordeal than in any other of the States comprised within the Union.<sup>y</sup> Application is in the first instance made to the Minister of Trade and Commerce. It must be accompanied by a complete Specification of the invention, and should state the locality over which the privilege is demanded.<sup>z</sup> It is forwarded to the Patent Commissioner at Berlin.<sup>a</sup> No system of *caveats* Practice of  
obtaining.

<sup>u</sup> General Law of Hanoverian Police, Arts. 273, 274.

<sup>v</sup> Loosey, 339. <sup>x</sup> (1851) Evid. 2175.

<sup>y</sup> (1851) Evid. 2249. <sup>z</sup> Proclamation of 1815, sect. 3.

<sup>a</sup> The Commission is composed of one member conversant with

Prussia.

is in use, and parties are not heard in opposition. The report of the Commission (from which there is no appeal) is forwarded to the Minister of Finance. If the Specification be allowed to be that of a new invention the Patent issues, liable, however, to avoidance on its being subsequently proved deficient in any requisite.<sup>b</sup> The report frequently suggests conditions for the grant, and recommends the grant for a longer or shorter period according to circumstances.<sup>c</sup>

The Patentee is required to give evidence within six months from the grant of the execution of the invention. Failing this, he receives a warning. On giving reasons for the delay, approved by the Commission, the Minister is frequently induced to extend the time.<sup>d</sup> If the warning be unheeded the Patent is cancelled. On putting the invention into execution the Patentee must acquaint the head of the police, from whom he receives a certificate which he forwards to the Minister. If the invention be of part of a machine it is sufficient that such part is constructed. It need not be actively employed.

In cases of infringement the Patentee applies to the police, who, under the advice of a scientific examiner, stop the works of the infringer. Suits are instituted for the recovery of damages. The members of the Patent Commission are occasionally ordered to examine and decide in the event of the parties being dissatisfied with the decision of the police.<sup>e</sup>

Subject matter.

The Prussian requirements in general are far stricter than those of Saxony, Bavaria or Wurtemberg, or the metallurgy, one versed in natural philosophy and chemistry, a third in civil engineering, and a fourth exclusively devoting his attention to railway matters. No person of a legal character is connected with the Commission. The Under-Secretary of the Board of Trade acts as its President, selects the member to whom each application is to be referred, and receives the Report.

<sup>b</sup> (1851) Evid. 2159.<sup>c</sup> Ibid. 2165.<sup>d</sup> Ibid. 2170.<sup>e</sup> Ibid. 2195.



other States of the Zollverein.<sup>f</sup> Patents are granted only Prussia.  
for a new invention or a substantial improvement on an  
existing invention.<sup>g</sup> Publication in foreign States prior  
to the grant operates in the same manner as would pub-  
lication in Prussia.<sup>h</sup>

The Patentee must be a Prussian citizen<sup>i</sup> or a person Patentee.  
capable of voting in his parish (*gemeinde*).<sup>k</sup>

The description, where necessary, must be accompanied Specification.  
by drawings and models.<sup>l</sup> All Specifications are kept  
under seal and remain so even after the expiration of the  
Patent, unless opened by the members of the board, in  
which case they are rescaled and a memorandum endorsed  
of the purpose for which they have been opened.<sup>m</sup> If  
the term be extended a new Specification, embodying the  
invention as worked at the period of extension, must be  
furnished by the Patentee.<sup>n</sup>

The term for which the Patent is sought must be Duration.  
named by the applicant in his petition.<sup>o</sup> The term  
granted varies with the importance of the invention from  
three to twelve years; occasionally the term is pro-  
longed.<sup>p</sup> There is no duty payable in respect of the  
Patent; the only expenses attendant on the grant are  
the costs of the stamp, writing and sealing of the instru-  
ment itself, which amount to 2½ rix dollars (7s. 6d.)<sup>q</sup>

#### SAXONY.<sup>r</sup>

A Royal Ordinance, bearing date January 20, 1853, Saxony.  
has been issued, with a view to bring the Law of Saxony Legislation.  
as to Patents into harmony with the general regulations

<sup>f</sup> (1851) Evid. 2249, 2253. It is stated, that out of four hundred  
or five hundred applications, only from seventy to eighty Patents are  
granted annually. Evid. 2185.

<sup>g</sup> Ibid. 2146.

<sup>h</sup> Ibid. 2147.

<sup>i</sup> Proclamation of 1815, sect. 2.

<sup>k</sup> Ibid. sect. 1.

<sup>l</sup> Ibid. sect. 3.

<sup>m</sup> Ibid.

<sup>n</sup> (1851) Evid. 2253.

<sup>o</sup> Proclamation of 1815, sect. 3.

<sup>p</sup> (1851) Evid., Weddinge.

<sup>q</sup> Ibid. 2167.

<sup>r</sup> Loosey, 381.

Saxony.

of the Zollverein, the notice of which was communicated on the 31st July, 1843.

The grant, prolongation and expiration of each Patent is announced in the Leipzig Gazette.<sup>r</sup>

The Patent must be worked within a year from the grant. On payment of the dues and by application to the Minister of the Interior the term for working may, on due cause being shown, be prolonged.<sup>s</sup> It is open to any person to take steps for the repeal of a Patent by addressing himself to the Minister of the Interior. Such person, however, renders himself liable for the costs of the proceedings in the case of failure.<sup>t</sup>

In actions for infringement the Court determines whether the summary measures taken for the protection of the Patentee shall, during the decision of the question as to infringement or validity of the Patent, be suspended or continued. If it be necessary to refer to the Specification, models, &c., to establish the identity of the Defendant's manufacture with the Patent, they are forwarded to the competent authorities under a guarantee as to secrecy. In case of the matter being referred to persons conversant with the trade, the secrecy is enjoined on them with respect to matters contained in the Specification.<sup>u</sup>

Subject matter.

The subject matter must be new at the date of the Patent as to execution within the limits of the Union, and not have been described with the precision required in a Specification in any work, native or foreign. Medicines and the methods of making them, *cosmétiques*, aliments, including luxuries of that nature, models, designs, forms and general principles or scientific theories, are expressly excepted.<sup>x</sup> Patents of improvement on existing Patents are granted, but can only be put in

<sup>r</sup> Ord. 1853, Art. 16.

<sup>s</sup> Ibid. Art. 13.

<sup>t</sup> Ibid. Art. 1.

<sup>u</sup> Ord. 1853, Art. 9.

<sup>x</sup> Ibid. Arts. 18—20.

practice during the term of the original Patent by Saxony. arrangement with its proprietor.<sup>7</sup>

The fact of the invention having, previously to the date of the Patent, been known to some few persons who had kept the matter secret, will not destroy the novelty of the invention.<sup>2</sup>

Saxon subjects and aliens may equally apply for Patentee. Patents. Aliens not belonging to the Union must, on application, give the name of a resident subject and citizen of Saxony, in whose name the Patent is made out.<sup>a</sup> Misrepresentation as to nationality of the Patentee avoids the Patent.<sup>b</sup> Patents are granted only to the inventor or his assign in cases where the invention is the property of a subject of one of the States in Union, and has already been patented in one of them. Assignments are limited to subjects of the States in Union.<sup>c</sup>

Specifications, models and drawings are during the Specification. existence of the Patent carefully kept secret at the office of the Minister of the Interior. The Minister reserves to himself the right, on the expiration or repeal of the Patent, to make them public. Specifications are required to be executed with such precision, as to render it possible for every person conversant with the branch of trade to execute the invention.<sup>d</sup>

The term originally conceded is five years, dating from Duration. the grant. On application, above one month before its expiration, to the Minister of the Interior, it may be prolonged for five years.<sup>e</sup>

<sup>7</sup> Ord. 1853, Art. 2.

<sup>a</sup> Ibid. Art. 3.

<sup>c</sup> Ibid. Art. 4, 5.

<sup>e</sup> Ibid. Art. 8.

<sup>2</sup> Ibid. Art. 12.

<sup>b</sup> Ibid. Art. 10 (3).

<sup>d</sup> Ibid. Art. 17.

WURTEMBERG.<sup>f</sup>

Wurtemberg.

The Laws in this Kingdom with respect to Patents are contained in the General Ordinance of Trade, published on the 5th of August, 1836.

The fact of the grant having been made is published officially. The usual limit of the term is ten years.<sup>g</sup> The Patent must be worked within two years from the grant. The Specification is kept secret except in case of litigation.<sup>h</sup> Its inspection is subject to the following conditions:—The party requiring inspection must be either a citizen of or resident in Wurtemberg. He must show an interest requiring the inspection. He must give security not to make use of the information obtained without consent of the Patentee. The inspection is limited, in the case of Patents of invention, to the last year, and in those of importation to the latter half of the term. Notice of the application to inspect is given to the Patentee, and a certain time allowed him to show cause against the inspection.

Infringement is punished with confiscation of counterfeits and apparatus to the use of the Patentee, and damages, to be estimated by the Patentee, for the articles so made already disposed of. Art. 151. Importers of the Patent article are classed as infringers.

Patents of addition are usually granted free of extra charge.

<sup>f</sup> Loosey, 469.<sup>g</sup> Art. 146.<sup>h</sup> Art. 147 (1).

# APPENDIX.



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## APPENDIX.

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### Statutes, Rules, Tables of Fees and Forms.

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#### STATUTES RELATING TO LETTERS-PATENT.

18 HEN. VI. c. 1 [A.D. 1439], *An Act that Letters-patent shall bear the Date of the King's Warrant delivered into the Chancery.*

27 HEN. VIII. c. 11 [A.D. 1535], *An Act concerning Clerks of the Signet and Privy Seal.*

3 & 4 EDW. VI. c. 4 [A.D. 1549], *An Act concerning Grants and Gifts made by Patentees out of Letters-patent.*

13 ELIZ. c. 6 [A.D. 1570], *An Act that the Exemplification or Constat of the Letters-patent shall be as good and available as the Letters-patent themselves.*

31 ELIZ. c. 5, s. 5 [A.D. 1589, limiting the time within which penal actions may be commenced].<sup>a</sup>

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21 JAC. I. c. 3 [A.D. 1623].

*An Act concerning Monopolies and Dispensations of Penall Laws, and the Forfeiture thereof.*

FORASMUCH as your most excellent Majestie, in your Royall Judgment and of your blessed Disposiçon to the Weale and Quiet of your Subjects, did, in the yeare of our Lord God One thousand six hundred and ten, publish in Print to the whole Realme and to all Posteritie, that all Graunts of Monapolyes and of the benefitt of any penall Lawes, or of Power to dispence with the Lawe or to compound for the Forfeiture, are contrary

The King's Declaration against Monopolies and Grants of Penalties and Dispensations ;

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<sup>a</sup> 2 Hawk. P. C. 8th ed. c. 26, § 26.

All Monopolies  
and Grants, &c.  
thereof, or of  
Dispensations  
and Penalties  
declared void.

to your Majesties Lawes, wch̄ your Majesties declaration is truly consonant and agreable to the auncient and fundamentall Lawes of this your Realme: And whereas your Majestie was further graciously pleased expressly to cōmaund that noe Suter should p̄sume to move your Majestie for Matters of that Nature; yet nevertheles, uppon Misinformācōns and untr̄ue p̄tences of publique good, many such Graunts have been undulie obteyned and unlawfullie putt in execūcōn, to the greate Greevance and Inconvenience of your Majesties Subjects, contrary to the Laws of this your Realme, and contrary to your Majestys royall and blessed Inten̄cōn, soe published as aforesaid: For avoyding whereof and p̄ventinge of the like in tyme to come May it please your excellent Majestie, at the humble Suite of the Lords Spirituall and Temporall, and the Cōmons in this p̄sent Parliament assembled, That it may be declared and enacted, and be it declared and enacted, by the authoritie of this p̄sent Parliament, That all Monapolies, and all Cōmissions, Graunts, Licences, Charters and tres patents heretofore made or graunted, or hereafter to be made or graunted, to any p̄son or p̄sons, Bodies Politique or Corporate whatsoever, of or for the sole buyinge, sellinge, makinge, workinge or using of any thinge within this Realme or the Dominion of Wales, or of any other Monopolies, or of Power, Libtie or Facultie to dispence with any others, or to give Licence or Tolerācōn to doe, use or ēxcise any thinge against the tenor or purport of any Lawe or Statute, or to give or make any Warrant for any such Dispensācōn, Licence or Tolerācōn to be had or made; or to agree or compound with any others for any Penaltie or Forfeitures lymitted by any Statute, or of any Graunt or P̄mise of the Benefitt, P̄fitt or Cōmoditie of any Forfeiture, Penalty or sōme of Money that is or shalbe due by any Statute before Judgement there-uppon had, and all Proclamācōns, Inhibīcōns, Restraints, Warrants of Assistance, and all other Matters and Things whatsoever any way tendinge to the institutinge, erecting, strengtheninge, furtheringe or countenancing of the same, or any of them, are altogether contrary to the Lawes of this Realme, and so are and shalbe utterlic void and of none effecte, and in noe wise to be put in ure or execūcōn.

AND be it further declared and enacted by the authoritie aforesaid, That all Monopolies and all such Cōmissions, Graunts, Licences, Charters, tres patents, Proclamaçōns, Inhibiçōns, Restraints, Warrants of Assistance and all other Matters and Things tendinge as aforesaid, and the force and validity of them and every of them, ought to be and shalbe for ever hereafter examyned, heard, tryed and det̄mined by and accordinge to the Cōmon Lawes of this Realme, and not otherwise.

II.  
Validity of all Monopolies and of all such Grants &c., shall be tried by the Common Laws.

AND be it further enacted by the authoritie aforesaid, That all pson and psons, Bodies Politique and Corporate whatsoever, which now are or hereafter shalbe, shall stand and be disabled and uncapable to have, use, exēise or putt in ure any Monopolie or any such Cōmission, Graunt, Licence, Charters, tres Patents, Proclamaçōn, Inhibiçōn, Restraint, Warrant of Assistance or other Matter or Thinge tendinge as aforesaid, or any Libtie, Power or Facultie grounded or p̄tended to be grounded upon them or any of them.

III.  
All persons disabled to use Grants, Monopolies, &c.

AND be it further enacted by the authoritie aforesaid, that if any pson or psons, at any tyme after the end of fortie dayes next after the end of this p̄sent Session of Parliament, shalbe hindred greeved disturbed or disquieted, or his or their Goods or Chattells any way seised, attached, distreyned, taken, carried away or deteyned by occasion or p̄text of any Monopolie, or of any such Cōmission, Graunt, Licence, Power, Libtie, Facultie, tres Patents, Proclamaçōn, Inhibiçōn, Restraint, Warrant of Assistance or other Matter or Thinge tendinge as aforesaid, and will sue to be releevd in or for any of the p̄misses; that then and in every such case the same pson and psons shall and may have his and their Remedie for the same at the Cōmon Lawe by any Accōn or Accōns to be grounded upon this Statute, the same Accōn and Accōns to be heard and det̄myned in the Courts of Kings Bench, Cōmon Pleas and Exchequer, or in any of them, against him or them by whome he or they shalbe soe hindred greeved disturbed or disquieted, or against him or them by whome his or their Goods or Chattells shalbe so hindred, greeved, disturbed or disquieted, or against him or them by whome his or their Goods or Chattells shalbe soe seized, attached distrayned taken carried away or deteyned, wherein all and every such pson and psons which shalbe

IV.  
Party aggrieved by any Monopoly or grant, &c., shall recover treble damages by action in the Superior Courts, with double costs.



soe hindred greeved disturbed or disquieted, or whose Goods or Chattells shalbe soe seized attached distrayned taken carryed away or detayned, shall recover three tymes soe much as the damages which he or they susteyned by means or occasion of beinge soe hindred greeved disturbed or disquieted, or by meanes of havinge his or their Goods or Chattells seised attached distrayned taken carryed away or deteyned, and in double costs; and in such Suits, or for the staying or delaying thereof, noe Essoine Proteccon Wager of Lawe Aydeprayer Priviledge Injunccon or Order of Restraint shalbe in any wise prayed graunted admitted or allowed, nor any more than one Imperlance: And if any pson or psons shall, after Notice given that the Acccon dependinge is grounded upon this Statute, cause or pcur any Acccon at the Cōmon Lawe grounded uppon this Statute to be stayed or delayed before Judgement, by coulor or meanes of any Order Power Warrant or Authoritie, save onely of the Court wherein such Acccon as aforesaid shalbe brought and dependinge, or after Judgement had uppon such Acccon, shall cause or pcur the Execucon of or uppon any such Judgement to be stayed or delayed by coulor or meanes of any Order Warrant Power or Authoritie, save onely by Writt of Error or Attaint, that then the said pson or psons soe offendinge shall incurre and sustaine the Paines, Penalties and Forfeitures ordeyned and provided by the Statute of Provision and Premunire made in the Sixteenth yeare of the Raigne of King Richarde the Second.

Penalty on unduly delaying any such Action, &c. Premunire under Stat. 16 Ric. II. c. 5.

V.  
Proviso for existing Patents for twenty-one years, &c. Less for new inventions.

PROVIDED neverthelesse and be it declared and enacted, That any Declaracon before menconed shall not extend to any tres Patents and Graunts of Priviledge for the tearme of one and twentie yeares or under heretofore made of the sole workinge or makeinge of any manner of newe Manufacture within this Realme, to the first and true Inventor or Inventors of such Manufactures, which others att the tyme of the makeinge of such Letters Patents and Graunts did not use, soe they be not contrary to the Lawe nor mischievous to the State, by raisinge of the prices of Cōmodities at home or hurt of Trade or generallie inconvenient, but that the same shalbe of such force as they were or should be if this Acte had not bene made, and of none other; And if the same were made for more then one and twentie yeares, that then the same for the tearme of one and twentie years

onely, to be accompted from the date of the first tres Patents and Graunts thereof made, shalbe of such force as they were or should have byn yf the same had bene been made but for tearme of one and twentie yeares onely, and as if this Acte had never bene had or made, and of none other.

PROVIDED alsoe and be it declared and enacted, That any Declaracōn before menconed shall not extend to any tres Patents and Graunts of Privilege for the tearme of fowerteene yeares or under, hereafter to be made of the sole working or makinge of any manner of new Manufactures within this Realme, to the true and first Inventor and Inventors of such Manufactures, which others at the tyme of makinge such tres Patents and Graunts shall not use, soe as alsoe they be not contrary to the Lawe nor mischievous to the State, by raisinge prices of Cōmodities at home or hurt of Trade or generallie inconvenient; the said fourteene yeares to be accompted [accomplished] from the date of the first tres Patents or Grant of such priviledge hereafter to be made, but that the same shall be of such force as they should be if this Act had never byn made, and of none other.

PROVIDED alsoe and it is hereby further intended, declared and enacted by the authoritic aforesaid, That this Act or any thing therein conteyned shall not in any wise extend or be pjudiciall to any Graunt or Priviledge Power or Authoritie whatsoever heretofore made graunted allowed or confirmed by any Act of Parliament now in force, so long as the same shall so continue in force.

PROVIDED alsoe, That this Act shall not extend to any Warrant or Privie Scale made or directed, or to be made or directed by his Majestie, his Heirs or Successors, to the Justices of the Courts of the Kings Bench or Cōmon Pleas and Barons of the Exchequer, Justices of Assize, Justices of Oyer and Terminer and Goale Deliverie, Justices of the Peace, and other Justices for the tyme being, having Power to heare and determyne Offences done against any Penall Statute, to compound for the Forfeitures of any Penall Statute depending in Suite and Question before them or any of them respectively after Plea pleaded by the Partie Defendant.

PROVIDED alsoe and it is hereby further intended, declared and enacted, That this Act or any thing therein contayned shall not in any wise extend or be pjudiciall

VI.  
Proviso for futuro Patents for fourteen years, or less for new inventions.

VII.  
Proviso for existing grants by Act of Parliament.

VIII.  
Proviso for warrant to justices to compound penalties.

IX.  
Proviso for charters of London and other corporations.

unto the City of London, or to any Cittie, Borough or Towne Corporate within this Realme, for or concerning any Graunts, Charters or Ires Patents to them or any of them made or granted, or for or concerning any Custome or Customes used by or within them or any of them, or unto any Corporacions Companies or Fellowshipps of any Art Trade Occupacion or Mistery, or to any Companies or Societies of Merchants within this Realme, erected for the mayntenance enlargement or ordering of any Trade of Merchandize, but that the same Charters Customes Corporacions Companies Fellowshipps and Societies, and their Liberties Priviledges Power and Iñunities, shalbe and continue of such force and effect as they were before the making of this Act, and of none other; Any thing before in this Act contayned to the contrary in any wise notwithstanding.

X.  
Proviso for Patents concerning printing, salt-petre, gun-powder, ordnance and grants of offices.

PROVIDED also and be it enacted, That this Act or any Declaracion Provision Disablement Penaltie Forfeiture or other thing before mençoned shall not extend to any Ires Patents or Grants of Priviledge heretofore made or hereafter to be made of for or concerning Printing; nor to any Cõmission, Graunt or Ires Patents heretofore made or hereafter to be made of for or concerning the digging, making or compounding of Saltpetre or Gunpowder, or the casting or making of Ordinance or Shot for Ordinance; nor to any Graunt or Letters Patents heretofore made or hereafter to be made of any Office or Offices heretofore erected made or ordayned, and now in being or put in execucion, other then such Offices as have been decryed by any his Majesties Proclamacion or Proclamacions; but that all and every the same Graunts, Cõmissions and Ires Patents, and all other Matters and Things tending to the maynteyning strengthening or furtherance of the same or any of them, shalbe and remayne of the like force and effect, and no other, and as free from the Declaracions Provisions Penalties and Forfeitures contayned in this Act as if this Act had never ben had nor made, and not otherwise.

XI.  
Proviso for Patents, &c., concerning Allumines.

PROVIDED also and be it enacted, That this Act or any Declaracion Provision Disablement Penaltie Forfeiture or other Thing before mençoned, shall not extend to any Cõmission Graunt Ires Patents or Priviledge heretofore made or hereafter to be made of for or concerning the digging, compounding or making of Allome

or Allome Mynes, but that all and every the same Cōmissions, Graunts, Letters Patents and Priviledges shalbe and remayne of the like force and effect, and no other, and as free from the Declaracions Provisions Penalties and Forfeitures contayned in this Acte, as if this Act had never byn had nor made, and not otherwise.

XII. [*Proviso for excepting Customs, &c. of Hoastmen of Newcastle as to Coals, Licences for Taverns, &c.*]

XIII. [*Proviso for excepting the Grants for Glass making ["to Sir Robert Maunsell, Knight, Vice-Admirall of England"], and that for the Exportation of Calves Skins [James Maxwell, Esquire].*]

XIV. [*Proviso for excepting the Grants for making Smalts [Abraham Baker], and the making of Iron Ore [Edward Lord Dudley].*]

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3 & 4 WILL. IV. c. 41.

*An Act for the better Administration of Justice in His Majesty's Privy Council.*

[Royal Assent, 14th August, 1833.]

[SECT. I. *constitutes the President for the time being of His Majesty's Privy Council, the Lord High Chancellor of Great Britain for the time being, and such of the members of His Majesty's Privy Council as shall from time to time hold any of the offices following, that is to say, the office of Lord Keeper or First Lord Commissioner of the Great Seal of Great Britain, Lord Chief Justice or Judge of the Court of King's Bench, Master of the Rolls, Vice-Chancellor of England, Lord Chief Justice or Judge of the Court of Common Pleas, Lord Chief Baron or Baron of the Court of Exchequer, Judge of the Prerogative Court of the Lord Archbishop of Canterbury, Judge of the High Court of Admiralty, and Chief Judge of the Court in Bankruptcy, and also all persons members of His Majesty's Privy Council who shall have been President thereof or held the office of Lord Chancellor of Great Britain, or shall have held any of the offices mentioned, a Committee, to be styled "The Judicial Committee of the Privy Council:" Provided nevertheless, that His Majesty may from time to time, as and when he shall think fit, by His sign manual, appoint any two other persons, being Privy Councillors, to be members of the said Committee.]*

Sect. III. provides for the reference to the said Committee of Appeals to His Majesty in Council.

Sect. IV. authorizes His Majesty to refer any other matters to the Committee.

Sect. V. enacts, that no matter shall be heard, unless in the presence of four members of the Committee.]

Evidence may be taken *vis à voce* or upon written depositions.

VII. And be it enacted, That it shall be lawful for the said Judicial Committee, in any matter which shall be referred to such Committee, to examine witnesses by word of mouth (and either before or after examination by deposition), or to direct that the depositions of any witness shall be taken in writing by the Registrar of the said Privy Council, to be appointed by His Majesty, as hereinafter mentioned, or by such other person or persons and in such manner, order and course as His Majesty in Council or the said Judicial Committee shall appoint and direct; and that the said Registrar and such other person or persons so to be appointed shall have the same powers as are now possessed by an examiner of the High Court of Chancery or of any Court Ecclesiastical.

[Sect. VIII. enables the Committee to order any particular witness to be examined, and as to any particular facts, and to remit causes for rehearing.]

Witnesses to be examined on oath, and to be liable to punishment for perjury.

IX. And be it enacted, That every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, or, if a Quaker or Moravian, upon solemn affirmation, which oath and affirmation respectively shall be administered by the said Judicial Committee and Registrar and by such other person or persons as His Majesty in Council or the said Judicial Committee shall appoint; and that every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury, and shall be punished accordingly.

[Sect. X. empowers the Committee to direct an issue to try any fact, and Sect. XI. to direct in certain cases depositions to be read on the trial of such issues; Sect. XII., to make such orders as to the admission of evidence as is made by the Court of Chancery, and Sect. XIII. to direct new trials of such issues. Sect. XIV. enacts, that the powers and provisions contained in Statutes 13 Geo. III. c.63, and 1 Will. IV. c.22, (intituled "An Act to enable the Courts of Law to order the Examination of Witnesses upon Interrogatories or otherwise,") shall extend to and

*be exercised by the said Judicial Committee in all respects as if such Committee had been therein named as one of His Majesty's Courts of Law at Westminster.]*

XV. And be it enacted, That the costs incurred in the prosecution of any appeal or matter referred to the said Judicial Committee, and of such issues as the same Committee shall under this Act direct, shall be paid by such party or parties, person or persons, and be taxed by the aforesaid Registrar, or such other person or persons to be appointed by His Majesty in Council or the said Judicial Committee, and in such manner as the said Committee shall direct.

Costs to be in the discretion of the Committee.

XVII. And be it further enacted, That it shall be lawful for the said Committee to refer any matters to be examined and reported on to the aforesaid Registrar or to such other person or persons as shall be appointed by His Majesty in Council or by the said Judicial Committee, in the same manner and for the like purposes as matters are referred by the Court of Chancery to a Master of the said Court, and that for the purposes of this Act the said Registrar and the said person or persons so to be appointed shall have the same powers and authorities as are now possessed by a Master in Chancery.

Committee may refer matters to Registrar in same manner as matters are by Court of Chancery referred to a Master.

XVIII. And be it further enacted, That it shall be lawful for His Majesty, under his sign manual, to appoint any person to be the Registrar of the said Privy Council, as regards the purposes of this Act, and to direct what duties shall be performed by the said Registrar.

The King may appoint Registrar.

XIX. And be it further enacted, That it shall be lawful for the President for the time being of the said Privy Council to require the attendance of any witnesses and the production of any deeds, evidences or writings by writ to be issued by such President in such and the same form, or as nearly as may be, as that in which a writ of *subpoena ad testificandum* or of *subpoena duces tecum* is now issued by His Majesty's Court of King's Bench at Westminster; and that every person disobeying any such writ so to be issued by the said President shall be considered as in contempt of the said Judicial Committee, and shall also be liable to such and the same Penalties and consequences as if such writ had issued out of the said Court of King's Bench, and may be sued for such penalties in the said Court.

Attendance of witnesses and production of papers, &c., may be compelled by subpoena.

Power of enforcing decrees.

XXVIII. And be it enacted, That the said Judicial Committee shall have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances, and that His Majesty in Council shall have and enjoy in all respects such and the same powers of enforcing judgments, decrees and orders, as are now exercised by the High Court of Chancery or the Court of King's Bench (and both *in personam* and *in rem*), or as are given to any Court Ecclesiastical by an Act of Parliament passed in a session of Parliament of the second and third years of the reign of His present Majesty, intituled "An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland;" and that all such powers as are given to Courts Ecclesiastical, if of punishing contempts or of compelling appearances, shall be exercised by the said Judicial Committee, and if of enforcing decrees and orders, shall be exercised by His Majesty in Council, in such and the same manner as the powers in and by such Act of Parliament given, and shall be of as much force and effect as if the same had been thereby expressly given to the said Committee or to His Majesty in Council.

[*The remaining Sections of the Act are not specially applicable to the subject of this treatise.*]

5 & 6 WILL IV. c. 62.

*An Act to repeal an Act of the present Session of Parliament, intituled "An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of Voluntary and Extra-Judicial Oaths and Affidavits," and to make other Provisions for the Abolition of unnecessary Oaths.*

[Royal Assent, 9th September, 1835.]

Declaration substituted for oaths and affidavits heretofore required on taking out a Patent.

XI. AND be it enacted, That whenever any person or persons shall seek to obtain any Patent under the Great Seal for any discovery or invention, such person or persons shall, in lieu of any oath, affirmation or affidavit which heretofore

has or might be required to be taken or made upon or before obtaining any such Patent, make and subscribe, in the presence of the person before whom he might, but for the passing of this Act, be required to take or make such oath, affirmation or affidavit, a declaration to the same effect as such oath, affirmation or affidavit; and such declaration, when duly made and subscribed, shall be to all intents and purposes as valid and effectual as the oath, affirmation or affidavit in lieu whereof it shall have been so made and subscribed.

[Sect. XXI. constitutes persons making a false declaration guilty of a misdemeanor.]

5 & 6 WILL. IV. c. 83.

*An Act to amend the Law touching Letters-patent for Inventions.*

[Royal Assent, 10th September, 1835.]

WHEREAS it is expedient to make certain additions to and alterations in the present Law touching Letters-patent for inventions, as well for the better protecting of Patentees in the rights intended to be secured by such Letters-patent, as for the more ample benefit of the public from the same: Be it enacted by the King'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, That any person who, as grantee, assignee or otherwise, hath obtained, or who shall hereafter obtain Letters-patent for the sole making, exercising, vending or using of any invention, may, if he think fit, enter with the Clerk of the Patents of England, Scotland or Ireland respectively, as the case may be, having first obtained the leave of His Majesty's Attorney-General or Solicitor-General in the case of an English Patent, of the Lord Advocate or Solicitor-General of Scotland in the case of a Scotch Patent, or of His Majesty's Attorney-General or Solicitor-General for Ireland in the case of an Irish Patent, certified by his fiat and signature, a disclaimer of any part of either the Title of the invention or of the Specification, stating the reason for such disclaimer, or may, with such leave as aforesaid, enter a me-

Any person having obtained Letters-patent for any invention, may enter a disclaimer of any part of his Specification, or a memorandum of any alteration therein, which, when filed, to be deemed part of such Specification.



Caveat may be entered as heretofore.

Disclaimer not to affect actions pending at the time.

Attorney-General may require the party to advertise his disclaimer.

Mode of proceeding where the Patentee is proved not to be the real inventor, though he believed himself to be so.

morandum of any alteration in the said Title or Specification not being such disclaimer or such alteration as shall extend the exclusive right granted by the said Letters-patent; and such disclaimer or memorandum of alteration being filed by the said Clerk of the Patents, and enrolled with the Specification, shall be deemed and taken to be part of such Letters-patent or such Specification in all Courts whatever: Provided always, that any person may enter a caveat in like manner as caveats are now used to be entered against such disclaimer or alteration; which caveat, being so entered, shall give the party entering the same a right to have notice of the application being heard by the Attorney-General, or Solicitor-General or Lord Advocate respectively: Provided also, that no such disclaimer or alteration shall be receivable in evidence in any action or suit (save and except in any proceeding by *scire facias*) pending at the time when such disclaimer or alteration was enrolled, but in every such action or suit the original Title and Specification alone shall be given in evidence, and deemed and taken to be the Title and Specification of the invention for which the Letters-patent have been or shall have been granted: Provided also, that it shall be lawful for the Attorney-General, or Solicitor-General or Lord Advocate, before granting such fiat, to require the party applying for the same to advertise his disclaimer or alteration in such manner as to such Attorney-General, or Solicitor-General or Lord Advocate shall seem right, and shall, if he so require such advertisement, certify in his fiat that the same has been duly made.

II. And be it enacted, That if in any suit or action it shall be proved or specially found by the verdict of a jury that any person who shall have obtained Letters-patent for any invention, or supposed invention, was not the first inventor thereof, or of some part thereof, by reason of some other person or persons having invented or used the same, or some part thereof, before the date of such Letters-patent, or if such Patentee or his assigns shall discover that some other person had, unknown to such Patentee, invented or used the same, or some part thereof, before the date of such Letters-patent, it shall and may be lawful for such Patentee or his assigns to petition His Majesty in Council to confirm the said

Letters-patent or to grant new Letters-patent, the matter of which petition shall be heard before the Judicial Committee of the Privy Council; and such Committee, upon examining the said matter and being satisfied that such Patentee believed himself to be the first and original inventor, and being satisfied that such invention, or part thereof, had not been publicly and generally used before the date of such first Letters-patent, may report to His Majesty their opinion that the prayer of such petition ought to be complied with, whereupon His Majesty may, if He think fit, grant such prayer; and the said Letters-patent shall be available in Law and Equity to give to such petitioner the sole right of using, making and vending such invention as against all persons whatsoever, any law, usage or custom to the contrary notwithstanding: Provided that any person opposing such petition shall be entitled to be heard before the said Judicial Committee: Provided also, that any person, party to any former suit or action touching such first Letters-patent, shall be entitled to have notice of such petition before presenting the same.

III. And be it enacted, That if any action at Law or any suit in Equity for an account shall be brought in respect of any alleged infringement of such Letters-patent heretofore or hereafter granted, or any *scire facias* to repeal such Letters-patent; and if a verdict shall pass for the Patentee or his assigns, or if a final decree or decretal order shall be made for him or them upon the merits of the suit, it shall be lawful for the judge before whom such action shall be tried to certify on the record, or the judge who shall make such decree or order to give a certificate under his hand that the validity of the Patent came in question before him, which record or certificate, being given in evidence in any other suit or action whatever touching such Patent, if a verdict shall pass or decree or decretal order be made in favour of such Patentee or his assigns, he or they shall receive treble costs in such suit or action, to be taxed at three times the taxed costs, unless the judge making such second or other decree or order, or trying such second or other action, shall certify that he ought not to have such treble costs.<sup>a</sup>

*If in any action or suit a verdict or decree shall pass for the Patentee, the judge may grant a certificate, which, being given in evidence in any other suit shall entitle the Patentee, upon a verdict in his favour, to receive treble costs.*

<sup>a</sup> See *post*, Stat. 5 & 6 Vict. c. 97, s. 2.

Mode of proceeding in case of application for the prolongation of the term of a Patent.

IV. And be it further enacted, That if any person who now hath or shall hereafter obtain any Letters-patent as aforesaid shall advertise in the London Gazette three times, and in three London papers, and three times in some country paper published in the town where or near to which he carried on any manufacture of any thing made according to his Specification, or near to or in which he resides in case he carried on no such manufacture, or published in the county where he carries on such manufacture, or where he lives in case there shall not be any paper published in such town, that he intends to apply to His Majesty in Council for a prolongation of his term of sole using and vending his invention, and shall petition His Majesty in Council to that effect, it shall be lawful for any person to enter a caveat at the Council Office; and if His Majesty shall refer the consideration of such petition to the Judicial Committee of the Privy Council, and notice shall first be by him given to any person or persons who shall have entered such caveats, the petitioner shall be heard by his counsel and witnesses to prove his case, and the persons entering caveats shall likewise be heard by their counsel and witnesses; whereupon, and upon hearing and inquiring of the whole matter, the Judicial Committee may report to His Majesty that a further extension of the term in the said Letters-patent should be granted, not exceeding seven years; and His Majesty is hereby authorized and empowered, if He shall think fit, to grant new Letters-patent for the said invention for a term not exceeding seven years after the expiration of the first term, any law, custom or usage to the contrary in anywise notwithstanding: Provided that no such extension shall be granted if the application by petition shall not be made and prosecuted with effect before the expiration of the term originally granted in such Letters-patent.<sup>b</sup>

In case of action, &c., Notice of objections to be given.

V. And be it enacted, That in any action brought against any person for infringing Letters-patent, the defendant on pleading thereto shall give to the plaintiff, and in any *scire facias* to repeal such Letters-patent the plaintiff shall file with his declaration, a notice of any objections on which he means to rely at the trial of such action, and no objection shall be

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<sup>b</sup> See *post*, Stat. 2 & 3 Vict. c. 67.

allowed to be made in behalf of such defendant or plaintiff respectively at such trial, unless he prove the objections stated in such notice: Provided always, that it shall and may be lawful for any judge at chambers, on summons served by such defendant or plaintiff on such plaintiff or defendant respectively, to show cause why he should not be allowed to offer other objections whereof notice shall not have been given as aforesaid, to give leave to offer such objections on such terms as to such judge shall seem fit.

VI. And be it enacted, That in any action brought for infringing the right granted by any Letters-patent, in taxing the costs thereof regard shall be had to the part of such case which has been proved at the trial, which shall be certified by the judge before whom the same shall be tried, and the costs of each part of the case shall be given according as either party has succeeded or failed therein, regard being had to the notice of objections as well as to the counts in the declaration, and without regard to the general result of the trial.

As to costs in actions for infringing Letters-patent.

VII. And be it enacted, That if any person shall write, paint, or print, or mould, cast or carve, or engrave or stamp upon any thing made, used, or sold by him, for the sole making or selling of which he hath not or shall not have obtained Letters-patent, the name, or any imitation of the name, of any other person who hath or shall have obtained Letters-patent for the sole making and vending of such thing, without leave in writing of such Patentee or his assigns, or if any person shall, upon such thing, not having been purchased from the Patentee or some person who purchased it from or under such Patentee, or not having had the licence or consent in writing of such Patentee or his assigns, write, paint, print, mould, cast, carve, engrave, stamp or otherwise mark the word "Patent," the words "Letters Patent," or the words "By the King's Patent," or any words of the like kind, meaning or import, with a view of imitating or counterfeiting the stamp, mark or other device of the Patentee, or shall in any other manner imitate or counterfeit the stamp or mark or other device of the Patentee, he shall for every such offence be liable to a penalty of fifty pounds, to be recovered by action of debt, bill, plaint, process or information, in any of His Majesty's Courts of Record at Westminster or in Ireland,

Penalty for using unauthorized the name of a Patentee, &c.

or in the Court of Session in Scotland, one-half to His Majesty, His heirs and successors, and the other to any person who shall sue for the same: Provided always, that nothing herein contained shall be construed to extend to subject any person to any penalty in respect of stamping or in any way marking the word "Patent" upon any thing made, for the sole making or vending of which a Patent before obtained shall have expired.<sup>c</sup>

1 & 2 VICT. c. 94, ss. 12 & 13.

*An Act for keeping safely the Public Records.*

[Royal Assent, 14th August, 1838.]

Power to order the making of authentic copies of records, which shall be sealed.

XII. AND be it enacted, That the Master of the Rolls or Deputy Keeper of the Records may allow copies to be made of any Records in the custody of the Master of the Rolls, at the request and costs of any person desirous of procuring the same; and any copy so made shall be examined and certified as a true and authentic copy by the Deputy Keeper of the Records, or one of the Assistant Record Keepers aforesaid, and shall be sealed or stamped with the seal of the Record Office, and delivered to the party for whose use it was made.

Such copies sealed with the seal of the Record Office to be received in evidence.

XIII. And be it enacted, That every copy of a Record in the custody of the Master of the Rolls certified as aforesaid, and purporting to be sealed or stamped with the seal of the Record Office, shall be received as evidence in all Courts of Justice, and before all legal tribunals, and before either House of Parliament or any Committee of either House, without any further or other proof thereof, in every case in which the original record could have been received there as evidence.

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<sup>c</sup> (1835) 28 Hans. 477; *Sykes v. Sykes* (1824), Q. B., shot-belt, 3 B. & C. 543.

## 2 &amp; 3 VICT. c. 67.

*An Act to amend an Act of the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to amend the Law touching Letters-patent for Inventions."*

[Royal Assent, 24th August, 1839.]

[SECT. I. *After reciting Stat. 5 & 6 Will. IV. c. 83, s. 4, repeals so much of the recited Act as requires petitions to be prosecuted with effect before the expiration of the term of the Patent.*]

II. And be it further enacted, That it shall be lawful for the Judicial Committee of the Privy Council, in all cases where it shall appear to them that any application for an extension of the term granted by any Letters-patent, the petition for which extension shall have been referred to them for their consideration, has not been prosecuted with effect before the expiration of the said term from any other causes than the neglect or default of the petitioner, to entertain such application and to report thereon as by the said recited Act provided, notwithstanding the term originally granted in such Letters-patent may have expired before the hearing of such application; and it shall be lawful for Her Majesty, if she shall think fit, on the report of the said Judicial Committee recommending an extension of the term of such Letters-patent, to grant such extension, or to grant new Letters-patent for the invention or inventions specified in such original Letters-patent, for a term not exceeding seven years after the expiration of the term mentioned in the said original Letters-patent: Provided always, that no such extension or new Letters-patent shall be granted if a petition for the same shall not have been presented, as by the said recited Act directed, before the expiration of the term sought to be extended, nor in case of petitions presented after the thirtieth day of November, one thousand eight hundred and thirty-nine, unless such petition shall be presented six calendar months at the least before the expiration of such term, nor in any case unless sufficient reason shall be shown to the satisfaction of the said Judicial Committee for the omission to prosecute with effect the said application by petition before the expiration of the said term.

Term of Patent right may be extended in certain cases, though the application for such extension not prosecuted with effect before the expiration thereof.

3 & 4 VICT. c. 24, ss. 1 & 2.

*An Act to repeal part of an Act of the Forty-third Year of the Reign of Queen Elizabeth, intituled "An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in Westminster," and of an Act of the Twenty-second and Twenty-third Year of the Reign of King Charles the Second, intituled "An Act for laying Impositions on Proceedings at Law," and to make further Provisions in lieu thereof.*

[Royal Assent, 3rd July, 1840.]

43 Eliz. c. 6.

22 & 23 Car. II.  
c. 9.

Recited acts in  
part repealed.

Costs not to be  
recovered in ac-  
tions of trespass  
or of trespass on  
the case, where  
damages re-  
covered are less  
than forty shil-  
lings, unless upon  
judge's certifi-  
cate, &c.

WHEREAS an Act passed in the forty-third year of the reign of Queen Elizabeth, intituled "An Act to avoid trifling and frivolous Suits in Law in Her Majesty's Courts in Westminster," and another Act in the twenty-second and twenty-third years of the reign of King Charles the Second, intituled "An Act for laying Impositions on Proceedings at Law," which recites that many good subjects of this realm have been and daily are undone by such suits, contrary to the intention of the said Statute of Queen Elizabeth; but the same evil, notwithstanding, doth still prevail and increase, and it is expedient to make further provision for the prevention thereof: Now 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, That the said recited Act of the forty-third of Elizabeth, so far as it relates to costs in actions of trespass or trespass on the case, and so much of the twenty-second and twenty-third of Charles the Second as relates to costs in personal actions, be and they are hereby repealed.

II. And be it enacted, That if the plaintiff in any action of trespass or of trespass on the case brought or to be brought in any of Her Majesty's Courts at Westminster or in the Court of Common Pleas at Lancaster, or in the Court of Common Pleas at Durham, shall recover by the verdict of a jury, less damages than forty shillings, such plaintiff shall not be entitled to recover or obtain from the defendant, in respect of

such verdict, any costs whatever, whether it shall be given upon any issue or issues tried or judgment shall have passed by default, unless the judge or presiding officer before whom such verdict shall be obtained shall immediately afterwards certify on the back of the record or on the writ of trial or writ of inquiry that the action was really brought to try a right besides the mere right to recover damages for the trespass or grievance for which the action shall have been brought, or that the trespass or grievance in respect of which the action was brought was wilful and malicious.

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5 & 6 VICT. c. 97, s. 2.

*An Act to amend the Law relating to Double Costs, Notices of Action, Limitations of Actions and Pleas of the General Issue, under certain Acts of Parliament.* [Royal Assent, 10th August, 1842.]

[SECT. I. *repeals the provisions in local and personal Acts giving double and treble costs.*]

II. And be it enacted, That so much of any clause, enactment or provision in any public Act or Acts not local or personal, whereby it is enacted or provided that either double or treble costs, or any other than the usual costs between party and party shall or may be recovered, shall be and the same are hereby repealed: Provided always, that, instead of such costs, the party or parties heretofore entitled under such last-mentioned Acts to such double, treble or other costs shall receive such full and reasonable indemnity as to all costs, charges and expences incurred in and about any action, suit or other legal proceeding as shall be taxed by the proper officer in that behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer.

Acts giving double or treble costs repealed. Parties to recover full indemnity as to all costs.



7 & 8 VICT. c. 69.

*An Act for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council," and to extend its Jurisdiction and Powers.*

[Royal Assent, 6th August, 1844.]

3 & 4 Will. 4,  
c. 41.

5 & 6 Will. 4,  
c. 83.

WHEREAS the Act passed in the fourth year of the reign of His late Majesty, intituled "An Act for the better Administration of Justice in His Majesty's Privy Council," hath been found beneficial to the due administration of justice: and whereas another Act, passed in the sixth year of the said reign, intituled "An Act to amend the Law touching Letters-patent for Inventions," hath been also found advantageous to inventors and to the public: And whereas the Judicial Committee acting under the authority of the said Acts hath been found to answer well the purposes for which it was so established by Parliament, but it is found necessary to improve its proceedings in some respects for the better despatch of business, and expedient also to extend its jurisdiction and powers: And whereas by the laws now in force in certain of Her Majesty's colonies and possessions abroad no appeals can be brought to Her Majesty in Council for the reversal of the judgments, sentences, decrees and orders of any Courts of Justice within such colonies, save only of the Courts of Error or Courts of Appeal within the same, and it is expedient that Her Majesty in Council should be authorized to provide for the admission of appeals from other Courts of Justice within such colonies or possessions: 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, That it shall be competent to Her Majesty, by any order or orders to be from time to time for that purpose made with the advice of Her Privy Council, to provide for the admission of any appeal or appeals to Her Majesty in Council from any judgments, sentences, decrees or orders of any Court

Her Majesty, by order in Council, may provide for the admission of an appeal from any colony, although there shall not be a Court of Error or

of Justice within any British colony or possession abroad, although such Court shall not be a Court of Errors or a Court of Appeal within such colony or possession; and it shall also be competent to Her Majesty, by any such order or orders as aforesaid, to make all such provisions as to Her Majesty in Council shall seem meet for the instituting and prosecuting any such appeals, and for carrying into effect any such decisions or sentences as Her Majesty in Council shall pronounce thereon: Provided always, that it shall be competent to Her Majesty in Council to revoke, alter and amend any such order or orders as aforesaid as to Her Majesty in Council shall seem meet: Provided also, that any such order as aforesaid may be either general and extending to all appeals to be brought from any such Court of Justice as aforesaid, or special and extending only to any appeal to be brought in any particular case: Provided also, that every such general order in Council as aforesaid shall be published in the London Gazette within one calendar month next after the making thereof; Provided also, that nothing herein contained shall be construed to extend to take away or diminish any power now by law vested in Her Majesty for regulating appeals to Her Majesty in Council from the judgments, sentences, decrees or orders of any Courts of Justice within any of Her Majesty's colonies or possessions abroad.

of Appeal in such colony, and may revoke such orders.

Orders may be either general or special.

General orders to be published.

Nothing herein to affect the present powers for regulating appeals from the colonies.

II. And whereas it is expedient for the further encouragement of inventions in the useful arts to enable the time of monopoly in Patents to be extended in cases in which it can be satisfactorily shown that the expence of the invention hath been greater than the time now limited by law will suffice to reimburse: be it enacted, That if any person having obtained a Patent for any invention shall, before the expiration thereof, present a petition to Her Majesty in Council, setting forth that he has been unable to obtain a due remuneration for his expence and labour in perfecting such invention, and that an exclusive right of using and vending the same for the further period of seven years in addition to the term in such Patent mentioned, will not suffice for his reimbursement and remuneration, then, if the matter of such petition shall be by Her Majesty referred to the Judicial Committee of the Privy Council, the said Committee shall proceed to consider the

On petition, her Majesty may grant an extension of Patent term in certain cases.

same after the manner and in the usual course of its proceedings touching Patents; and if the said Committee shall be of opinion, and shall so report to Her Majesty, that a further period greater than seven years extension of the said Patent term ought to be granted to the petitioner, it shall be lawful for Her Majesty, if She shall so think fit, to grant an extension thereof for any time not exceeding fourteen years, in like manner and subject to the same rules as the extension for a term not exceeding seven years is now granted under the powers of the said Act of the sixth year of the reign of His late Majesty.

Her Majesty may grant extension for a lesser term than that prayed.

III. Provided always and be it enacted, That nothing herein contained shall prevent the said Judicial Committee from reporting that an extension for any period not exceeding seven years should be granted, or prevent Her Majesty from granting an extension for such lesser term than the petition shall have prayed.

As to extension of term where Patentees have assigned their Patent rights.

IV. And whereas doubts have arisen touching the power given by the said recited Act of the sixth year of the reign of His late Majesty in cases where the Patentees have wholly or in part assigned their right, be it enacted, That it shall be lawful for Her Majesty, on the report of the Judicial Committee, to grant such extension as is authorized by the said Act and by this Act, either to an assignee or assignees, or to the original Patentee or Patentees, or to an assignee or assignees and original Patentee or Patentees conjointly.

Disclaimer and memorandum of alteration under 5 & 6 Will. IV. c. 83, may be made, notwithstanding original Patentee may have assigned his Patent right.

V. And be it enacted, That in case the original Patentee or Patentees hath or have departed with his or their whole, or any part of his or their interest by assignment to any other person or persons, it shall be lawful for such Patentee, together with such assignee or assignees, if part only hath been assigned, and for the assignee or assignees if the whole hath been assigned, to enter a disclaimer and memorandum of alteration under the powers of the said recited Act, and such disclaimer and memorandum of such alteration, having been so entered and filed as in the said recited Act mentioned, shall be valid and effectual in favour of any person or persons in whom the rights under the said Letters-patent may then be or thereafter become legally vested; and no objection shall be made in any proceeding whatsoever on the ground that

the party making such disclaimer or memorandum of such alteration had not sufficient authority in that behalf.

VI. And be it enacted, That any disclaimer or memorandum of alteration before the passing of this Act, or by virtue of the said recited Act, by such Patentee, with such assignee or by such assignee as aforesaid, shall be valid and effectual to bind any person or persons in whom the said Letters-patent might then be or have since become vested; and no objection shall be made in any proceeding whatsoever that the party making such disclaimer or memorandum of alteration had not authority in that behalf.

Disclaimer and memorandum of alteration already made to be deemed valid.

VII. And be it enacted, That any new Letters-patent which, before the passing of this Act, may have been granted under the provisions of the above-recited Act of the sixth year of the reign of His late Majesty to an assignee or assignees, shall be as valid and effectual as if the said Letters-patent had been made after the passing of this Act, and the title of any party to such new Letters-patent shall not be invalidated by reason of the same having been granted to an assignee or assignees: Provided always, that nothing herein contained shall give any validity or effect to any Letters-patent heretofore granted to any assignee or assignees where any action or proceeding in *scire facias* or suit in equity shall have been commenced at any time before the passing of this Act, wherein the validity of such Letters-patent shall have been or may be questioned.

New Letters-patent granted under 5 & 6 Will. IV. to assignees before the passing of this act declared valid.

Proviso.

VIII. Provided always and be it enacted, That in the case of any matter or thing being referred to the Judicial Committee, it shall be lawful for the said Committee to appoint one or other of the Clerks of the Privy Council to take any formal proofs required to be taken in dealing with the matter or thing so referred, and shall, if they so think fit, proceed upon such Clerk's report to them as if such formal proofs had been taken by and before the said Judicial Committee.

Judicial Committee may appoint clerk of Privy Council to take proofs in matters referred to them.

[The remaining sections of this Act are inapplicable to the subject of Letters-patent.]



12 &amp; 13 VICT. c. 109.

THE PETTY BAG OFFICE AND ENROLMENT IN CHANCERY  
AMENDMENT ACT.

*An Act to amend an Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common Law side of that Court, and the Enrolment Office of the said Court.*

[Royal Assent, 1st August, 1849.]

Certificates of enrolment in the Petty Bag Office.

XII. AND be it enacted, That the Clerk of the Petty Bag shall, upon request and payment of the proper fees payable in respect thereof, indorse or write upon every Specification which at any time heretofore has been enrolled in the Petty Bag Office (provided the enrolment shall then be in his custody), and upon every deed, instrument in writing and document which at any time heretofore has been, or at any time hereafter shall be enrolled in the Petty Bag Office, a certificate stating that such Specification, deed, instrument in writing or document has been or was enrolled in the said Petty Bag Office, and the day of such enrolment, and shall cause such certificate to be sealed or stamped with the said Chancery Common Law Seal; and every such certificate purporting or appearing to be so sealed or stamped shall be admitted and received in evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all courts, tribunals, judges, justices and other persons whomsoever, without further proof, and as sufficient *prima facie* evidence that the Specification, deed, instrument in writing or document therein mentioned was duly enrolled in the Petty Bag Office on the day mentioned in such certificate.

Copies of documents sealed to be received in evidence without further proof.

XIII. And be it enacted, That every office copy issued from the Petty Bag Office shall be sealed with the said Chancery Common Law Seal for the time being; and every document sealed with such seal and purporting to be a copy of any record or other document of any description shall be deemed to be a true copy of such record or other document, and shall, without further proof, be admissible and admitted and received in evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all courts, tribunals, judges, justices, officers and

other persons whomsoever, in like manner and to the same extent and effect as the original record or other document would or might be admissible or admitted or received if tendered in evidence, as well for the purpose of proving the contents of such record or other document, as also proving such record or other document to be a record or document of or belonging to the said Court of Chancery, but not further or otherwise.

[Sect. XIV. provides that writs, &c. issued out of the Petty Bag Office shall be sealed with the Chancery Common Law Seal.]

XV. And be it enacted, That every Specification or instrument in writing for describing or ascertaining any invention, and to be enrolled in Chancery in pursuance of Letters-patent under the Great Seal, shall be enrolled in the Enrolment Office of the Court of Chancery; and every Disclaimer and Memorandum of alteration to be enrolled in pursuance of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the Law touching Letters-patent for Inventions," shall also be enrolled in the said Enrolment Office, whether the Specification of the said invention to which such Disclaimer or Memorandum of alteration shall relate shall or shall not have been enrolled in the said Enrolment Office; and the enrolment of every such Disclaimer and Memorandum of alteration in the said Enrolment Office shall be and be deemed to be the enrolment thereof in the proper office in pursuance of the provisions of the said Act.

Specifications to be enrolled in the Enrolment Office.

5 & 6 Will. IV. c. 83.

XVIII. And be it enacted, That the Clerk of the said Enrolment Office, or his deputy or assistant, shall, upon request and payment of the proper fees payable in respect thereof, indorse or write upon every deed, Specification, instrument in writing and document which at any time heretofore has been, or at any time hereafter shall be enrolled in the said Enrolment Office, a certificate that such deed, Specification, instrument in writing or document has been or was enrolled in Chancery, and the day on which such enrolment was made, and shall cause such certificate to be sealed and stamped with the said seal of the Chancery Enrolment Office; and every such certificate purporting or appearing to be so sealed or stamped shall be admitted and received in evidence by all Courts and other tribunals, judges, justices and others without further

Certificates of enrolment to be given, and when sealed, to be admitted as evidence.

proof, and as sufficient *prima facie* evidence that the deed, Specification, document or instrument in writing therein mentioned was duly enrolled in the Court of Chancery on the day and at the time mentioned in such certificate.

Copies of enrolments stamped with seal of Enrolment Office to be admitted in evidence.

XIX. And be it enacted, That every document or writing sealed or stamped, or purporting or appearing to be sealed or stamped, with the said seal of the Chancery Enrolment Office, and purporting to be a copy of any enrolment or other record, or of any other document or writing of any description whatsoever, including any drawings, maps or plans thereunto annexed or indorsed thereon, shall be deemed to be a true copy of such enrolment, record, document or writing, and of such drawing, map or plan (if any) thereunto annexed, and shall without further proof be admissible and admitted evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, tribunals, judges, justices, officers and other persons whomsoever, in like manner and to the same extent and effect as the original enrolment, record, document or writing could or might be admissible or admitted in evidence, as well for the purpose of proving the contents of such enrolment, record, document or writing, and the drawing, map or plan (if any) thereunto annexed, as also proving such enrolment, record, document or writing to be an enrolment, record, document or writing of or belonging to the said Court of Chancery, and that such enrolment, record, document or writing was made, acknowledged, prepared, filed or entered on the day and at the time when the original enrolment, record, document or writing shall purport to have been made, acknowledged, prepared, filed, or entered.

[Sect. XX. declares the forging or altering of any seal or document made under the provisions of the Act to be felony.

Sect. XXIV. entitles solicitors to practise as attornies on the Common Law side of the Court of Chancery.

Sect. XXV. allows the same costs on the Common Law side of the Court of Chancery as in her Majesty's superior Courts of Common Law.

Sect. XXVI. enables writs to be tested in term time or vacation.

Sect. XXVII. declares that writs may be made returnable in term time or vacation.

Sect. XXVIII. declares that proceedings of the Court may be entered in term time or vacation.

Sect. XXIX. enacts that writs of scire facias may be directed to the sheriff of any county.]

XXX. And be it enacted, That in case any defendant in any action, suit or proceeding already or hereafter to be commenced shall appear on the Common Law side of the Court of Chancery, in person or by attorney, to answer in such action, suit or proceeding, it shall not be necessary to file any declaration, but the plaintiff or prosecutor or his attorney shall deliver the declaration to such defendant or his attorney, and shall also at the same time, in any action of *scire facias* to repeal Letters-patent for inventions, deliver to such defendant or his attorney the notice of objections (if any) required by the provisions of an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend the Law touching Letters-patent for Inventions;" and it shall not be necessary at any time hereafter to file any notice of objections required by the said last-mentioned Act, but only to deliver the same to the defendant or his attorney as required by this Act; and that on the traverse of an inquisition found, the traverse shall be filed in the Petty Bag Office, and the traverser or his attorney shall deliver a copy thereof to the opposite party or his attorney.

Declarations to be delivered and not filed.

XXXI. And be it enacted, That in any such action, suit or proceeding as aforesaid, no demurrer nor any plea or pleading subsequent to the declaration or traverse shall be filed in the said Office of the Petty Bag, or otherwise in the said Court of Chancery; and that in every such action, suit or proceeding every such demurrer, plea and subsequent pleading shall be delivered by the party demurring or pleading, or his attorney, to the opposite party or his attorney; and that the issue in any such action, suit or proceeding shall be delivered only, and not filed, and shall or may be made up and delivered by either party or his attorney to the opposite party or his attorney.

Pleadings to be delivered and not filed.

XXXII. And be it enacted, That in case any issue respecting any matter of fact to be tried by the country has at any time heretofore been or shall at any time hereafter be joined in any action, suit or proceeding on the Common Law side of the Court of Chancery, then and in every such case the

Issues may be tried in any of the Superior Courts.



record shall be made up and filed in the Office of the Petty Bag, and it shall and may be lawful to try such issue in fact in any one of the three Courts of Queen's Bench, Common Pleas or Exchequer of Pleas; and in every such case the writ of *venire facias juratores* for summoning a jury to try such issue shall or may be made returnable, and returned in such of the said three courts as the issue is intended to be tried in; and a transcript of the said record in Chancery containing such issue, shall or may thereupon be sent or taken into the Court in which such writ of *venire facias* shall be made returnable, in like manner as records containing issues may now be sent or taken from the Common Law side of the said Court of Chancery into the Court of Queen's Bench, and it shall not be necessary to issue any writ of *mittimus* or other writ for the sending or taking such transcript into either of the said Courts; and in case such writ of *venire facias* shall be made returnable in either of the said Courts of Common Pleas or Exchequer of Pleas, such Court shall, upon the transcript of the said record being brought into such Court, proceed to try such issue either at bar or *nisi prius* as such Court shall think fit, and in like manner as such issue would or might have been tried in the Court of Queen's Bench in case such writ of *venire facias* had been made returnable in that Court, and the said transcript or the original record had been taken or deemed to be taken by the Lord Chancellor into that Court; and upon any such transcript as aforesaid being taken or brought into either of the said Courts of Common Pleas or Exchequer of Pleas, such Courts shall or may issue such writs, make such rules, and proceed therein in all respects for the trial or other lawful determination of the issue therein contained, in like manner as the Court of Queen's Bench could or might have done if such transcript or the original record had been taken into the Court of Queen's Bench, and with full power to set aside or vacate any trial, verdict or other proceeding, in like manner as could or might have been done by the said Court of Queen's Bench.

Record of issue to be filed in the Office of the Petty Bag.

XXXIII. And be it enacted, That in case any issue or issues in Law, or issues both in fact and in Law, shall be joined in any action, suit or proceeding on the Common Law side of the Court of Chancery, then and in such case the record of such issue or issues shall be made up and filed in the Office of

the Petty Bag, and a transcript of the said record shall or may thereupon be sent or taken into any one of the three Courts of Queen's Bench, Common Pleas or Exchequer; and such Court shall, upon the transcript being brought into any such Court, proceed to hear and determine the same in like manner as issues in Law, or issues in Law and fact, from the Common Law side of the said Court of Chancery have heretofore been heard and determined in the Court of Queen's Bench.

XXXIV. And be it enacted, That the said Courts of Queen's Bench, Common Pleas and Exchequer, and the judges thereof respectively, shall have the same power and authority in respect of the transcript of any record brought before them as aforesaid, and the pleadings, issues and matters therein contained, as they have in respect of the record in any action, suit or proceeding commenced or pending in such Court, and the pleadings, issues and matters in such record contained: Provided always, that nothing herein contained shall authorize the giving final judgment in any case in which the Court of Queen's Bench has not heretofore had such authority.

Superior Courts of Common Law to have the same powers as in actions pending in their Courts.

XXXV. And be it enacted, That, upon the trial or determination of any such issue or issues as aforesaid had or completed in any action, suit or proceeding from the Common Law side of the Court of Chancery, the Court in which such issue or issues shall be so tried or determined shall proceed to give judgment thereon, and execute such judgment in like manner as could or might have been done by the Court of Queen's Bench before the passing of the said recited Act or of this Act.

Superior Courts to give same judgment as Queen's Bench.

XXXVI. And be it enacted, That, upon the trial or determination of any issue or issues by the said superior Courts of Common Law, or upon any rule or order being made or judgment given in any action, suit or proceeding in which the transcript of the record shall be brought before them as aforesaid, a transcript of such judgment, rule or order, and of the proceedings of the Court of Common Law upon such issue or issues, may be taken into the said Court of Chancery, to the end that judgment may be given or such other proceeding had in Chancery according to the law or custom of England; and no writ of *mittimus* or other writ shall be necessary for the purpose of remanding or taking a transcript of

A transcript of proceedings in Courts of Common Law may be taken into Chancery.

the proceedings in the superior Courts of Common Law into the said Court of Chancery.

Costs to be taxed.

XXXVII. And be it enacted, That in all cases where any party shall be entitled to the costs of any such issues, or of any other proceedings or matters provided for by this Act, in any of the said Courts, such costs shall be taxed and regulated by one of the masters of the said Court respectively, who shall indorse his Allocatur on the rule or order, as the case may be, or upon the postea, before the same shall be taken or returned into the Court of Chancery as aforesaid.

Writs and proceedings to be prepared by parties or their attornies.

XXXVIII. And be it enacted, That every writ which shall or may at any time after this Act shall come into operation, lawfully issue out of the said Office of the Petty Bag under the said Chancery Common Law Seal, and every record and proceeding whatsoever on the Common Law side of the said Court of Chancery, shall be prepared, engrossed and issued by the party requiring or conducting the same, subject nevertheless to such rules and regulations as shall or may be made, and for the time being in force, by virtue of this Act or otherwise for regulating the practice of the Common Law side of the said Court of Chancery, and also subject to the payment of such lawful fees as shall or may be payable for or in respect thereof; and upon payment of such fees and complying with such rules, such writs, records and proceedings shall (when necessary, and if lawful and regular) be duly sealed.

Judges may dispose of matters arising in or incident to any action on the Common Law side of the Court of Chancery.

XXXIX. And be it enacted, That in every action, suit and proceeding now pending, or which at any time hereafter shall be commenced or pending, in the said Court of Chancery on the Common Law side thereof, it shall be lawful for the superior Courts of Common Law and the judges thereof respectively, and they are hereby respectively required, to hear and determine all such matters or applications arising in or incident to any such action, suit or proceeding as aforesaid, as before the passing of this Act might have been heard and determined by the Lord Chancellor and the Master of the Rolls, or either of them, and also to transact, do and perform all such business, matters and things in, about, touching or concerning any action, suit or proceeding on the Common Law side of the said Court of Chancery, as by virtue of any orders or regulations for the time being in force by virtue of this Act may be transacted, done or performed by such judge;

subject nevertheless and according to the provisions of this Act and the laws, rules and regulations for the time being in force for the regulation of the said Court and the practice and proceedings thereof.

[Sect. XL. empowers the Master of the Rolls to make orders for the custody, &c. of the records.

Sect. XLI. empowers the Lord Chancellor to make general rules and orders.

Sect. XLIV. provides that parties or their attornies shall cause their names to be entered in a book at the Petty Bag Office.

Sect. XLV. enacts that affidavits may be sworn before the Clerk of the Petty Bag.]

XLVI. And be it enacted, That nothing in this Act expressed or contained shall take away or in anywise diminish or prejudice the jurisdiction or any of the powers, rights or privileges of the Lord Chancellor as judge of the said Court of Chancery or otherwise howsoever, or the jurisdiction or any of the powers, rights or privileges of the Master of the Rolls as the keeper of the records of the said Court, or as a master or judge of the said Court, or otherwise.

Saving the jurisdiction of the Lord Chancellor and Master of the Rolls.

[Sect. XLVII. provides that forms of writs shall be settled and approved by the Lord Chancellor, with the advice and assistance of the Master of the Rolls.

Sect. XLVIII. provides that Courts of Common Law shall take cognizance of such writs, and make Rules and Regulations with reference thereto.]

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14 VICT. c. 8.

*An Act to extend the Provisions of the Designs Act, 1850, and to give Protection from Piracy to Persons exhibiting new Inventions in the Exhibition of the Works of Industry of all Nations in One thousand eight hundred and fifty-one.*

[Royal Assent, 11th April, 1851.]

WHEREAS it is expedient that such protection as hereinafter mentioned should be afforded to persons desirous of exhibiting new inventions in the Exhibition of the Works of Industry of all Nations in one thousand eight hundred and fifty-one; 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:—

Proprietors of new inventions to be allowed to exhibit them without prejudice to Letters-patent to be thereafter granted.

Inventions to be provisionally registered, and not to be used before granting of the Letters-patent.

I. Any new invention for which Letters-patent might lawfully be granted may at any time during the year one thousand eight hundred and fifty-one, but not afterwards, be publicly exhibited in any place previously certified by the Lords of the Committee of Privy Council for Trade and Foreign Plantations to be a place of exhibition within the meaning of the Designs Act, 1850, without prejudice to any Letters-patent to be thereafter during the term of the Provisional Registration hereinafter mentioned, granted for such invention to the true and first inventor thereof: Provided always, that such invention have, previously to such public exhibition thereof, been provisionally registered in manner hereinafter mentioned; and provided also that the same be not otherwise publicly exhibited or used by or with the consent of the inventor prior to the granting of any such Letters-patent as aforesaid, except as hereinafter mentioned: Provided also, that no sale or transfer, or contract for sale or transfer, of the right to or benefit of any invention so provisionally registered, or of the rights acquired under this Act or to be acquired under any Letters-patent to be granted for such invention, shall be deemed a use of such invention, and the publication of any account or description of such invention in any catalogue, paper, newspaper, periodical or otherwise, shall not affect the validity of any Letters-patent to be during such term granted as aforesaid.

Public trial of agricultural or horticultural implements under the direction of the Commissioners, not to prejudice Letters-patent.

II. The public trial or exhibition of any such invention as aforesaid (being an invention for purposes of agriculture or horticulture) which shall be certified by the Lords of the said Committee to have taken place under the direction of the Commissioners for the Exhibition of 1851, for purposes connected with the exhibition thereof in such place of public exhibition as aforesaid, whether such trial or exhibition take place before or after the passing of this Act, shall not prevent the provisional registration of such invention under this Act, nor prejudice or affect the validity of any Letters-patent to be granted for such invention during such term as aforesaid.

Certificate of invention to be granted for pro-

III. Her Majesty's Attorney-General, or such person or persons as he may from time to time appoint to issue certifi-

cates under this Act, on being furnished with a description in writing, signed by or on behalf of the person claiming to be the true and first inventor within this realm of any new invention intended to be exhibited in such place of public exhibition as aforesaid, and on being satisfied that such invention is proper to be so exhibited, and that the description in writing so furnished describes the nature of the said invention so intended to be exhibited, and in what manner the same is to be performed, shall give a certificate in writing under the hand or hands of such Attorney-General, or the person or persons appointed as aforesaid for the provisional Registration of such invention.

visional Registration.

IV. The Registrar of Designs, acting under the Designs Act, 1850, upon receiving such certificate, and being furnished with the name and place of address of the person by or on whose behalf the Registration is desired, shall register such certificate, name and place of address, and the invention to which any certificate so registered relates shall be deemed to be provisionally registered, and the Registration thereof shall continue in force for the term of one year from the time of the same being so registered; and the Registrar shall certify under his hand and seal that such invention has been provisionally registered, and the date of such Registration and the name and place of address of the person by or on whose behalf the Registration was effected: Provided always, that if any invention so provisionally registered be not actually exhibited in such place of public exhibition as aforesaid, or if the same invention be in use by others at the time of the said Registration, or if the person by or on whose behalf the said Registration has been effected be not the first and true inventor thereof, such Registration shall be absolutely void.

Certificate of invention to be registered.

V. The description in writing of any invention so provisionally registered shall be preserved in such manner and subject to such regulations as the Attorney-General shall direct, and any invention so provisionally registered and exhibited at such place of public exhibition as aforesaid shall have the words "Provisionally registered" marked thereon or attached thereto, with the date of the said Registration.

Description to be preserved, and invention to be marked with the words "Provisionally registered."

VI. Such provisional Registration as aforesaid shall during

Provisional Registration to con-

fer same benefits as under the Designs Act, 1850.

the term thereof confer on the inventor of such invention, with respect thereto, all the protection against piracy and other benefits which, by the Designs Act, 1850, are conferred upon the proprietors of Designs provisionally registered thereunder, with respect to such Designs; and so long as such provisional Registration continues in force, the penalties and provisions of the Designs Act, 1842, for preventing the piracy of Designs, shall extend to the acts, matters and things next hereinafter mentioned as fully and effectually as if those penalties and provisions had been re-enacted in this Act and expressly extended to such acts, matters and things; that is to say, to the making, using, exercising or vending the invention so provisionally registered, to the practising the same or any part thereof, to the counterfeiting, imitating or resembling the same, to the making additions thereto or subtraction from the same, without the consent in writing of the person by or on whose behalf the said invention was so provisionally registered.

Letters-patent thereafter granted to be as valid as if inventions were not registered or exhibited.

VII. All Letters-patent to be during the term of any such provisional Registration granted in respect of any invention so provisionally registered, shall, notwithstanding the Registration thereof, and notwithstanding the exhibition thereof in such place of public exhibition or otherwise as aforesaid, be of the same validity as if such invention had not been so registered or exhibited; and it shall be lawful for the Lord High Chancellor, if he think fit, on the grant of any Letters-patent to any inventor in respect of any invention provisionally registered under this Act, to cause such Letters-patent to be sealed as of the day of such provisional Registration, and to bear date as of the day of such provisional Registration, the Act of the eighteenth year of King Henry the Sixth or any other Act notwithstanding.

Proprietors of new and original Designs exhibited to be entitled to benefits of Designs Acts, although Designs have been previously published elsewhere than in the United Kingdom, if not publicly sold or used.

VIII. Notwithstanding anything contained in the Designs Act, 1850, and the two Acts therein referred to and called the Designs Act, 1842, and the Designs Act, 1843, the protection intended to be by those Acts extended to the proprietors of new and original Designs shall be extended to the proprietors of all new and original Designs which shall be provisionally registered and exhibited in such place of public exhibition as aforesaid, notwithstanding that such Designs may

have been previously published or applied elsewhere than in the United Kingdom of Great Britain and Ireland: Provided that such Design, or any article to which the same has been applied, have not been publicly sold or exposed for sale previously to such exhibition thereof as aforesaid.

IX. All the provisions of the Designs Act, 1850, and the provisions incorporated therewith relating or applicable to the Designs to be provisionally registered thereunder, or to the proprietors of such Designs, except the provision for extending the term of any such provisional Registration, shall, so far as the same are not repugnant to or inconsistent with the provisions of this Act, apply to the inventions to be provisionally registered under this Act, and to the inventors thereof; and the said Designs Act and this Act shall be construed together as one Act.

The Designs Act, 1850, and this Act, to be construed as one Act.

X. This Act may be cited as "The Protection of Inventions Act, 1851." Short title.

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14 & 15 VICT. c. 82.

*An Act to simplify the Forms of Appointment to certain Offices, and the manner of passing Grants under the Great Seal.* [Royal Assent, 7th August, 1851.]

[SECT. I. repeals so much of 27 Hen. VIII. c. 11, as relates to warrants for passing grants, &c., under the Great Seal.

Sect. II. dispenses with Signet and Privy Seal bills as authorities for passing grants under the Great Seal.

Sect. III. abolishes the offices of Clerks to the Signet and Privy Seal.

Sect. V. transfers the duties of the Signet Office not superseded by this Act to the office of Secretary of State.]

VII. It shall be lawful for the Lord High Chancellor or Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom from time to time after the passing of this Act to frame and establish such further rules and regulations to be observed on the passing of Letters-patent under the Great Seal of the United Kingdom as shall seem to them expedient.

Lord Chancellor and Secretary of State may make Rules concerning the passing of Letters-patent.



Commencement  
of Act.

X. This Act shall, save where herein otherwise provided, commence from and after the thirty-first day of December, one thousand eight hundred and fifty-one.

15 VICT. c. 6.

*An Act for extending the Term of the Provisional Registration of Inventions under "The Protection of Inventions Act, 1851."*

[Royal Assent, 20th April, 1852.]

14 Vict. c. 8.

WHEREAS by "The Protection of Inventions Act, 1851," it was provided that the provisional Registration of any new invention registered thereunder should continue in force for the term of one year from the time of the same being so registered: and whereas it is expedient that the same should be extended: 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:

Provisional Registration under the recited Act to continue in force till 1st February, 1853.

I. The Registration of every invention provisionally registered under the said Act shall continue until the first day of February, one thousand eight hundred and fifty-three, in like manner and with the like effect and consequences as if every such Registration had been continued in force till that day by the said Act instead of for the term of one year from the time of the invention being registered as therein mentioned.

15 & 16 VICT. c. 83.

*An Act for amending the Law for granting Patents for Inventions.* [Royal Assent, 1st July, 1852.]

WHEREAS it is expedient to amend the Law concerning Letters-patent for inventions; 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 pre-

sent Parliament assembled, and by the authority of the same, as follows :

I. The Lord Chancellor, the Master of the Rolls, Her Majesty's Attorney-General for England, Her Majesty's Solicitor-General for England, the Lord Advocate, Her Majesty's Solicitor-General for Scotland, Her Majesty's Attorney-General for Ireland, and Her Majesty's Solicitor-General for Ireland, for the time being respectively, together with such other person or persons as may be from time to time appointed by Her Majesty, as hereinafter mentioned, shall be Commissioners of Patents for inventions; and it shall be lawful for Her Majesty from time to time, by Warrant under Her Royal Sign Manual, to appoint such other person or persons as She may think fit to be a Commissioner or Commissioners as aforesaid; and every person so appointed shall continue such Commissioner during Her Majesty's pleasure; and all the powers hereby vested in the Commissioners may be exercised by any three or more of them, the Lord Chancellor or Master of the Rolls being one.

Certain persons constituted Commissioners of Patents for inventions, three of whom may act, the Chancellor or Master of the Rolls being one.

II. It shall be lawful for the Commissioners to cause a Seal to be made for the purposes of this Act, and from time to time to vary such Seal, and to cause to be sealed therewith all the Warrants for Letters-patent under this Act, and all instruments and copies proceeding from the Office of the Commissioners, and all Courts, judges and other persons whomsoever shall take notice of such Seal, and receive impressions thereof in evidence, in like manner as impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof or production of the originals, all copies or extracts, certified under the Seal of the said Office, of or from documents deposited in such Office.

Seal of the Commissioners.

III. It shall be lawful for the Commissioners from time to time to make such Rules and Regulations (not inconsistent with the provisions of this Act) respecting the business of their Office, and all matters and things which under the provisions herein contained are to be under their control and direction, as may appear to them necessary and expedient for the purposes of this Act: and all such Rules shall be laid before both Houses of Parliament within fourteen days after

Power to Commissioners to make Rules and Regulations, which shall be laid before Parliament.

Commissioners to report annually to Parliament.

the making thereof, if Parliament be sitting, and if Parliament be not sitting, then within fourteen days after the next meeting of Parliament; and the Commissioners shall cause a Report to be laid annually before Parliament of all the proceedings under and in pursuance of this Act.

Treasury to provide offices.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury to provide and appoint from time to time proper places or buildings for an Office or Offices for the purposes of this Act.

Commissioners, with consent of the Treasury, to appoint clerks, &c.

V. It shall be lawful for the Commissioners, with the consent of the Commissioners of the Treasury, from time to time to appoint for the purposes of this Act such clerks and officers as the Commissioners may think proper; and it shall be lawful for the Commissioners from time to time to remove any of the clerks and officers so appointed.

Petition and declaration to be accompanied with a Provisional Specification.

VI. Every Petition for the grant of Letters-patent for an invention, and the Declaration required to accompany such petition, shall be left at the Office of the Commissioners, and there shall be left therewith a statement in writing, hereinafter called the Provisional Specification, signed by or on behalf of the applicant for Letters-patent, describing the nature of the said invention; and the day of the delivery of every such Petition, Declaration and Provisional Specification shall be recorded at the said Office, and indorsed on such Petition, Declaration and Provisional Specification, and a Certificate thereof given to such applicant or his agent; and all such Petitions, Declarations and Provisional Specifications shall be preserved in such manner as the Commissioners may direct, and a registry thereof and of all proceedings thereon kept at the Office of the Commissioners.

Every application to be referred to one of the Law Officers.

VII. Every application for Letters-patent made under this Act shall be referred by the Commissioners, according to such regulations as they may think fit to make, to one of the Law Officers.

The Provisional Specification to be referred to the Law Officer who, if satisfied, may give a certificate of his allowance, which shall be filed.

VIII. The Provisional Specification shall be referred to the Law Officer, who shall be at liberty to call to his aid such scientific or other person as he may think fit, and to cause to be paid to such person by the applicant such remuneration as the Law Officer shall appoint; and if such Law Officer be satisfied that the Provisional Specification describes the nature of

the invention, he shall allow the same, and give a Certificate of his allowance, and such Certificate shall be filed in the Office of the Commissioners, and thereupon the invention therein referred to may, during the term of six months from the date of the application for Letters-patent for the said invention, be used and published without prejudice to any Letters-patent to be granted for the same, and such protection from the consequences of use and publication is hereinafter referred to as Provisional Protection: Provided always, that in case the Title of the invention or the Provisional Specification be too large or insufficient, it shall be lawful for the Law Officer to whom the same is referred to allow or require the same to be amended.

IX. The applicant for Letters-patent for an invention, instead of leaving with the Petition and Declaration a Provisional Specification as aforesaid, may, if he think fit, file with the said Petition and Declaration an instrument in writing under his hand and seal (hereinafter called a Complete Specification), particularly describing and ascertaining the nature of the said invention, and in what manner the same is to be performed, which Complete Specification shall be mentioned in such Declaration, and the day of the delivery of every such Petition, Declaration and Complete Specification shall be recorded at the Office of the Commissioners, and indorsed on such Petition, Declaration and Specification, and a Certificate thereof given to such applicant or his agent, and thereupon, subject and without prejudice to the provisions hereinafter contained, the invention shall be protected under this Act for the term of six months from the date of the application, and the applicant shall have during such term of six months the like powers, rights and privileges as might have been conferred upon him by Letters-patent for such invention, issued under this Act, and duly sealed as of the day of the date of such application; and during the continuance of such powers, rights and privileges under this provision, such invention may be used and published without prejudice to any Letters-patent to be granted for the same; and where Letters-patent are granted in respect of such invention, then in lieu of a condition for making void such Letters-patent in case such invention be not described and ascertained by a subsequent Specification, such Letters-

Inventor may deposit, in lieu of a Provisional Specification, a Complete Specification, such deposit to confer for a limited time the like rights as Letters-patent.

patent shall be conditioned to become void if such Complete Specification, filed as aforesaid, does not particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed; and a copy of every such Complete Specification shall be open to the inspection of the public, as hereinafter provided, from the time of depositing the same, subject to such regulation as the Commissioners may make.

Letters-patent granted to the first inventor not to be invalidated by Protection obtained in fraud of the first inventor.

X. In case of any application for Letters-patent for any invention, and the obtaining upon such application of Provisional Protection for such invention, or of Protection for the same, by reason of the deposit of a Complete Specification as aforesaid in fraud of the true and first inventor, any Letters-patent granted to the true and first inventor of such invention shall not be invalidated by reason of such application, or of such Provisional or other Protection as aforesaid, or of any use or publication of the invention subsequent to such application, and before the expiration of the term of such Provisional or other Protection.

Commissioners to cause Protections to be advertised.

XI. Where any invention is provisionally protected under this Act, or protected by reason of the deposit of such Complete Specification as aforesaid, the Commissioners shall cause such Provisional Protection or such other Protection as aforesaid to be advertised in such manner as they may see fit.

Application for Letters-patent to be advertised, and also oppositions to the same.

XII. The applicant for Letters-patent, so soon as he may think fit after the invention shall have been provisionally protected under this Act, or where a Complete Specification has been deposited with his Petition and Declaration, then so soon as he may think fit after such deposit, may give Notice at the Office of the Commissioners of his intention of proceeding with his application for Letters-patent for the said invention, and thereupon the said Commissioners shall cause his said application to be advertised in such manner as they may see fit; and any persons having an interest in opposing the grant of Letters-patent for the said invention shall be at liberty to leave Particulars in writing of their objections to the said application at such place and within such time and subject to such regulations as the Commissioners may direct.

Specification and objections to be referred to Law Officer.

XIII. So soon as the time for the delivery of such objections shall have expired, the Provisional Specification or Com-

plete Specification (as the case may be) and Particulars of objection (if any) shall be referred to the Law Officer to whom the application has been referred.

XIV. It shall be lawful for the Law Officer to whom any application for such Letters-patent is referred, if he see fit, by Certificate under his hand, to order by or to whom the costs of any hearing or inquiry upon any objection, or otherwise in relation to the grant of such Letters-patent, or in relation to the Provisional (or other) Protection acquired by the applicant under this Act, shall be paid, and in what manner and by whom such costs are to be ascertained; and if any costs so ordered to be paid be not paid within four days after the amount thereof shall be so ascertained, it shall be lawful for such Law Officer to make an order for the payment of the same, and every such order may be made a rule of one of Her Majesty's Superior Courts at Westminster or Dublin, and may be recorded in the Books of Council and Session in Scotland to the effect that execution may pass thereupon in common form.

Power to Law Officer to order by or to whom costs shall be paid.

XV. It shall be lawful for such Law Officer, after such hearing, if any, as he may think fit, to cause a Warrant to be made for the sealing of Letters-patent for the said invention, and such Warrant shall be sealed with the Seal of the Commissioners, and shall set forth the tenor and effect of the Letters-patent thereby authorized to be granted, and such Law Officer shall direct the insertion in such Letters-patent of all such restrictions, conditions and provisoes as he may deem usual and expedient in such grants, or necessary in pursuance of the provisions of this Act; and the said Warrant shall be the Warrant for the making and sealing of Letters-patent under this Act according to the tenor of the said Warrant: Provided always, that the Lord Chancellor shall and may have and exercise such powers, authority and discretion in respect to the said Warrant, and the Letters-patent therein directed to be made under this Act, as he now has and might now exercise with respect to the Warrant for the issue under the Great Seal of Letters-patent for any invention, and with respect to the making and issuing of such Letters-patent; and the writ of *scire facias* shall lie for the repeal of any Letters-patent issued under this Act, in the like cases as the

Power to Law Officer to cause a Warrant to be made for sealing of Letters-patent.

Chancellor to have same powers in respect to Warrant, &c., as he now has.

Writ of *scire facias*.

same would lie for the repeal of Letters-patent which may now be issued under the Great Seal.

Nothing to affect the prerogative of the Crown in granting or withholding grant of Letters-patent.

XVI. Provided also, That nothing herein contained shall extend to abridge or affect the prerogative of the Crown in relation to the granting or withholding the grant of any Letters-patent; and it shall be lawful for Her Majesty, by Warrant under Her Royal Sign Manual, to direct such Law Officer to withhold such Warrant as aforesaid, or that any Letters-patent for the issuing whereof he may have issued a Warrant as aforesaid shall not issue, or to direct the insertion in any Letters-patent to be issued in manner herein provided of any restrictions, conditions or provisoes which Her Majesty may think fit in addition to or in substitution for any restrictions, conditions or provisoes which would otherwise be inserted therein under this Act; and it shall also be lawful for Her Majesty, by like Warrant, to direct any Complete Specification which may have been filed under the provision hereinbefore contained, and in respect of the invention described in which no Letters-patent may have been granted, to be cancelled, and thereupon the Protection obtained by the filing of such Complete Specification shall cease.

Letters-patent to be made subject to avoidance on non-fulfilment of certain conditions.

XVII. All Letters-patent for inventions granted under the provisions hereinbefore contained shall be made subject to the condition that the same shall be void, and that the powers and privileges thereby granted shall cease and determine, at the expiration of three years and seven years respectively from the date thereof, unless there be paid, before the expiration of the said three and seven years respectively, the sum or sums of money and stamp duties in the Schedule to this Act annexed; and the payment of the said sums of money and stamp duties respectively shall be indorsed on the Warrant for the said Letters-patent; and such Officer of the Commissioners as may be appointed for this purpose shall issue under the Seal of the Commissioners a Certificate of such payment, and shall indorse a receipt for the same on any Letters-patent issued under the authority of the said Warrant; and such Certificate, duly stamped, shall be evidence of the payment of the several sums respectively.

Letters-patent issued under the Great Seal to be

XVIII. The Commissioners, so soon after the sealing of the said Warrant as required by the applicant for the Letters-

patent, shall cause to be prepared Letters-patent for the invention, according to the tenor of the said Warrant, and it shall be lawful for the Lord Chancellor to cause such Letters-patent to be sealed with the Great Seal of the United Kingdom, and such Letters-patent so sealed shall extend to the whole of the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man; and in case such Warrant so direct, such Letters-patent shall be made applicable to Her Majesty's colonies and plantations abroad, or such of them as may be mentioned in such Warrant; and such Letters-patent shall be valid and effectual as to the whole of such United Kingdom, and the said islands and isle, and the said colonies or plantations, or such of them as aforesaid, and shall confer the like powers, rights and privileges as might, in case this Act had not been passed, have been conferred by several Letters-patent of the like purport and effect passed under the Great Seal of the United Kingdom, under the Seal appointed to be used instead of the Great Seal of Scotland, and under the Great Seal of Ireland respectively, and made applicable to England, the dominion of Wales, the town of Berwick-upon-Tweed, the Channel Islands, and Isle of Man, and the said colonies and plantations, or such of them as aforesaid, to Scotland, and to Ireland respectively, save as herein otherwise provided: Provided always, that nothing in this Act contained shall be deemed or taken to give any effect or operation to any Letters-patent to be granted under the authority of this Act in any colony in which such or the like Letters-patent would be invalid by the Law in force in the same colony for the time being: Provided always, that a transcript of such Letters shall, so soon after the sealing of the same and in such manner as the Commissioners shall direct, be transmitted to the Director of Chancery in Scotland, and be recorded in the records of Chancery in Scotland, upon payment of such fees as the Commissioners shall appoint, in the same manner and to the same effect in all respects as Letters-patent passing under the Seal appointed by the Treaty of Union to be used in place of the Great Seal of Scotland have heretofore been recorded, and extracts from the said records shall be furnished to all parties requiring the same, on payment of such fees as the Commissioners shall direct,

valid for the whole of the United Kingdom, the Channel Islands and the Isle of Man.

Nothing to give effect to any Letters-patent granted in any colony.



and shall be received in evidence in all courts in Scotland to the like effect as the Letters-patent themselves.

No Letters-patent to be issued after three months from date of Warrant.

XIX. Provided always, That no Letters-patent, save as hereinafter mentioned in the case of Letters-patent destroyed or lost, shall issue on any Warrant granted as aforesaid, unless application be made to seal such Letters-patent within three months after the date of the said Warrant.

No Letters-patent (except in lieu of those lost, &c.) to be issued after expiration of protection given by this Act.

XX. Provided also, That no Letters-patent (save Letters-patent issued in lieu of others destroyed or lost) shall be issued or be of any force or effect unless the same be granted during the continuance of the Provisional Protection under this Act, or, where a Complete Specification has been deposited under this Act, then unless such Letters-patent be granted during the continuance of the protection conferred under this Act by reason of such deposit, save that where the application to seal such Letters-patent has been made during the continuance of such Provisional or other Protection as aforesaid, and the sealing of such Letters-patent has been delayed by reason of a *caveat* or an application to the Lord Chancellor against or in relation to the sealing of such Letters-patent, then such Letters-patent may be sealed at such time as the Lord Chancellor shall direct.

Letters-patent may be granted to personal representatives of the applicant during the term of Protection, or within three months after applicant's decease.

XXI. Provided also, That where the applicant for such Letters-patent dies during the continuance of the Provisional Protection, or the Protection by reason of the deposit of a Complete Specification (as the case may be), such Letters-patent may be granted to the executors or administrators of such applicant during the continuance of such Provisional or other Protection, or at any time within three months after the death of such applicant, notwithstanding the expiration of the term of such Provisional or other Protection, and the Letters-patent so granted shall be of the like force and effect as if they had been granted to such applicant during the continuance of such Provisional or other Protection.

If Letters-patent be destroyed or lost, other Letters-patent may be issued.

XXII. Provided also, That in case any such Letters-patent shall be destroyed or lost, other Letters-patent of the like tenor and effect, and sealed and dated as of the same day, may, subject to such regulations as the Commissioners may direct, be issued under the authority of the Warrant in pursuance of which the original Letters-patent were issued.

XXIII. It shall be lawful (the Act of the eighteenth year of King Henry the Sixth, chapter one, or any other Act, to the contrary notwithstanding,) to cause any Letters-patent to be issued in pursuance of this Act to be sealed and bear date as of the day of the application for the same, and in case of such Letters-patent for any invention provisionally registered under the "Protection of Inventions Act, 1851," as of the day of such Provisional Registration, or, where the Law Officer to whom the application was referred, or the Lord Chancellor, thinks fit and directs, any such Letters-patent as aforesaid may be sealed and bear date as of the day of the sealing of such Letters-patent, or of any other day between the day of such application or Provisional Registration and the day of such sealing.

Letters-patent may be dated as of the day of the application.

XXIV. Any Letters-patent issued under this Act, sealed and bearing date as of any day prior to the day of the actual sealing thereof, shall be of the same force and validity as if they had been sealed on the day as of which the same are expressed to be sealed and bear date: Provided always, that save where such Letters-patent are granted for any invention, in respect whereof a Complete Specification has been deposited upon the application for the same under this Act, no proceeding at Law or in Equity shall be had upon such Letters-patent in respect of any infringement committed before the same were actually granted.

Letters-patent where antedated to be of the same validity as if sealed on the day of the date.

XXV. Where, upon any application made after the passing of this Act, Letters-patent are granted in the United Kingdom for or in respect of any invention first invented in any foreign country or by the subject of any foreign power or State, and a Patent or like privilege for the monopoly or exclusive use or exercise of such invention in any foreign country is there obtained before the grant of such Letters-patent in the United Kingdom, all rights and privileges under such Letters-patents shall (notwithstanding any term in such Letters-patent limited) cease and be void immediately upon the expiration or other determination of the term during which the Patent or like privilege obtained in such foreign country shall continue in force, or where more than one such Patent or like privilege is obtained abroad, immediately upon the expiration or determination of the term which shall first

Letters-patent obtained in United Kingdom for patented foreign inventions not to continue in force after the expiration of the foreign Patent.

expire or be determined of such several Patents or like privileges: Provided always, that no Letters-patent for or in respect of any invention for which any such Patent or like privilege as aforesaid shall have been obtained in any foreign country, and which shall be granted in the said United Kingdom after the expiration of the term for which such Patent or privilege was granted or was in force, shall be of any validity.

Letters-patent not to prevent the use of inventions in foreign ships resorting to British ports;

except ships of foreign states in whose ports British ships are prevented from using foreign inventions.

**XXVI.** No Letters-patent for any invention (granted after the passing of this Act) shall extend to prevent the use of such invention in any foreign ship or vessel, or for the navigation of any foreign ship or vessel, which may be in any port of Her Majesty's dominions, or in any of the waters within the jurisdiction of any of Her Majesty's Courts, where such invention is not so used for the manufacture of any goods or commodities to be vended within or exported from Her Majesty's dominions: Provided always, that this enactment shall not extend to the ships or vessels of any foreign State of which the laws authorize subjects of such foreign State, having Patents or like privileges for the exclusive use or exercise of inventions within its territories, to prevent or interfere with the use of such inventions in British ships or vessels, or in or about the navigation of British ships or vessels, while in the ports of such foreign state, or in the waters within the jurisdiction of its Courts, where such inventions are not so used for the manufacture of goods or commodities to be vended within or exported from the territories of such foreign state.

Specifications to be filed instead of being enrolled.

**XXVII.** All Letters-patent to be granted under this Act (save only Letters-patent granted after the filing of a Complete Specification) shall require the Specification thereunder to be filed in the High Court of Chancery, instead of requiring the same to be enrolled, and no enrolment shall be requisite.

Specifications, &c. to be filed in such office as Lord Chancellor shall direct.

**XXVIII.** Every Specification to be filed in pursuance of the condition of any Letters-patent shall be filed in such Office of the Court of Chancery as the Lord Chancellor shall from time to time appoint, and every Provisional Specification and Complete Specification left or filed at the Office of the Commissioners on the application for any Letters-patent shall

forthwith after the grant of the Letters-patent, or if no Letters-patent be granted then immediately on the expiration of six months from the time of such application, be transferred to and kept in the said Office appointed for filing Specifications in Chancery; and in case reference is made to drawings in any Specification deposited or filed under this Act, an extra copy of such drawings shall be left with such Specification.

As to filing extra copies of drawings.

XXIX. The Commissioners shall cause true copies of all Specifications (other than Provisional Specifications), disclaimers and memoranda of alterations filed under or in pursuance of this Act, and of all Provisional Specifications after the term of the Provisional Protection of the invention has expired, to be open to the inspection of the public at the Office of the Commissioners, and at an Office in Edinburgh and Dublin respectively, at all reasonable times, subject to such regulations as the Commissioners may direct; and the Commissioners shall cause a transcript of the said Letters-patent to be transmitted for enrolment in the Court of Chancery, Dublin, and shall cause the same to be enrolled therein, and the transcript or exemplification thenceforward shall have the like effect to all intents and purposes as if the original Letters-patent had been enrolled in the Court of Chancery in Dublin, and all parties shall have all their remedies by *scire facias* or otherwise, as if the Letters-patent had been granted to extend to Ireland only.

Copies of Specifications to be open to inspection at Office of Commissioners, and at Edinburgh and Dublin.

XXX. The Commissioners shall cause to be printed, published and sold, at such prices and in such manner as they may think fit, all Specifications, Disclaimers and Memoranda of alterations deposited or filed under this Act, and such Specifications (not being Provisional Specifications), Disclaimers and Memoranda respectively shall be so printed and published as soon as conveniently may be after the filing thereof respectively, and all such Provisional Specifications shall be so printed and published as soon as conveniently may be after the expiration of the Provisional Protection obtained in respect thereof; and it shall be lawful for the Commissioners to present copies of all such publications to such public libraries and museums as they may think fit, and to allow the person depositing or filing any such Specification, Disclaimer or Memorandum of alteration to have such number, not ex-

Specifications and other documents to be printed and published.

As to presenting copies of publications to public libraries, &c.

ceeding twenty-five, of the copies thereof so printed and published, without any payment for the same, as they may think fit.

Enrolments, &c. may be removed to the Office for Specifications.

XXXI. It shall be lawful for the Lord Chancellor and the Master of the Rolls to direct the enrolment of Specifications, Disclaimers and Memoranda of alterations heretofore or hereafter enrolled or deposited at the Rolls Chapel Office, or at the Petty Bag Office, or at the Enrolment Office of the Court of Chancery, or in the custody of the Master of the Rolls as keeper of the public records, to be transferred to and kept in the office appointed for filing Specifications in Chancery under this Act.

Commissioners to cause indexes to be made to old Specifications, &c.; such Specifications, &c. may be printed and published.

XXXII. The Commissioners shall cause indexes to all Specifications, Disclaimers and Memoranda of alterations heretofore or to be hereafter enrolled or deposited as last aforesaid to be prepared in such form as they may think fit, and such indexes shall be open to the inspection of the public at such place or places as the Commissioners shall appoint, and subject to the regulations to be made by the Commissioners, and the Commissioners may cause all or any of such indexes, Specifications, Disclaimers and Memoranda of alterations to be printed, published and sold in such manner and at such prices as the Commissioners may think fit.

Copies of Specifications, &c. as printed by Queen's printers to be evidence.

XXXIII. Copies, printed by the printers to the Queen's Majesty, of Specifications, Disclaimers and Memoranda of alterations shall be admissible in evidence, and deemed and taken to be *prima facie* evidence of the existence and contents of the documents to which they purport to relate in all Courts and in all proceedings relating to Letters-patent.

Register of Patents to be kept.

XXXIV. There shall be kept at the Office appointed for filing Specifications in Chancery under this Act a book or books, to be called "The Register of Patents," wherein shall be entered and recorded in chronological order all Letters-patent granted under this Act, the deposit or filing of Specifications, Disclaimers and Memoranda of alterations filed in respect of such Letters-patent, all Amendments in such Letters-patents and Specifications, all Confirmations and Extensions of such Letters-patent, the expiry, vacating or cancelling such Letters-patent, with the dates thereof respectively, and all other matters and things affecting the validity of such Letters-

patent as the Commissioners may direct, and such Register, or a copy thereof, shall be open at all convenient times to the inspection of the public, subject to such regulations as the Commissioners may make.

XXXV. There shall be kept at the office appointed for filing Specifications in Chancery under this Act a book or books, entitled "The Register of Proprietors," wherein shall be entered, in such manner as the Commissioners shall direct, the assignment of any Letters-patent, or any share or interest therein, any licence under Letters-patent, and the district to which such licence relates, with the name or names of any person having any share or interest in such Letters-patent or licence, the date of his or their acquiring such Letters-patent, share and interest, and any other matter or thing relating to or affecting the proprietorship in such Letters-patent or licence; and a copy of any entry in such book, certified under such seal as may have been appointed or as may be directed by the Lord Chancellor to be used in the said office, shall be given to any person requiring the same, on payment of the fees hereinafter provided; and such copies so certified shall be received in evidence in all Courts and in all proceedings, and shall be *prima facie* proof of the assignment of such Letters-patent, or share or interest therein, or of the licence or proprietorship, as therein expressed: provided always, that until such entry shall have been made the grantee or grantees of the Letters-patent shall be deemed and taken to be the sole and exclusive proprietor or proprietors of such Letters-patent, and of all the licences and privileges thereby given and granted; that certified duplicates of all entries made in the said Register of proprietors shall forthwith be transmitted to the office of the Commissioners in Edinburgh and Dublin, where the same shall also be open to the inspection of the public; and any writ of *scire facias* to repeal such Letters-patent may be issued to the sheriff of the county or counties in which the grantee or grantees resided at the time when the said Letters-patent were granted; and in case such grantee or grantees do not reside in the United Kingdom it shall be sufficient to file such writ in the Petty Bag Office, and serve notice thereof in writing at the last known residence or place of business of

A Register of proprietors to be kept at the office for filing Specifications.

such grantee or grantees; and such Register or a copy shall be open to the inspection of the public at the office of the Commissioners, subject to such regulations as the Commissioners may make; provided always, that, in any proceeding in Scotland to repeal any Letters-patent, service of all writs and summonses shall be made according to the existing forms and practice; provided also, that the grantee or grantees of Letters-patent to be hereafter granted may assign the Letters-patent for England, Scotland or Ireland respectively as effectually as if the Letters-patent had been originally granted to extend to England or Scotland or Ireland only, and the assignee or assignees shall have the same rights of action and remedies, and shall be subject to the like actions and suits as he or they should and would have had and been subject to upon the assignment of Letters-patent granted to England, Ireland or Scotland before the passing of this Act.

Power for more than twelve persons to have a legal interest in Letters-patent.

**XXXVI.** Notwithstanding any proviso that may exist in former Letters-patent, it shall be lawful for a larger number than twelve persons hereafter to have a legal and beneficial interest in such Letters-patent.

Falsification or forgery of entries a misdemeanor.

**XXXVII.** If any person shall wilfully make or cause to be made any false entry in the said Register of proprietors, or shall wilfully make or forge, or cause to be made or forged, any writing falsely purporting to be a copy of any entry in the said book, or shall produce or tender, or cause to be produced or tendered, in evidence any such writing, knowing the same to be false or forged, he shall be guilty of a misdemeanor, and shall be punished by fine and imprisonment accordingly.

Entries may be expunged.

**XXXVIII.** If any person shall deem himself aggrieved by any entry made under colour of this Act in the said Register of proprietors, it shall be lawful for such person to apply, by motion, to the Master of the Rolls or to any of the Courts of Common Law at Westminster in term time, or by summons to a Judge of any of the said Courts in vacation, for an order that such entry may be expunged, vacated or varied; and upon any such application the Master of the Rolls, or such Court or Judge respectively, may make such order for expunging, vacating or varying such entry, and as to the costs of such application, as to the said Master of the Rolls or to such

Court or Judge may seem fit; and the officer having the care and custody of such Register, on the production to him of any such order for expunging, vacating or varying any such entry, shall expunge, vacate or vary the same, according to the requisitions of such order.

XXXIX. All the provisions of the Acts of the session holden in the fifth and sixth years of King William the Fourth, chapter eighty-three, and of the session holden in the seventh and eighth years of Her Majesty, chapter sixty-nine, respectively, relating to Disclaimers and Memoranda of alterations in Letters-patent and Specifications, except as hereinafter provided, shall be applicable and apply to any Letters-patent granted, and to any Specification filed under the provisions of this Act: provided always, that all applications for leave to enter a Disclaimer or Memorandum of alteration shall be made, and all caveats relating thereto shall be lodged at the office of the Commissioners, and shall be referred to the respective Law officers in the said first-recited Act mentioned: provided also, that every such Disclaimer or Memorandum of alteration shall be filed in the office appointed for filing Specifications in Chancery under this Act, with the Specification to which the same relates, in lieu of being entered or filed and enrolled as required by the said first-recited Act, or by the Act of the session holden in the twelfth and thirteenth years of Her Majesty, chapter one hundred and nine, and the said Acts shall be construed accordingly: provided also, that such filing of any Disclaimer or Memorandum of alteration, in pursuance of the leave of the law officer in the first-recited Act mentioned, certified as therein mentioned, shall, except in cases of fraud, be conclusive as to the right of the party to enter such Disclaimer or Memorandum of alteration under the said Acts and this Act; and no objection shall be allowed to be made in any proceeding upon or touching such Letters-patent, Specification, Disclaimer or memorandum of alteration, on the ground that the party entering such Disclaimer or Memorandum of alteration had not sufficient authority in that behalf; provided also, that no action shall be brought upon any Letters-patent in which or on the Specification of which any Disclaimer or Memorandum of alteration shall have been filed in respect of any infringement

Provisions of 5 & 6 Will. IV. c. 83, and of 7 & 8 Vict. c. 69, as to Disclaimers and Memoranda of alterations to apply to Patents under this Act.

Applications for Disclaimers and caveats to be at office of Commissioners.



committed prior to the filing of such Disclaimer or Memorandum of alteration, unless the law officer shall certify in his fiat that any such action may be brought, notwithstanding the entry or filing of such Disclaimer or Memorandum of alteration.

Provisions of 5 & 6 Will. IV. c. 83, 2 & 3 Vict. c. 67, and 7 & 8 Vict. c. 69, as to confirmation and prolongation, to apply to Patents under this Act.

**XL.** All the provisions of the said Act of the fifth and sixth years of King William the Fourth, for the confirmation of any Letters-patent, and the grant of new Letters-patent, and all the provisions of the said Act, and of the Acts of the session holden in the second and third years of Her Majesty, chapter sixty-seven, and of the session holden in the seventh and eighth years of Her Majesty, chapter sixty-nine, respectively, relating to the prolongation of the term of Letters-patent, and to the grant of new Letters-patent for a further term, shall extend and apply to any Letters-patent granted under the provisions of this Act, and it shall be lawful for her Majesty to grant any new Letters-patent, as in the said Acts mentioned; and in the granting of any such new Letters-patent Her Majesty's Order in Council shall be a sufficient warrant and authority for the sealing of any new Letters-patent, and for the insertion in such new Letters-patent of any restrictions, conditions and provisions in the said order mentioned; and the Lord Chancellor, on the receipt of the said Order in Council, shall cause Letters-patent, according to the tenor and effect of such order, to be made and sealed in the manner herein directed for Letters-patent issued under the warrant of the law officer: provided always, that such new Letters-patent shall extend to and be available in and for such places as the original Letters-patent extended to and were available in: provided also, that such new Letters-patent shall be sealed and bear date as of the day after the expiration of the term of the original Letters-patent which may first expire.

In actions for infringement of Letters-patent, particulars to be delivered, and no evidence allowed not mentioned therein.

**XLI.** In any action in any of Her Majesty's Superior Courts of Record at Westminster or in Dublin for the infringement of Letters-patent the plaintiff shall deliver with his declaration particulars of the breaches complained of in the said action, and the defendant, on pleading thereto, shall deliver with his pleas, and the prosecutor in any proceedings by *scire facias* to repeal Letters-patent, shall deliver with his declaration,

particulars of any objections on which he means to rely at the trial in support of the pleas in the said action or of the suggestions of the said declaration in the proceedings by *scire facias* respectively; and at the trial of such action or proceeding by *scire facias* no evidence shall be allowed to be given in support of any alleged infringement or of any objection impeaching the validity of such Letters-patent which shall not be contained in the particulars delivered as aforesaid: provided always, that the place or places at or in which and in what manner the invention is alleged to have been used or published prior to the date of the Letters-patent shall be stated in such particulars: provided also, that it shall and may be lawful for any Judge at chambers to allow such plaintiff or defendant or prosecutor respectively to amend the particulars delivered as aforesaid, upon such terms as to such judge shall seem fit: provided also, that at the trial of any proceeding by *scire facias* to repeal Letters-patent the defendant shall be entitled to begin and to give evidence in support of such Letters-patent, and in case evidence shall be adduced on the part of the prosecutor impeaching the validity of such Letters-patent, the defendant shall be entitled to the reply.

XLII. In any action in any of Her Majesty's Superior Courts of Record at Westminster and in Dublin for the infringement of Letters-patent, it shall be lawful for the Court in which such action is pending, if the Court be then sitting, or if the Court be not sitting then for a Judge of such Court, on the application of the plaintiff or defendant respectively, to make such order for an injunction, inspection or account, and to give such direction respecting such action, injunction, inspection and account, and the proceedings therein respectively, as to such Court or Judge may seem fit.

Courts of Common Law may grant injunction in case of infringement.

XLIII. In taxing the costs in any action in any of Her Majesty's Superior Courts at Westminster or in Dublin, commenced after the passing of this Act for infringing Letters-patent, regard shall be had to the particulars delivered in such action, and the plaintiff and defendant respectively shall not be allowed any costs in respect of any particulars unless certified by the Judge before whom the trial was had to have been proved by such plaintiff or defendant respectively, without regard to the general costs of the cause; and it shall

Particulars to be regarded in taxation of costs.

be lawful for the Judge before whom any such action shall be tried to certify on the record that the validity of the Letters-patent in the declaration mentioned came in question; and the record, with such certificate, being given in evidence in any suit or action for infringing the said Letters-patent, or in any proceeding by *scire facias* to repeal the Letters-patent, shall entitle the plaintiff in any such suit or action, or the defendant in such proceeding by *scire facias* on obtaining a decree, decretal order or final judgment, to his full costs, charges and expenses, taxed as between attorney and client, unless the Judge making such decree or order, or the Judge trying such action or proceeding, shall certify that the plaintiff or defendant respectively ought not to have such full costs: provided always, that nothing herein contained shall affect the jurisdiction and forms of process of the Courts in Scotland in any action for the infringement of Letters-patent or in any action or proceeding respecting Letters-patent hitherto competent to the said Courts: provided also, that when any proceedings shall require to be taken in Scotland to repeal any Letters-patent, such proceedings shall be taken in the form of an action of reduction at the instance of Her Majesty's Advocate, or at the instance of any other party having interest with concurrence of Her Majesty's Advocate, which concurrence Her Majesty's Advocate is authorized and empowered to give upon just cause shown only.

Payments and stamp duties on Letters-patent to be as in Schedule.

XLIV. There shall be paid in respect of Letters-patent applied for or issued as herein mentioned, the filing of Specifications and Disclaimers, certificates, entries and searches, and other matters and things mentioned in the Schedule to this Act, such fees as are mentioned in the said Schedule; and there shall be paid unto and for the use of Her Majesty, Her heirs and successors, for or in respect of the warrants and certificates mentioned in the said Schedule, or the vellum, parchment or paper on which the same respectively are written, the stamp duties mentioned in the said Schedule; and no other stamp duties shall be levied, or fees, except as hereinafter mentioned, taken in respect of such Letters-patent and Specifications, and the matters and things in such Schedule mentioned.

**XLV.** The stamp duties hereby granted shall be under the care and management of the Commissioners of Inland Revenue; and the several rules, regulations, provisions, penalties, clauses and matters contained in any Act now or hereafter to be in force with reference to stamp duties shall be applicable thereto.

Duties to be under management of Commissioners of Inland Revenue.

**XLVI.** The fees to be paid as aforesaid shall from time to time be paid into the receipt of the Exchequer, and be carried to and made part of the Consolidated Fund of the United Kingdom.

All monies received to be paid to the Consolidated Fund.

**XLVII.** Provided always, That nothing herein contained shall prevent the payment as heretofore to the Law Officers in cases of opposition to the granting of Letters-patent, and in cases of Disclaimers and Memoranda of alterations, of such fees as may be appointed by the Lord Chancellor and Master of the Rolls as the fee to be paid on the hearing of such oppositions, and in the case of Disclaimers and Memoranda of alterations respectively, or of such reasonable sums for office or other copies of documents in the office of the Commissioners, as the Commissioners may from time to time appoint to be paid for such copies, and the Lord Chancellor and Master of the Rolls, and the Commissioners, are hereby respectively authorized and empowered to appoint the fees to be so paid in respect of such oppositions, Disclaimers and Memoranda of alterations respectively, and for such office or other copies.

Not to prevent payment of fees to Law officers in cases of opposition, &c.

**XLVIII.** It shall be lawful for the Commissioners of Her Majesty's Treasury from time to time to allow such fees to the Law Officers and their clerks (for duties under this Act in respect of which fees may not be payable to them under the provisions lastly hereinbefore contained) as the Lord Chancellor and Master of the Rolls may from time to time appoint, and to allow such salaries and payments to any clerks and officers to be appointed under this Act, and such additional salaries and payments to any other clerks and officers in respect of any additional duties imposed on them by this Act, as the said Commissioners of the Treasury may think fit.

Fees and salaries of officers.

**XLIX.** It shall be lawful for the Commissioners of Her Majesty's Treasury to allow from time to time the necessary sums for providing offices under this Act, and for the fees,

Sums for defraying salaries and expenses under this Act to be paid out of monies

to be provided by Parliament.

salaries and payments allowed by them as aforesaid, and for defraying the current and incidental expenses of such office or offices; and the sums to be so allowed shall be paid out of such monies as may be provided by Parliament for that purpose.

Power to Treasury to grant compensation to persons affected by this Act.

L. And whereas divers persons by virtue of their offices or appointments are entitled to fees or charges payable in respect of Letters-patent as heretofore granted within the United Kingdom of Great Britain and Ireland, or have and derive in respect of such Letters-patent, or the procedure for the granting thereof, fees or other emoluments or advantages:

It shall be lawful for the said Commissioners of the Treasury to grant to any such persons who may sustain any loss of fees, emoluments or advantages by reason of the passing of this Act, such compensation as, having regard to the tenure and nature of their respective offices and appointments, such Commissioners deem just and proper to be awarded; and all such compensations shall be paid out of such monies as may be provided by Parliament for that purpose: provided always, that in case any person to whom any yearly sum by way of compensation shall be awarded and paid shall, after the passing of this Act, be appointed to any office or place of emolument under the provisions of this Act, or in the public service, then and in every such case the amount of such yearly sum shall in every year be diminished by so much as the emoluments of such person for such year from such office or place shall amount to, and provision in that behalf shall be made in the award to him of such yearly sum.

Account of salaries, fees and compensation allowances to be laid before Parliament.

LI. An account of all salaries, fees, allowances, sums and compensations to be appointed, allowed or granted under this Act shall, within fourteen days next after the same shall be so appointed, allowed or granted respectively, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, then within fourteen days after the next meeting of Parliament.

Not to extend to Patents applied for before commencement of Act.

LII. Letters-patent may be granted in respect of applications made before the commencement of this Act, in like manner and subject to the same provisions as if this Act had not been passed.

LIII. Where Letters-patent for England or Scotland or Ireland have been granted before the commencement of this Act, or are in respect of any application made before the commencement of this Act hereafter granted for any invention, Letters-patent for England or Scotland or Ireland, may be granted for such invention in like manner as if this Act had not been passed: provided always, that in lieu of all the fees or payments and stamp duties now payable in respect of such Letters-patent, or in or about obtaining a grant thereof, there shall be paid in respect of such Letters-patent for England or Scotland or Ireland on the sealing of such respective Letters-patent a sum equal to one-third part of the fees and stamp duties which would be payable according to the Schedule to this Act in respect of Letters-patent issued for the United Kingdom under this Act, on or previously to the sealing of such Letters-patent; and at or before the expiration of the third year and the seventh year respectively of the term granted by such Letters-patent for England or Scotland or Ireland, sums equal to one-third part of the fees and stamp duties payable at the expiration of the third year and the seventh year respectively of the term granted by Letters-patent issued for the United Kingdom under this Act; and the condition of such Letters-patent for England or Scotland or Ireland shall be varied accordingly; and such fees shall be paid to such persons as the Commissioners of Her Majesty's Treasury shall appoint, and shall be carried to and form part of the said consolidated fund.

As to Letters-patent granted before commencement of this Act in England, Scotland or Ireland.

LIV. The several forms in the Schedule to this Act may be used for and in respect of the several matters therein mentioned, and the Commissioners may, where they think fit, vary such forms as occasion may require, and cause to be printed and circulated such other forms as they may think fit to be used for the purposes of this Act.

Forms in Schedule may be used.

LV. In the construction of this Act the following expressions shall have the meanings hereby assigned to them, unless such meanings be repugnant to or inconsistent with the context; (that is to say,)

Interpretation of Terms.

The expression "Lord Chancellor" shall mean the Lord Chancellor, or Lord Keeper of the Great Seal, or Lords Commissioners of the Great Seal:

The expression "the Commissioners" shall mean the Commissioners for the time being acting in execution of this Act :

The expression "Law Officer" shall mean Her Majesty's Attorney-General or Solicitor-General for the time being for England, or the Lord Advocate, or Her Majesty's Solicitor-General for the time being for Scotland, or Her Majesty's Attorney-General or Solicitor-General for the time being for Ireland :

The expression "invention" shall mean any manner of new manufacture the subject of Letters-patent and grant of privilege within the meaning of the Act of the twenty-first year of the reign of King James the First, chapter three :

The expressions "Petition," "Declaration," "Provisional Specification," "Warrant," and "Letters-patent" respectively, shall mean instruments in the form and to the effect in the Schedule hereto annexed, subject to such alterations as may from time to time be made therein under the powers and provisions of this Act.

Short title.

LVI. In citing this Act in other Acts of Parliament, instruments and proceedings, it shall be sufficient to use the expression "The Patent Law Amendment Act, 1852."

Commencement of Act.

LVII. This Act shall commence and take effect from the first day of October, one thousand eight hundred and fifty-two.

### The SCHEDULE to which this Act refers.

#### FEEs TO BE PAID.

	£	s.	d.
On leaving Petition for Grant of Letters-patent..	5	0	0
On Notice of intention to proceed with the application .. .. .	5	0	0
On sealing of Letters-patent .. .. .	5	0	0
On filing Specification .. .. .	5	0	0
At or before the expiration of the third year ..	40	0	0
At or before the expiration of the seventh year..	80	0	0
On leaving Notice of objections .. .. .	2	0	0
Every search and inspection .. .. .	0	1	0

	£	s.	d.
Entry of Assignment or Licence .. .. .	0	5	0
Certificate of Assignment or Licence .. .. .	0	5	0
Filing application for Disclaimer .. .. .	5	0	0
Caveat against Disclaimer .. .. .	2	0	0

STAMP DUTIES TO BE PAID.

On Warrant of Law Officer for Letters-patent ..	5	0	0
On certificate of payment of the fee payable at or before the expiration of the third year ..	10	0	0
On certificate of payment of the fee payable at or before the expiration of the seventh year ..	20	0	0

FORMS.

PETITION.

No. ———.

To the Queen's most excellent Majesty.

The humble petition of [*here insert name and address of petitioner*] for, &c.

Showeth,

That your petitioner is in possession of an invention for  
[*the title of the invention,*]

which invention he believes will be of great public utility; that he is the true and first inventor thereof; and that the same is not in use by any other person or persons, to the best of his knowledge and belief.

Your petitioner therefore humbly prays, that your Majesty will be pleased to grant unto him, his executors, administrators and assigns, your royal Letters-patent for the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man, [*colonies to be mentioned, if any,*] for the term of fourteen years, pursuant to the statutes in that case made and provided.

And your petitioner will ever pray, &c.

DECLARATION.

No. ———,

I, ———, of ———, in the county of ———, do solemnly and



sincerely declare, that I am in possession of an invention for, &c.

[*the title as in petition,*]

which invention I believe will be of great public utility; that I am the true and first inventor thereof; and that the same is not in use by any other person or persons, to the best of my knowledge and belief; [*where a complete specification is to be filed with the petition and declaration, insert these words:—* “and that the instrument in writing under my hand and seal, hereto annexed, particularly describes and ascertains the nature of the said invention and the manner in which the same is to be performed;”] and I make this declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the session of Parliament held in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled “An Act to repeal an Act of the present Session of Parliament, intituled ‘An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits,’ and to make other Provisions for the Abolition of unnecessary Oaths.”

*A. B.*

Declared at —, this — day of —, A.D. —, before me,

A Master in Chancery,  
or  
Justice of the Peace.

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PROVISIONAL SPECIFICATION.

No. —.

I, —, do hereby declare the nature of the said invention for

[*insert title as in petition,*

to be as follows

[*here insert description.*

Dated this — day of —, A.D. —.

[*To be signed by applicant or his agent.*]

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## REFERENCE.

[*To be endorsed on the petition.*]

Her Majesty is pleased to refer this petition to — to consider what may be properly done therein.

—, Clerk of the Commissioners.

## WARRANT.

In humble obedience to Her Majesty's command referring to me the petition of —, of —, to consider what may be properly done therein, I do hereby certify as follows; That the said petition sets forth that the petitioner

[*allegations of the petition*].

And the petitioner most humbly prays

[*prayer of the petition*].

That in support of the allegations contained in the said petition, the declaration of the petitioner has been laid before me, whereby he solemnly declares that

[*allegations of the declaration*].

That there has also been laid before me a Provisional Specification signed —, and also a Certificate — [or "a Complete Specification, and a Certificate of the filing thereof"], whereby it appears that the said invention was provisionally protected [or "protected"] from the — day of —, A.D. —, in pursuance of the statute.

That it appears that the said application was duly advertised.

Upon consideration of all the matters aforesaid, and as it is entirely at the hazard of the said petitioner whether the said invention is new or will have the desired success, and as it may be reasonable for Her Majesty to encourage all arts and inventions which may be for the public good, I am of opinion, that Her Majesty may grant Her Royal Letters-patent unto the petitioner, his executors, administrators and assigns, for his said invention within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man [*colonies to be mentioned, if any*] for the term of fourteen

years, according to the statute in that case made and provided, if Her Majesty shall be graciously pleased so to do, to the tenor and effect following

[see the Form of Letters-patent inserted in p. 167].

Given under my hand, this — day of —, A.D. —.

( Seal of the  
Commissioners. )

16 VICT. c. 5.

*An Act to substitute Stamp Duties for Fees on passing Letters-patent for Inventions, and to provide for the Purchase for the public Use of certain Indexes of Specifications.* [21st February, 1853.]

WHEREAS it is expedient that the fees payable in respect of Letters-patent for inventions under the Patent Law Amendment Act, 1852, and mentioned in the Schedule to such Act, be converted into stamp duties: be it enacted, therefore, 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:

15 & 16 Vict.  
c. 83.

Sects. 17, 44, 45,  
46 and 53, and  
part of Schedule  
of recited Act re-  
pealed.

I. Sections seventeen, forty-four, forty-five, forty-six and fifty-three of the said Patent Law Amendment Act, 1852, and so much of the Schedule to the said Act as relates to fees and stamp duties to be paid under the said Act, shall be repealed.

Letters-patent to  
be made subject  
to avoidance on  
nonpayment of  
stamp duties ex-  
pressed in Sched-  
ule to this Act  
annexed.

II. All Letters-patent for inventions to be granted under the provisions of the said Patent Law Amendment Act, 1852 (except in the cases provided for in the fourth section of this Act), shall be made subject to the condition that the same shall be void, and that the powers and privileges thereby granted shall cease and determine, at the expiration of three years and seven years respectively from the date thereof, unless there be paid before the expiration of the said three years and seven years respectively the stamp duties in the

Schedule to this Act annexed expressed to be payable before the expiration of the third year and of the seventh year respectively, and such Letters-patent, or a duplicate thereof, shall be stamped with proper stamps showing the payment of such respective stamp duties, and shall, when stamped, be produced before the expiration of such three years and seven years respectively at the office of the Commissioners; and a certificate of the production of such Letters-patent or duplicate so stamped, specifying the date of such production, shall be endorsed by the Clerk of the Commissioners on the Letters-patent or duplicate, and a like certificate shall be endorsed upon the Warrant for such Letters-patent filed in the said office.

III. There shall be paid unto and for the use of Her Majesty, Her heirs and successors, for or in respect of Letters-patent applied for or issued under the provisions of the said Patent Law Amendment Act, 1852, Warrants, Specifications, Disclaimers, Certificates and entries, and other matters and things mentioned in the Schedule to this Act, or the vellum, parchment or paper on which the same respectively are written, the stamp duties mentioned in the said Schedule; and no other stamp duties shall be levied in respect of such Letters-patent, Warrants, Specifications, Disclaimers, Certificates, entries, matters and things; and the stamp duty mentioned in the said Schedule on office copies of documents shall be in lieu of such sums as by the said Patent Law Amendment Act, 1852, are authorized to be appointed to be paid for such office copies.

Stamp duties mentioned in the Schedule to this Act to be payable.

IV. Where Letters-patent for England or Scotland or Ireland have been granted before the commencement of the said Patent Law Amendment Act, 1852, or have been since the commencement of the said Act, or hereafter may be granted for any invention, in respect of any application made before the commencement of the said Act, Letters-patent for England or Scotland or Ireland may be granted for such invention in like manner as if the said Act had not been passed: provided always, that in lieu of all fees or payments and stamp duties which were at the time of the passing of the said Act payable in respect of such Letters-patent as last aforesaid, or in or about

As to payment of stamp duties on Letters-patent for England, Scotland or Ireland respectively.

obtaining a grant thereof, and in lieu of all other stamp duties whatsoever, there shall be paid in respect of such Letters-Patent as last aforesaid on the sealing thereof stamp duties equal to one-third part of the stamp duties which would be payable under this Act in respect of Letters-patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, on or previously to the sealing of such Letters-patent as last aforesaid, and before the expiration of the third year and the seventh year respectively of the term granted by such Letters-patent for England, Scotland or Ireland, stamp duties equal to one third part of the stamp duties payable under this act before the expiration of the third year and the seventh year respectively of the term granted by Letters-patent issued for the United Kingdom under the said Patent Law Amendment Act, 1852, and the condition of such Letters-patent for England or Scotland or Ireland shall be varied accordingly.

Duties to be under the management of the Commissioners of Inland Revenue;

V. The stamp duties hereby granted shall be under the care and management of the Commissioners of Inland Revenue; and the several rules, regulations, provisions, penalties, clauses and matters contained in any Act now or hereafter to be in force with reference to stamp duties shall be applicable thereto.

who are to provide the proper stamps for the purpose.

VI. The said Commissioners of Inland Revenue shall prepare stamps impressed upon adhesive paper, of the amounts following, that is to say, two-pence, four-pence, eight-pence and one shilling, to be used only in respect of the stamp duties on the office copies of documents and on the certificates of searches and inspections mentioned in the Schedule to this Act; such adhesive stamps of proper amounts to be affixed by the Clerk of the Commissioners of Patents for Inventions to such office copies of documents and certificates of searches and inspections as aforesaid; and immediately after such affixing he shall obliterate or deface such stamps by impressing thereon a seal to be provided for that purpose, but so as not to prevent the amount of the stamp from being ascertained; and no such office copy or certificate shall be delivered out until the stamps thereon shall be obliterated or defaced as aforesaid.

VII. The condition contained in any Letters-patent granted under the said Patent Law Amendment Act, 1852, and before the passing of this Act, for making such Letters-patent void at the expiration of three years and seven years respectively from the date thereof, unless there be paid, before the expiration of the said three years and seven years respectively, the sums of money and stamp duties by the said Patent Law Amendment Act, 1852, required in this behalf, shall be deemed to be satisfied and complied with by payment of the like stamp duties as would have been required if such Letters-patent had been granted after the passing of this Act, and had been made subject to the condition required by this Act in lieu of the said condition therein contained; and the provision hereinbefore contained concerning the endorsement on the Letters-patent or duplicate, and on the Warrant for the same Letters-patent, of a certificate of the production of the Letters-patent or duplicate properly stamped, shall be applicable in the case of such Letters-patent granted before the passing of this Act.

Conditions of Letters-patent already granted under recited Act to be satisfied by payment of stamp duties, &c., under this Act.

VIII. And whereas by the said Patent Law Amendment Act, 1852, the Commissioners are directed to cause indexes to all Specifications heretofore or hereafter to be enrolled or deposited to be prepared in such form as they may think fit, which indexes are to be open to the inspection of the public: and whereas the existing Specifications so directed to be indexed as aforesaid are in number fifteen thousand and upwards, and it would require some years to make indexes thereof on a proper arrangement and classification: and whereas Mr. *Bennett Woodcroft* has already made complete indexes of such Specifications, which the Commissioners have examined and approved of, and it is expedient that such indexes be purchased for the use of the public:

Power to Commissioners to purchase the Indexes of existing Specifications prepared by Mr. Woodcroft.

It shall be lawful for the Commissioners, with the consent of the Commissioners of her Majesty's Treasury, to purchase the said indexes of the said *Bennett Woodcroft* for a sum not exceeding one thousand pounds, and to pay the purchase money for the same out of the monies in their hands which have arisen from fees received in respect of Letters-patent under the said Patent Law Amendment Act, 1852, and di-

rected by the said Act to be paid into the receipt of the Exchequer ; and after the purchase of such indexes the provisions of the said Act shall be applicable thereto as if such indexes had been prepared under the said recited enactment.

As to the word  
"duplicate."

IX. The word "duplicate" shall be construed to mean in this Act such Letters-patent as may be issued under the twenty-second section of the Patent Law Amendment Act, 1852, in case of any Letters-patent being destroyed or lost.

This Act, and  
15 & 16 Vict.  
c. 83, to be con-  
strued together.

X. This Act and the Patent Law Amendment Act, 1852, shall be construed together as one Act.

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The SCHEDULE of Stamp Duties to be paid to which  
this Act refers.

	£	s.	d.
On petition for grant of Letters-patent .. .. .	5	0	0
On certificate of record of notice to proceed .. .. .	5	0	0
On Warrant of Law Officer for Letters-patent .. .. .	5	0	0
On the sealing of Letters-patent .. .. .	5	0	0
On Specification .. .. .	5	0	0
On the Letters-patent, or a duplicate thereof, be- fore the expiration of the third year .. .. .	50	0	0
On the Letters-patent, or a duplicate thereof, be- fore the expiration of the seventh year .. .. .	100	0	0
On certificate of record of notice of objections .. .. .	2	0	0
On certificate of every search and inspection .. .. .	0	1	0
On certificate of entry of assignment or licence . . . . .	0	5	0
On certificate of assignment or licence .. .. .	0	5	0
On application for Disclaimer .. .. .	5	0	0
On caveat against Disclaimer .. .. .	2	0	0
On office copies of documents, for every ninety words .. .. .	0	0	2

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16 & 17 VICT. c. 115.

*An Act to amend certain Provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified Copies of Letters-patent and Specifications to certain Offices in Edinburgh and Dublin, and otherwise to amend the said Act.*

[20th August, 1853.]

WHEREAS it is expedient to amend certain provisions of the Patent Law Amendment Act, 1852, in respect of the transmission of certified copies of Letters-patent and Specifications to certain offices in Edinburgh and Dublin, and otherwise to amend the said 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 :

15 & 16 Vict. c. 93.

I. Section thirty-three of the said Act, and such part of section twenty-eight of the said Act as directs that in case reference is made to drawings in any Specification deposited or filed under the said Act an extra copy of such drawings should be left with such Specification, shall be repealed.

Sect. 33 and part of sect. 28 of recited Act repealed.

II. The Commissioners shall cause true copies of all Provisional Specifications left at the Office of the Commissioners to be open to the inspection of the public, at such times, after the date of the record thereof respectively, as the Commissioners shall by their order from time to time direct.

Copies of Provisional Specifications to be open to inspection at the Commissioners' Office.

III. A true copy, under the hand of the Patentee or applicant, or agent of the Patentee or applicant, of every Specification and of every Complete Specification, with the drawings accompanying the same, if any, shall be left at the Office of the Commissioners on filing such Specification or Complete Specification.

A copy of every Specification, &c., under the hand of the Patentee or applicant, to be left at Commissioners' Office.

IV. Printed or manuscript copies or extracts, certified and sealed with the Seal of the Commissioners, of Letters-patent, Specifications, Disclaimers, Memoranda of alterations, and all other documents recorded and filed in the Commissioners' Office, or in the Office of the Court of Chancery appointed

Copies or extracts of Letters-patent, &c., certified and sealed, filed at Commissioners' Office, to be received in evidence.



for the filing of Specifications, shall be received in evidence in all proceedings relating to Letters-patent for inventions in all Courts whatsoever within the United Kingdom of Great Britain and Ireland, the Channel Islands, and Isle of Man, and Her Majesty's colonies and plantations abroad, without further proof or production of the originals.

Certified printed copies of Specifications, &c., under Seal of Commissioners, to be transmitted to the Director of Chancery in Scotland, and to the Court of Chancery in Ireland, which shall be evidence, without production of originals.

V. Certified printed copies, under the Seal of the Commissioners, of all Specifications and Complete Specifications, and fac-simile printed copies of the drawings accompanying the same, if any, Disclaimers and Memoranda of alterations filed or hereafter to be filed under the said Patent Law Amendment Act, shall be transmitted to the Office of the Director of Chancery in Scotland and to the Enrolment Office of the Court of Chancery in Ireland within twenty-one days after the filing thereof respectively, and the same shall be filed in the Office of Chancery in Scotland and Ireland respectively, and certified copies or extracts from such documents shall be furnished to all persons requiring the same, on payment of such fees as the Commissioners shall direct; and such copies or extracts shall be received in evidence in all Courts in Scotland and in Ireland respectively in all proceedings relating to Letters-patent for inventions, without further proof or production of the originals.

Lord Chancellor, in certain cases, may seal Letters-patent after the expiration of Provisional Protection.

VI. Where Letters-patent have not been sealed during the continuance of the Provisional Protection on which the same is granted, provided the delay in such sealing has arisen from accident, and not from the neglect or wilful default of the applicant, it shall be lawful for the Lord Chancellor, if he shall think fit, to seal such Letters-patent at any time after the expiration of such Provisional Protection, whether such expiration has happened before or shall happen after the passing of this Act, and to date the sealing thereof as of any day before the expiration of such Provisional Protection, and also to extend the time for the filing of the Specification thereon; and where the Specification, in pursuance of the condition of any Letters-patent, has not been filed within the time limited by such Letters-patent, provided the delay in such filing has arisen from accident, and not from the neglect or wilful default of the Patentee, it shall be lawful for the Lord Chancellor, if he shall think fit, to extend the time for

the filing of such Specification, whether the default in such filing has happened before or shall happen after the passing of this Act: Provided always, that, except in any case that may have arisen before the passing of this Act, it shall not be lawful for the Lord Chancellor to extend the time for the sealing of any Letters-patent, or for the filing of any Specification, beyond the period of one month.

VII. And whereas doubts have arisen whether the provision of the Patent Law Amendment Act, 1852, for the making and sealing new Letters-patent for a further term, in pursuance of Her Majesty's Order in Council, in the cases mentioned in section forty of the said Act, extends to the making and sealing of new Letters-patent in the manner by such Act directed, where such new Letters-patent are granted by way of prolongation of the term of Letters-patent issued before the commencement of the said Act: And whereas it is expedient that such new Letters-patent granted by way of prolongation shall be granted according to the provisions of the said Patent Law Amendment Act: Be it declared and enacted, That where Her Majesty's Order of Council for the sealing of new Letters-patent shall have been made after the commencement of the said Act, the said provision of the said Act for making and sealing in manner aforesaid of new Letters-patent shall extend, and shall as from the commencement of the said Act be deemed to have extended, to the making and sealing in manner aforesaid of new Letters-patent for a further term, as well where the original Letters-patent were made before as where such original Letters-patent have been issued since the commencement of the said Act.

VIII. This Act and the Patent Law Amendment Act, 1852, shall be construed together as one Act.

Removing doubts as to provisions of 15 & 16 Vict. c. 83, respecting the making and sealing of new Letters-patent for a further term.

15 & 16 Vict. c. 83, and this Act, to be construed as one Act.

## Rules and Regulations

WITH REFERENCE TO

PROCEEDINGS IN THE CASE OF LETTERS-PATENT.

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FIRST SET OF RULES AND REGULATIONS *under the Act*  
15 & 16 *Vict. c. 83, for the passing of Letters-*  
*patent for Inventions.*

By the Right Honourable Edward Burtenshaw, Lord St. Leonards, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Frederic Thesiger, Her Majesty's Attorney-General, and Sir FitzRoy Kelly, her Majesty's Solicitor-General, being four of the Commissioners of Patents for Inventions under the said Act.

WHEREAS a commodious Office is forthwith intended to be provided by the Crown as the Great Seal Patent Office; and the Commissioners of her Majesty's Treasury have, under the powers of the said Act, appointed such Office as the Office also for the purposes of the said Act:

I. All Petitions for the grant of Letters-patent, and all Declarations and Provisional Specifications, shall be left at the said Commissioners' Office, and shall be respectively written upon sheets of paper of twelve inches in length by eight inches and a half in breadth, leaving a margin of one inch and a half on each side of each page, in order that they may be bound in the books to be kept in the said Office.

II. The drawings accompanying Provisional Specifications shall be made upon a sheet or sheets of parchment, paper or cloth, each of the size of twelve inches in length by eight inches and a half in breadth, or of the size of twelve inches in breadth by seventeen inches in length, leaving a margin of one inch on every side of each sheet.

III. Every Provisional Protection of an invention allowed by the Law Officer shall be forthwith advertised in the London Gazette, and the advertisement shall set forth the name and address of the Petitioner, the title of his invention, and the date of the application.

IV. Every invention protected by reason of the deposit of a Complete Specification shall be forthwith advertised in the London Gazette, and the advertisement shall set forth the name and address of the Petitioner, the title of the invention, the date of the application, and that a Complete Specification has been deposited.

V. Where a Petitioner applying for Letters-patent after Provisional Protection, or after deposit of a Complete Specification, shall give notice in writing at the Office of the Commissioners of his intention to proceed with his application for Letters-patent, the same shall forthwith be advertised in the London Gazette, and the advertisement shall set forth the name and address of the Petitioner and the title of his invention; and that any persons having an interest in opposing such application are to be at liberty to leave Particulars in writing of their objections to the said application at the Office of the Commissioners within twenty-one days after the date of the Gazette in which such notice is issued.

VI. The Lord Chancellor having appointed the Great Seal Patent Office to be the Office of the Court of Chancery for the filing of Specifications, the said Great Seal Patent Office and the Office of the Commissioners shall be combined; and the Clerk of the Patents for the time being shall be the Clerk of the Commissioners for the purposes of the Act.

VII. The Office shall be open to the public every day, Christmas Day and Good Friday excepted, from ten to four o'clock.

VIII. The charge for office or other copies of documents in the Office of the Commissioners shall be at the rate of twopence for every ninety words.

(Signed)

ST. LEONARDS, C.  
 JOHN ROMILLY, M. R.  
 FRED. THESIGER, A. G.  
 FITZROY KELLY, S. G.

Dated the 1st Oct., 1852.

By the Right Honourable Edward Burtenshaw, Lord  
St. Leonards, Lord High Chancellor of Great  
Britain, and the Right Honourable Sir John  
Romilly, Master of the Rolls.

Ordered, that there shall be paid to the Law Officers and  
to their clerks the following fees:—

*By the Person opposing a Grant of Letters-patent.*

	£	s.	d.
To the Law Officer .. .. .	2	12	6
To his clerk .. .. .	0	12	6
To his clerk for summons .. .. .	0	5	0

*By the Petitioner on the Hearing of the Case of Opposition.*

To the Law Officer .. .. .	2	12	6
To his clerk .. .. .	0	12	6
To his clerk for summons .. .. .	0	5	0

*By the Petitioner for the Hearing, previous to the Fiat of the  
Law Officer allowing a Disclaimer or Memorandum of Alle-  
ration in Letters-patent and Specification.*

To the Law Officer .. .. .	2	12	6
To his clerk .. .. .	0	12	6

*By the Person opposing the Allowance of such Disclaimer or  
Memorandum of Alteration on the Hearing of the Case of  
Opposition.*

To the Law Officer .. .. .	2	12	6
To his clerk .. .. .	0	12	6

*By the Petitioner for the Fiat of the Law Officer allowing a  
Disclaimer or Memorandum of Alteration in Letters-patent  
and Specification.*

To the Law Officer .. .. .	3	3	0
To his clerk .. .. .	0	12	6

(Signed) ST. LEONARDS, C.  
JOHN ROMILLY, M. R.

Dated the 1st Oct., 1852.

Ordered by the Right Honourable Edward Burtenshaw, Lord St. Leonards, Lord High Chancellor of Great Britain.

I. All Specifications in pursuance of the conditions of Letters-patent, and all Complete Specifications accompanying Petitions and Declarations before grant of Letters-patent, shall be filed in the Great Seal Patent Office.

II. All Specifications in pursuance of the conditions of Letters-patent, and all Complete Specifications accompanying Petitions for the grant of Letters-patent, shall be respectively written bookwise upon a sheet or sheets of parchment, each of the size of twenty-one inches and a half in length by fourteen inches and three fourths of an inch in breadth; the same may be written upon both sides of the sheet, but a margin must be left of one inch and a half on every side of each sheet.

III. The drawings accompanying such Specifications shall be made upon a sheet or sheets of parchment, each of the size of twenty-one inches and a half in length by fourteen inches and three fourths of an inch in breadth, or upon a sheet or sheets of parchment, each of the size of twenty-one inches and a half in breadth by twenty-nine inches and a half in length, leaving a margin of one inch and a half on every side of each sheet.

IV. The charge for office or other copies of documents in the Great Seal Patent Office shall be at the rate of twopence for every ninety words.

(Signed) ST. LEONARDS, C.

Dated the 1st Oct., 1852.

NOTE.—*It is recommended to applicants and Patentees to make elevation drawings according to the scale of one inch to a foot.*



**SECOND SET OF RULES AND REGULATIONS** *under the Act 15 & 16 Vict. c. 83, for the passing of Letters-patent for Inventions.*

By the Right Honourable Edward Burtenshaw, Lord St. Leonards, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Frederic Thesiger, Her Majesty's Attorney-General, and Sir Fitz Roy Kelly, Her Majesty's Solicitor-General, being four of the Commissioners of Patents for Inventions under the said Act.

I. The Office of the Directory of Chancery in Scotland, being the Office appointed by the Act for the recording of transcripts of Letters-patent, shall be the Office of the Commissioners in Edinburgh for the filing of copies of Specifications, Disclaimers, Memoranda of alterations, Provisional Specifications and certified duplicates of the Register of Proprietors.

II. All such transcripts, copies and certified duplicates shall be bound in books and properly indexed, and shall be open to the inspection of the public at the said Office every day from ten to three o'clock.

III. The charge for office copies of such transcripts, copies and certified duplicates, recorded and filed in the said Office shall be at the rate of twopence for every ninety words.

IV. The Enrolment Office of the Court of Chancery in Dublin, being the Office appointed by the Act for the enrolment of transcripts of Letters-patent, shall be the Office of the Commissioners in Dublin for the filing of copies of Specifications, Disclaimers, Memoranda of alterations, Provisional Specifications and certified duplicates of the Register of Proprietors.

V. All such transcripts, copies and certified duplicates shall be bound in books and properly indexed, and shall be open to the inspection of the public at the said Enrolment Office every day, Christmas Day and Good Friday excepted, from ten to three o'clock.

VI. The charge for office copies of such transcripts, copies and certified duplicates, enrolled and filed as aforesaid, shall be at the rate of twopence for every ninety words.

VII. *No Warrant is to be granted for the sealing of any Letters-patent which contains two or more distinct substantive inventions.*<sup>a</sup>

VIII. A provision is to be inserted in all Letters-patent in respect whereof a Provisional and not a Complete Specification shall be left on the application for the same, requiring the Specification to be filed within six months from the date of the application.

IX. No amendment or alteration, at the instance of the applicant, will be allowed in a Provisional Specification after the same has been recorded, except for the correction of clerical errors or of omissions made *per incuriam*.

X. The Provisional Specification must state distinctly and intelligibly the whole nature of the invention, so that the Law Officer may be apprised of the improvement, and of the means by which it is to be carried into effect.

(Signed) ST. LEONARDS, C.  
JOHN ROMILLY, M. R.  
FRED. THESIGER, A. G.  
FITZROY KELLY, S. G.

Dated the 15th Oct., 1852.

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Ordered by the Right Honourable Edward Burten-  
shaw, Lord St. Leonards, Lord High Chan-  
cellor of Great Britain.

Every application to the Lord Chancellor against or in relation to the sealing of Letters-patent shall be by notice, and such notice shall be left at the Commissioners' Office, and shall contain particulars in writing of the objections to the sealing of such Letters-patent.

(Signed) ST. LEONARDS, C.

Dated the 15th of Oct., 1852.

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<sup>a</sup> Rescinded by Third Set of Rules and Regulations. See p. 480.



**THIRD SET OF RULES AND REGULATIONS *under the Act 15 & 16 Vict. c. 83, for the passing of Letters-Patent for Inventions, and under the Act of the 16 & 17 Vict. c. 115.***

By the Right Honourable Robert Monsey, Lord Cranworth, Lord High Chancellor of Great Britain, the Right Honourable Sir John Romilly, Master of the Rolls, Sir Alexander James Edmund Cockburn, Her Majesty's Attorney-General, and Sir Richard Bethell, Her Majesty's Solicitor-General, being four of the Commissioners of Patents for Inventions under the said Act of the 15 & 16 Vict. c. 83.

It is ordered as follows:—

Rule VII. of the Second Set of Rules and Regulations of the Commissioners, dated the 15th October, 1852, is hereby rescinded.

I. Every application for Letters-patent, and every title of invention and Provisional Specification, must be limited to one invention only, and no Provisional Protection will be allowed or Warrant granted where the title or the Provisional Specification embraces more than one invention.

II. The title of the invention must point out distinctly and specifically the nature and object of the invention.

III. The copy of the Specification or Complete Specification directed by the Act 16 & 17 Vict. c. 115, s. 3, to be left at the Office of the Commissioners on filing the Specification or Complete Specification shall be written upon sheets of brief or foolscap paper, briefwise, and upon one side only of each sheet. The extra copy of drawings, if any, left with the same, must be made as heretofore, and according to the directions contained in Rule III. of the Lord Chancellor, dated the 1st October, 1852.

IV. The copy of the Provisional Specification to be left at the Office of the Commissioners on depositing the same shall be written upon sheets of brief or foolscap paper, briefwise, and upon one side only of each sheet. The extra copy of

drawings, if any, left with the same, must be made as heretofore, and according to the directions contained in Rule II. of the Commissioners, dated the 1st October, 1852.

V. All Specifications, copies of Specifications, Provisional Specifications, Petitions, Notices and other documents left at the Office of the Commissioners, and the signatures of the Petitioners or agents thereto, must be written in a large and legible hand.

VI. In the case of all Petitions for Letters-patent left at the Office of the Commissioners after the 31st day of December, 1853, the notice of the applicant of his intention to proceed for Letters-patent for his invention shall be left at the Office of the Commissioners eight weeks at the least before the expiration of the term of Provisional Protection thereon, and no notice to proceed shall be received unless the same shall have been left in the Office eight weeks at the least before the expiration of such Provisional Protection; and the application for the Warrant of the Law Officer and for the Letters-patent must be made at the Office of the Commissioners twelve clear days at the least before the expiration of the term of Provisional Protection, and no Warrant or Letters-patent shall be prepared unless such application shall have been made twelve clear days at the least before the expiration of such Provisional Protection: Provided always, that the Lord Chancellor may in either of the above cases, upon special circumstances, allow a further extension of time, on being satisfied that the same has become necessary by accident, and not from the neglect or wilful default of the applicant or his agent.

(Signed)

CRANWORTH, C.

JOHN ROMILLY, M. R.

A. E. COCKBURN, A. G.

RICHARD BETHELL, S. G.

Dated the 12th of Dec., 1853.



**RULES TO BE OBSERVED IN PROCEEDINGS** *before the Judicial Committee of the Privy Council under the Act of the 5th and 6th of Will. IV., intituled "An Act to amend the Law touching Letters-patent for Inventions" (cap. 83).*

I. A party intending to apply by Petition, under Section 2 of the said Act, shall give public notice by advertising in the London Gazette three times, and in three London papers, and three times in some country paper published in the town where or near to which he carries on any manufacture of anything made according to his Specification, or near to or in which he resides, in case he carries on no such manufacture, or published in the county where he carries on such manufacture, or where he lives, in case there shall not be any paper published in such town, that he intends to petition His Majesty under the said Section, and shall in such advertisements state the object of such Petition, and give notice of the day on which he intends to apply for a time to be fixed for hearing the matter of his Petition, (which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the London Gazette,) and that on or before such day, notice must be given of any opposition intended to be made to the Petition; and any person intending to oppose the said application shall lodge notice to that effect at the Council Office, on or before such day so named in the said advertisements, and having lodged such notice shall be entitled to have from the Petitioner four weeks' notice of the time appointed for the hearing.

II. A party intending to apply by Petition, under Section 4 of the said Act, shall, in the advertisements directed to be published by the said Section, give notice of the day on which he intends to apply for a time to be fixed for hearing the matter of his Petition (which day shall not be less than four weeks from the date of the publication of the last of the advertisements to be inserted in the London Gazette), and that on or before such day Caveats must be entered; and any

person intending to enter a Caveat shall enter the same at the Council Office, on or before such day so named in the said advertisements; and having entered such Caveat, shall be entitled to have from the Petitioner four weeks' notice of the time appointed for the hearing.

III. Petitions under Sections 2 and 4 of the said Act must be presented within one week from the insertion of the last of the advertisements required to be published in the London Gazette.

IV. All Petitions must be accompanied with affidavits of advertisements having been inserted according to the provisions of Section 4 of the said Act, and the 1st and 2nd of these Rules, and the matters in such affidavits may be disputed by the parties opposing upon the hearing of the Petitions.

V. All persons entering Caveats under Section 4 of the said Act, and all parties to any former suit or action touching Letters-patent, in respect of which Petitions shall have been presented under Section 2 of the said Act, and all persons lodging notices of opposition under the 1st of these Rules, shall respectively be entitled to be served with Copies of Petitions presented under the said Sections, and no application to fix a time for hearing shall be made without affidavit of such service.

VI. All parties served with Petitions shall lodge at the Council Office, within a fortnight after such service, notice of the grounds of their objections to the granting of the prayers of such Petitions.

VII. Parties may have copies of all papers lodged in respect of any application under the said Act, at their own expense.

VIII. The Master of the High Court of Chancery, or other Officer to whom it may be referred to tax Costs incurred in the matter of any Petition presented under the said Act, shall allow or disallow in his discretion all payments made to persons of science or skill examined as witnesses to matters of opinion chiefly.

COUNCIL OFFICE, WHITEHALL,  
18th November, 1835.

IX. A party applying for an extension of a Patent, under Section 4 of the said Act, must lodge at the Council Office four printed or written copies of his Specification, for the use of the Judicial Committee. If such Specification shall have been printed in some Publication, lodging four copies of the Publication containing the same will be deemed sufficient. In the event also of the Applicant's Specification not having been published as aforesaid, and if the expense of making four copies of any Drawing therein contained or referred to would be considerable, the lodging of one copy only of such Drawing will be deemed sufficient.

All copies mentioned in this Rule must be lodged not less than one week before the day fixed for hearing the application.

The Judicial Committee will hear the Attorney-General, or other Counsel, on behalf of the Crown, against granting any application made under either the 2nd or 4th Section of the said Act, in case it shall be thought fit to oppose the same on such behalf.

COUNCIL OFFICE,

*December 21st, 1835.*

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PRIVY COUNCIL.

**Table of Costs and Fees.**

*At the Court at Buckingham Palace, the 11th day of August, 1842.*

Present, the Queen's Most Excellent Majesty in Council.

WHEREAS there was this day read at the Board a Representation from the Judicial Committee of the Privy Council, dated the 10th August, instant, and in the words following: viz.—

“The Lords of the Judicial Committee having taken into consideration the scale on which the costs of Appeals and other matters referred by your Majesty to this Committee, are usually taxed by the Masters of the Court of Queen's Bench or other persons to whom their Lordships have from time to time referred the same, their Lordships agree humbly to represent to your Majesty, that it is expedient that the scale of costs hitherto allowed in the said proceedings before this Committee should be reduced; and their Lordships recommend that, provisionally, and until further consideration, such costs in all Appeals or matters, not being Appeals from the Courts of Ecclesiastical or Admiralty Jurisdiction, should be taxed and allowed by all such taxing officers as shall hereafter be directed to ascertain and report the same to the Board, according to the Schedule hereunto annexed; and that this rate of charges should be observed by Solicitors conducting business before this Committee.”

Her Majesty, having taken this representation into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and of what is therein recommended, and to order, as it is hereby ordered, that the same be duly and punctually observed, complied with and carried into execution. Whereof all persons whom it may concern are to take notice, and govern themselves accordingly.

C. C. GREVILLE.

*I.—The Schedule of Fees above referred to as allowed to Solicitors conducting business before the Judicial Committee.*

	£	s.	d.
Retaining Fee .. .. .	0	13	4
Perusing official Copy of Proceedings .. ..	2	2	0
(This fee to be raised at the discretion of the Clerk of Appeals. <sup>a</sup> )			
Attendances at the Council Office or elsewhere, on ordinary business, such as to enter an Appeal or an Appearance, to make a search, to lodge a Petition or Affidavit, or to retain Counsel ..	0	10	0
Instructions for Petition of Appeal .. ..	0	10	0
Drawing Petition or Case, per folio .. ..	0	2	0
Drawing Appendix, per folio .. .. .	0	1	0
Copying, per folio .. .. .	0	0	6
Drawing small Petitions for Orders, &c. ..	0	10	0
Instructions for Case .. .. .	1	0	0
Attending Consultation .. .. .	1	0	0
Correcting Proof Sheets, per printed sheet ..	0	10	6
Correcting Foreign or Indian Proof Sheets, per printed sheet .. .. .	1	1	6
Attending at Council Chamber on a Petition ..	1	6	8
Attending Council Chamber all day on an Appeal not called on .. .. .	2	6	8
Attending a Hearing .. .. .	3	6	8
Attending a Judgment .. .. .	1	6	8
Sessions Fee (for the legal year) equal to four term fees .. .. .	3	3	0
Attending Taxation .. .. .	2	2	0
Attending at Council Office on Committee Report, and on the drawing up of Minutes .. ..	1	1	0

*II.—Table of Council Office Fees on Appeals and Petitions to the Queen in Council.*

	£	s.	d.
Lodging Petition of Appeal .. .. .	1	1	0
Entering .. .. .	1	1	0

<sup>a</sup> This fee has commonly been allowed at the rate of 6s. 8d. for the perusal of three brief sheets or twenty-five folios.

	£	s.	d.
Lodging Case .. .. .	1	1	0
Entering Appearance .. .. .	0	10	0
Setting down Case .. .. .	0	10	0
Summons .. .. .	0	10	0
Committee Report .. .. .	1	10	0
Order of Her Majesty in Council .. .. .	3	2	6
Committee Order .. .. .	1	12	6
Lodging Affidavit .. .. .	1	1	0
Lodging Petition .. .. .	1	1	0
Setting down Motion .. .. .	1	1	0
Notice to put off .. .. .	0	10	0
Notice to attend .. .. .	0	10	0
Searching Books for Information for Parties .. .. .	0	10	0
Certificate delivered to Parties .. .. .	0	10	0
Copies of Papers (each side) .. .. .	0	5	0
Committee References .. .. .	2	2	0
Lodging Caveat .. .. .	1	1	0
Subpœna to Witnesses .. .. .	0	10	0
Fee for Taxation (Appeals) .. .. .	3	3	0
Fee for Taxation (Petitions) .. .. .	1	1	0

III.—*Fees on hearing Appeals in Prize Causes.*

HEARING A CAUSE.

	£	s.	d.
To the Successful Party .. .. .	5	15	6
To the Unsuccessful Party .. .. .	2	2	0
Where both Parties may succeed, although the sentence may have been in part reversed .. .. .	3	18	9
Desertion of Appeal .. .. .	2	17	9

SENTENCE TAKEN BY CONSENT OR IN PŒNAM.

To the Successful Party, to whom the fees of interlocutory are charged by Registrar .. .. .	4	15	6
Where Counsel is heard, cause not determined, each Party .. .. .	2	2	0
Motion by Counsel, Gaining Party .. .. .	1	1	0
Hearing an Admission of Allegations or Act on Petition, Gaining Party .. .. .	2	2	0
If part admitted and part rejected, each Party .. .. .	1	1	0



## **Forms and Precedents.**

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### **SCIRE FACIAS TO REPEAL LETTERS-PATENT.**

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#### **NEW ORDERS IN CHANCERY.**

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THE Orders relating to the Practice on the Common Law side of the Court of Chancery, dated the 29th of December, 1848, have been amended since the passing of 12 & 13 Vict. c. 109, by order of the Lord Chancellor and Master of the Rolls, dated 3rd August, 1849, rescinding the 11th and 12th of the General Orders of 1848, and, as amended, are as follows:—

1. All former Rules and Orders regulating the practice and proceedings of the Petty Bag Office, so far as the same were now in force and are consistent with the said Act of Parliament and with these Orders, are to remain in full force and effect.

2. These Orders, as to all suits, matters and proceedings now pending or hereafter to be commenced, are (so far as the same are applicable to the state of such matters and proceedings) to take effect on the 1st day of January, 1849.

3. In the Office of the Petty Bag the Office is to be opened and closed on the same days, the vacations are to be observed at the same time, and the Clerk is to attend in the Office during the same hours, as are for the same purposes and in relation to the same matters appointed by the General Rules of the Court of Chancery in the Office of the Clerks of Records and Writs, subject, nevertheless, to such alterations as for some special reasons may be at any time made by the Lord Chancellor with the advice and assistance of the Master of the Rolls.

4. The Clerk of the Petty Bag is to have the care and custody of the Common Law Seal, and is to use and employ the same for sealing such several writs and all such documents and writings as are by the said Act authorized to be sealed with the said Seal.

5. Affidavits, affirmations and declarations to be used in any proceeding on the Common Law side of the Court are to be sworn, affirmed or declared before the Clerk of the Petty Bag or before a Master Extraordinary of the High Court of Chancery, and are to be filed in the Office of the Petty Bag.

6. Every writ, rule or document issued or delivered out of the Petty Bag Office is to be tested or dated on the day on which the writ is sealed or the rule or document is made.

7. Every writ returned by the Sheriff is to be immediately filed, and thereupon the day and hour of the filing are to be endorsed on the writ.

8. The Clerk of the Petty Bag, upon receiving the return of the transcript of the verdict of the jury, and proceedings or judgment of any Court of Common Law upon any issue in Law or in fact, is to file the same in the Petty Bag Office, and is to cause an entry to be made of such verdict and proceedings or judgment, and such transcript is to be annexed to the original record in the Petty Bag Office, and thereupon the judgment of the Court of Common Law is to be entered on or annexed to the same record, in conformity with the judgment of the Court from which the transcript is returned.

9. Every solicitor whose name is duly enrolled as such in the High Court of Chancery may act as an attorney in any action, suit or proceeding pending on the Common Law side of the same Court, and is to be therein named and treated as the attorney of the party by whom he is retained.

10. Any party changing or ceasing to employ his attorney in the course of an action, suit or proceeding, is to cause an entry of such change or cessation of employment to be made and entered with the Clerk of the Petty Bag, and to cause notice of such change or cessation of employment and of such entry to be served on every party to the action, suit or proceeding; and until such entry and notice shall have been made and served, the former attorney is to be deemed and taken for all purposes of the action, suit or proceeding, to be and remain the attorney of the party.

13. The proceedings and trial in an action of *Scire facias* may take place and be had in such one of Her Majesty's Superior Courts of Common Law as may be chosen by the party applying to have the writ sealed.

14. A writ of *scire facias* to repeal Letters-patent is not to be sealed—1. Until the *fiat* of the Attorney-General is filed in the Petty Bag Office ; 2. Until the name of some one of Her Majesty's Superior Courts of Common Law is endorsed or written thereon ; 3. Until a true copy of the writ and of any drawings or plans annexed thereto (to be verified by affidavit) has been filed in the Petty Bag Office.

15. If such writ has been sealed before the 1st of January, 1849, and the record of the action has not been carried or transmitted into the Court of Queen's Bench, the name of some one of Her Majesty's Superior Courts of Common Law is to be endorsed on the writ, and a memorandum thereof entered with the Clerk of the Petty Bag Office before any subsequent proceeding is taken in the action.

16. The trial and any proceedings in an action of *scire facias* are to take place in the Court of Common Law, the name of which is endorsed or written on the writ.

17. A bond of indemnity against costs to be incurred in the prosecution of an action of *scire facias* may (if so desired by the Attorney-General) be taken in the name of the Clerk of the Petty Bag, but the same is not to be deposited or filed in the Office of the Petty Bag unless the intended obligors, and the sums for which they are to give security, be named by the Attorney-General.

18. A bond of indemnity, filed in the Petty Bag Office, may, at the request of the Attorney-General, be put in suit under such circumstances and upon such terms and conditions as the Lord Chancellor and the Master of the Rolls may approve of.

19. An appeal is to be entered by or on behalf of any Defendant who has been summoned by the Sheriff within eight days after the writ of *scire facias* has been returned and filed.

The clerk of the Petty Bag Office is, until further orders, to receive and take the several fees payable, and to account for the same and pay the amount thereof into the Suitors' Fee Fund, in the same manner and at the same times as the Clerks of Records and Writs receive and pay the fees received by them in their Office.

## ACTION FOR THE INFRINGEMENT OF LETTERS-PATENT.

*Declaration.**In the Exchequer of Pleas.*

The — day of —, A.D. —.

City and County } To wit. W. C. C. by —, his attorney,  
of Bristol. } sues A. F. for that the said W. C. C. was  
the first and true inventor of certain new manufactures, that  
is to say, of certain improvements, first, in machinery for roll-  
ing or crushing ground; second, for cutting and threshing  
agricultural products, and third, an improved adaptation of  
horse power to threshing machinery, which may also be applied  
to other uses: and thereupon her Majesty Queen Victoria, by  
Letters-patent under the Great Seal of England, granted the  
said W. C. C. the sole privilege to make, use, exercise and vend  
the said invention within England for the term of fourteen  
years from the 30th day of April, A.D. 1844, subject to a con-  
dition that the said W. C. C. should, within six calendar months  
next after the date of the said Letters-patent, cause to be en-  
rolled in the High Court of Chancery an instrument in writing  
under his hand and seal, particularly describing and ascer-  
taining the nature of his said invention, and in what manner  
the same was to be and might be performed; and the said  
W. C. C. did within the time prescribed fulfil the said con-  
dition, and the Defendant has during the said term infringed  
the said Patent right, and the Plaintiff claims 50*l.*

*Particulars of Breaches.**Exchequer of Pleas.*

Between J. C., J. C. and F. C. . . . . *Plaintiffs;*  
and

C. P., H. P., J. G. P. and E. P. *Defendants.*

The particulars of the breaches complained of in the said  
action are, that the Defendants, on or about the thirtieth day  
of December, one thousand eight hundred and fifty-two, at  
their factory at —, in the county of Lancaster, used ma-

chinery in the manufacture of carpets (being terry fabrics), in imitation of the invention described in the Specification of the Letters-patent granted to Thomas Thompson and mentioned in the Declaration.

Dated this twenty-second day of February, 1853.

W. and H. Plaintiff's Attornies.

To Messrs. B. M. and D., Defendant's Attornies.

—◆—

*Form of Pleas in ordinary Cases.*

*In the* ———.

The ——— day of ———, A.D. ———.

- C. D. } The Defendant by his attorney says that—  
 ats. } 1. He is not guilty.  
 A. B. } 2. And for a second plea the Defendant says, that the Plaintiff was not the true and first inventor of the supposed invention in the Declaration mentioned, as alleged.
3. And for a third plea the Defendant says, that Her said Majesty did not grant unto the Plaintiff the sole privilege to make, use, exercise and vend the said invention within [England, or as the case may be], as alleged.
4. And for a fourth plea the Defendant says, that the Plaintiff did not within six calendar months next after the date of the said alleged Letters-patent cause *to be enrolled in the High Court of Chancery* [or to be filed in the office appointed for filing Specifications in Chancery] an instrument in writing, under his hand and seal, particularly describing and ascertaining the nature of his said invention, and in what manner the same was to be and might be performed as alleged.
5. And for a fifth plea the Defendant says, that the said supposed invention in the Declaration mentioned was not, at the time of granting the said alleged Letters-patent, new as to the public use and exercise thereof, but on the contrary thereof had been and was wholly and in part publicly and generally practised, used and vended within [England, or as the case may be] before the date and grant of the said Letters-patent.

6. And for a sixth plea the Defendant says, that the said alleged Letters-patent were not nor are Letters-patent for the sole working or making of any manner of manufacture within this realm, according to the true intent of the Statutes in such case made and provided.

7. And for a seventh plea the Defendant says, that the said invention in the Declaration mentioned was not, at the time of granting the said alleged Letters-patent, nor has the same at any time from thence hitherto, nor is the same of any public or general use, benefit or advantage whatsoever, nor was nor is the same in fact any improvement whatsoever or in any way beneficial to the public.

—◆—

### *Notice of Objections.*

*Exchequer of Pleas.*

Between J. C., J. C. and F. C. . . . . *Plaintiffs;*  
and

C. P., H. P. and J. G. P. . . . *Defendants.*

TAKE NOTICE, that at the trial of this action the Defendants will rely upon the objections hereinafter mentioned, and, besides denying the allegations contained in the Declaration, will object, contend and insist—

That T. T. was not the true and first inventor thereof.

That the invention was not an invention of certain improvements in weaving figured fabrics.

That the said invention was not new at the time of the making of the said Letters-patent.

That the said invention was not an invention of any manner of new manufacture.

That the said T. T., after the date of the said Letters-patent, caused a Specification to be enrolled in Chancery, but did not thereby, or by any other instrument in writing under his hand and seal enrolled in Chancery, particularly describe and ascertain the nature of the invention, and in what manner the same is to be performed.

That the said Specification did not distinguish between the matters and things therein mentioned which were intended to be claimed as new and those which were old.

That the said Letters-patent are void, by reason of the variances between the description of the invention in the Specification and the Title of the invention in the said Letters-patent.

That the invention is not capable of being applied or being adapted to the production of carpets and other terry goods having raised or looped surfaces, as in the Specification stated.

That the use and publication of the invention and the several parts thereof, prior to the date of the said Letters-patent, upon which the Defendants intend to rely in support of the foregoing objections, respectively are as follows, and no others :—

That the invention and the several parts thereof were respectively, prior to the date of the said Letters-patent, published at or in the Cities of London and Westminster, and elsewhere in England, by the printing and publishing of a certain book hereinafter named, mentioning and describing the said invention and the several parts thereof respectively; that is to say, Volume 13 of Newton's London Journal, published by Mr. Newton, Chancery Lane, London, from page 313 to page 333, both inclusive, and the drawings therein referred to and contained in the said volume.

And also by the enrolling and publishing of a certain Specification of William Hill Darker the elder, William Hill Darker the younger, and William Wood, by them enrolled in Chancery at Westminster, in pursuance of the English Letters-patent granted on them on the 4th day of September, 1841, and a certain other Specification of Joseph Lincoln Roberts, by him enrolled in Chancery, in pursuance of Letters-patent granted to him on the 15th day of April, 1837.

That the invention and several parts thereof were also published by the manufacture of articles by the said Joseph Lincoln Roberts, and by the said William Hill Darker the elder, and William Hill Darker the younger, and William Wood, according to the said inventions described in the said Specification respectively, and by the sale and use of the said articles at Manchester, in the county of Lancaster, and Lambeth, in the county of Surrey.

Above are further and better particulars of the Defendants' objections, delivered in pursuance of the order of Mr. Baron

Platt, in support of which the Defendants will avail themselves of all and every or any of the pleas applicable for that purpose.

Dated this 13th day of April, 1853.

Yours, &c.,

B., M. and D.,

Defendants' Attornies.

To Messrs. W. and H.,

Plaintiffs' Attornies.

Pleas to which the above Notice of objections refers, dated 17th March, 1853.

1. Say that Her said Majesty did not by the said supposed Letters-patent make the said supposed grant of privilege in the Declaration mentioned.

2. Say that the said T. T. was not the first and true inventor of the said supposed manufacture and invention, as in the Declaration alleged.

3. Say that the said T. T. did not within six calendar months after the date of the said Letters-patent cause to be enrolled in said Court of Chancery an instrument in writing under his hand and seal, particularly describing and ascertaining the nature of the said supposed invention, and in what manner same was to be and might be performed.

4. Say that the said supposed invention in the Declaration mentioned was not any manner of manufacture.

5. Not Guilty.





## SUIT IN EQUITY.

*Bill for an Injunction and Account.**In Chancery.*

Lord Chancellor.

Vice-Chancellor Wood.

Between R. S. N. . . . . *Plaintiff,*

and

J. G. W. K., G. E. and R. A. G.. *Defendants.*

[Bill of Complaint.]

To the Right Honourable Robert Monsey, Baron Cranworth, of Cranworth, in the county of Norfolk, Lord High Chancellor of Great Britain.

Humbly complaining,

Showeth unto his Lordship R. S. N., of —, in the county of —, ropemaker, the above-named Plaintiff, as follows:—

1. Before and at the time of the making of the Letters-patent hereinafter mentioned, the Plaintiff was the sole, true and first inventor of certain improvements in the manufacture of wire ropes, and in the apparatus and arrangements for the manufacture of the same, namely, the improvements described in the Specification hereinafter set forth, and no other persons or person before or at such time made, used, exercised or vended the said improvements or invention in this realm.

2. On the sixth day of March, one thousand eight hundred and forty-three, Her present Majesty Queen Victoria, by Letters-patent of that date, under the Great Seal of the United Kingdom of Great Britain and Ireland, did for herself, Her heirs and successors, give and grant to the Plaintiff, his executors, administrators and assigns, her special licence, full power, sole privilege and authority, that the Plaintiff, his executors, administrators and assigns, or such others as the Plaintiff, his executors, administrators or assigns, should at any time agree with, and no others, from time to time, and at all times, should and lawfully might during the term of fourteen years from the date of the said Letters-patent, make, use and vend within England, Wales and the town of Ber-

wick-upon-Tweed the Plaintiff's invention of certain improvements in the manufacture of wire ropes, and in the apparatus and arrangements for the manufacture of the same; and in the said Letters-patent is contained a proviso that the Plaintiff should cause a particular description of the nature of his said invention, and in what manner the same was to be performed, by an instrument in writing, under his hand and seal, to be inrolled in Her Majesty's High Court of Chancery within six calendar months next and immediately after the date of the said Letters-patent.

3. On the sixth day of September, one thousand eight hundred and forty-three, by a certain Specification or instrument in writing, under his hand and seal, and by certain drawings and plans thereunto annexed and therein referred to by figures and letters of reference, all which said instrument in writing, drawings and plans were duly inrolled in this Honourable Court on the said sixth day of September, one thousand eight hundred and forty-three, the Plaintiff did, in pursuance of the said proviso in the said Letters-patent, cause a particular description of the nature of the Plaintiff's said invention, and in what manner the same was to be performed, to be inrolled in Her Majesty's High Court of Chancery; and the said Specification or instrument in writing, after reciting the said Letters-patent, was in the words or figures following (that is to say):—

“ In the manufacture of wire ropes it is of great im-  
 portance that the individual wires and strands should be  
 free from twist; that is, should be laid into the strands  
 and ropes without being twisted or subject to torsion  
 about their respective axes; it is also important that the  
 tension and draw of the respective wires and strands  
 should be the same throughout the whole strand and  
 rope, and that the joints occasioned by the insertion of  
 fresh wires and strands should be securely made. Se-  
 veral methods of laying wires into strands and strands  
 into ropes are described in the Specification of certain  
 Letters-patent granted to me, and bearing date the 7th  
 day of August, in the year of our Lord 1840; and my  
 present invention relates to certain improvements on the  
 methods therein described, and also to certain other

SPECIFICATION.

arrangements for effecting the above-mentioned objects: and I would further remark, that I suppose cores (as described in the Specification of my said former Letters-patent) to be used in all cases for the purpose of keeping the wires and strands equidistant from their respective centres, and giving strength and flexibility to the ropes; and that the arrangements shown in the annexed drawings are those to be employed for making strands of six wires about a core, and ropes of six strands about a core, which number I greatly prefer to any other. The first part of my invention, or one of my said improvements in the manufacture of wire ropes, consists in certain arrangements for laying the wires into strands and the strands into ropes without twist; for this purpose I suspend the bobbins on which the wires or strands are wound, so that the centres of gravity of the bobbins shall be below the points of suspension, and as the system of bobbins revolves, each bobbin by its gravity will cause the spindle in which it is supported to revolve in its bearings once for every revolution of the system.

“ Figures 1 and 2 represent this plan; *a* is the main shaft, supported in bearings, *c, c'*, carrying two sets of arms, *b b*. The spindles, *d*, are supported in their bearings, *e, e'*, in the ends of the arms, *b*, and carry the bobbins, *f*. The bobbins turn on centre-pins, having a screw and nut at one end, by means of which an equal tension is given to each of the wires; or this equal tension may be given by small springs acting on the bobbin. The wires pass from the bobbins through holes in the ends of the spindles, and in the end of the shaft, *a*, and meet beyond the laying-plate, *g*, hereafter described, where they are laid into a strand by the revolution of the system, being drawn by the drum, *h*, and wound upon the drum, *i*. The core round which the wires or strands are laid is wound on a bobbin, *k*, and passes through the shaft, *a*, which is hollow, and through the centre of the laying-plate, *g*. When the system of bobbins, arranged as described above, is driven beyond a certain speed, the spindles with the bobbins have a tendency to fly out in a line with the arms, to prevent which

I connect all the spindles together by means of cranks, *l* (fig. 3), fastened to the end, *e*, of the spindles, and the tie-rod, *m*, the crank-pins moving in holes in the tie-rod, the distance between the holes being equal to the distance between the centres of the respective spindles. Or, I make the crank-pins move in a circular groove, as in fig. 4; or I fix on the ends of the spindles, *e*, grooved pulleys of equal size, as in fig. 5, a pulley of the same size being fixed to the bearing-frame, *c*, and a double pulley on the end of one of the spindles, an endless band being then passed round the pulleys, as there shown; or I fix on the ends of the spindles toothed wheels, as in fig. 6, and to the bearing-frame, *c*, a wheel of the same size; three intermediate wheels working on studs fixed to the arms revolve round the fixed centre wheel, and communicate motion to the spindles. The arrangements represented in figs. 5 and 6 may also be used with advantage when the centre of gravity of the bobbins is in the line of the points of suspension, or when the bobbins do not revolve about their centre by gravity, as above described. Another part of my invention consists in an arrangement for regulating 'the draw,' that is, the length of strand or rope made during a certain number of revolutions of the machine containing the bobbins on which the wires or strands are wound. This is shown in fig. 1, where the strand passes several times round the drawing drum, *h*, to obtain sufficient adhesion to prevent its slipping; the pinion, *n*, on the axle of the pulley, *o*, works into the wheel, *p*, on the axle of the drawing drum, *h*, to which motion is communicated by a belt working round the pulley, *o*, and the cone of pulleys fixed on the end of the shaft, *a*, the belt being kept tight by the pulley, *o*<sup>1</sup>, and the speed being regulated by the cone of pulleys. The strand is coiled away or wound upon the drum, *i*, by the friction of the belt against the pulley, *i*<sup>1</sup>, fixed to the axle of the drum, *i*. An index being employed to count the number of revolutions, the length of the strand or rope may be easily ascertained from the diameter or circumference of the drum. A guide, *r*, is used for keeping the strand to one side, so that it always leads fair on to

it, and one part is prevented from riding over another, which, if allowed, would cause an irregularity in the draw. Another part of my invention relates to a peculiar method of inserting fresh wires and strands in laying the wires into strands, and the strands into ropes, and consists in the use of a fixed laying plate of a peculiar form, having an internal and uninterrupted communication between each of the wires or strands. This plate is represented at  $g^1$ , fig. 1, and is fixed by means of three rods screwed into the end of the shaft,  $a$ , or cone of pulleys, at a distance of about three feet, or equal to the length of joint to be made from the end of the shaft, so that it revolves with the shaft. The plate is so made that the holes or slits through which the wires pass are at equal distances from each other and from the centre, which is essential to be attended to in laying the wires regularly. The fresh wire or strand is inserted in the following manner:—Suppose the wires are laid till an end is within three feet of the laying plate, the empty bobbing is replaced by a full one, the core is cut close to the apex of the cone formed by the wires at  $g$ , the end of the fresh wire is passed through the hole in the end of the spindle,  $d$ , and shaft,  $a$ , and passing through the centre of the laying plate takes the place of the core. The machine revolves and lays half the length of the remaining end, which is then taken out of its place and put in the centre, while the new wire is brought from the centre and put in the place occupied by the old one, which now forms the core, so that the two ends cross one another, and are firmly held in their place by friction. After the remaining half of the end is laid, the core is again inserted, and the laying continued. *Having now described the nature of my invention, and in what manner the same is to be performed, I wish it to be understood that I do not claim, as the invention secured to me by the above in part recited Letters-patent, the manufacture of wire ropes in which the wires are laid into strands, and the strands into ropes, without twist; but I claim the improvements in the manufacture of such ropes by the use and application of the arrangements and apparatus*

*herein described.* And I also claim the improvements in the manufacture of such ropes, by the use of the arrangements and apparatus herein described, for ensuring the uniform draw of the strand and rope. And I claim lastly the improvements in the manufacture of wire ropes by the use of a laying plate constructed and applied as above described."

4. The said Letters-patent have never been impeached, but the same have from the day of the date thereof remained and the same now are in full force and of valid and sufficient authority, and the said improvements in the manufacture of wire ropes, and in the apparatus and arrangements for the manufacture of the same so invented by the Plaintiff, and for which the said Letters-patent were so granted, were and are very useful and valuable improvements, and the said apparatus and arrangements possess great advantages over any other apparatus and arrangements, and wire rope manufactured according to the said improvements possessed and still possess great advantages over any wire or metallic rope not so manufactured; and from and ever since the day of the date of the said Letters-patent, the Plaintiff has manufactured and sold large quantities of his patent wire rope, made according to and by means of his invention, as described by the said Specification or instrument in writing, and the drawings and plans thereunto annexed; and no apparatus or arrangements for the manufacture of wire rope has or have ever been known or invented which for economy, expedition and effect is or are at all equal to the apparatus and arrangements according to the Plaintiff's said invention, and by their more uniform consistency, and greater durability, and superiority in point of strength, and also by their greater cheapness and their greater aptitude for any modifications, and especially for submarine telegraphic purposes, ropes thereby made became and are publicly and generally known and preferred to all other wire and metallic ropes, and the Plaintiff has derived and still derives large gains and profits from the manufacture and sale of ropes so made as aforesaid; and as well before as after the grant of the said Letters-patent, the Plaintiff laid out and expended divers large sums of money in and about his said invention, and the Plaintiff has also entered into and

come under divers large contracts and liabilities depending for their performance and liquidation on his sole right to make, use and exercise his said improvements.

5. The Defendants have for some time past in C., in the county of S. and elsewhere, carried on the business of rope-makers in copartnership, under the name, style and firm of W. K. and Company.

6. The attention of the Plaintiff was directed to the manufacture of the Defendants by proceedings in this Honorable Court taken against the Defendants by one J. B. W., in respect of another wire rope patent claimed by the said J. B. W.; and the solicitors of the Plaintiff, and through them the Plaintiff himself received, on the seventeenth day of May, one thousand eight hundred and fifty-four, for the first time, information, which led the Plaintiff to suspect that the Defendants were using the said invention of the Plaintiff.

7. A correspondence thereupon took place between the solicitors of the Plaintiff and the solicitors of the Defendants, in which letters passed dated the eighteenth, nineteenth, twenty-fourth and twenty-fifth days of May, in the course of which the solicitors of the Defendants positively denied that the Defendants were using or exercising the invention of the Plaintiff, but they refused to allow the Plaintiff or his agents to inspect their manufacture or premises.

8. The Plaintiff was thereby prevented for a few days instituting proceedings against the Defendants, and was put to difficulty and trouble in obtaining the evidence of the acts and manufacture of the Defendants.

9. The Defendants have, without the leave or licence of the Plaintiff, manufactured or caused to be manufactured in England, and have sold and used for their private profit and emolument, divers large quantities of wire rope made by means of and according to the said invention and improvements of the Plaintiff, and in breach of the said Letters-patent so granted to the Plaintiff as aforesaid; and in particular the Defendants have made and are now making large quantities of such wire rope for a certain Company called "The Mediterranean Submarine Telegraph Company," and the Defendants have entered into a contract with the said Company for the supply to the Company of a large quantity of such rope made by means of and according to the said in-

vention of the Plaintiff, and in breach of the said Letters Patent. And the Defendants threaten and intend to complete and deliver, and to send or allow to be removed out of the country the said rope, in pursuance of the said contract, and the said rope is intended to be of great length, and to be used for the purpose of submarine telegraph communication in the Mediterranean; and the said contract, if completed and carried into execution, will be productive of large profits to the Defendants, and of great loss and injury to the Plaintiff.

10. The Defendants have in manner aforesaid manufactured, and sold and used for the purposes of profit and emolument to themselves, and are now continuing, and threaten and intend to continue, to manufacture, sell and use for such purposes as aforesaid large quantities of wire rope made in violation of the said Letters-patent so granted to the Plaintiff as aforesaid; and the wire rope so manufactured, sold and used by the Defendants, and in particular the said wire rope so made or in the course of being made by them for the said Mediterranean Submarine Telegraph Company, is made by means of apparatus and machinery exactly or wholly, or at least in all material and substantial respects, the same as the invention and improvements mentioned in the said Specification, and the drawings and plans thereunto annexed and so enrolled as aforesaid; and if there are or is any alterations or alteration, the same are or is made with the intent to make the appearance of a difference only, and no such alterations have any material effect whatever, and are merely colourable.

11. The Defendants ought to set forth the accounts required by the interrogators to this bill.

12. The Defendants ought to be restrained by the order and injunction of this Honourable Court from using and exercising, or causing or permitting to be used or exercised, the invention and improvements mentioned in the Plaintiff's said Specification, or any means, apparatus or arrangements for making wire rope merely colourably differing therefrom, and in particular that the Defendants ought to be restrained from completing, or adding to or proceeding with the wire rope so commenced by them for the said Mediterranean Submarine Telegraph Company as aforesaid, and from selling, disposing of, or parting with or using any of such wire rope,



and from making, selling or using, or causing to be made, sold or used any wire rope or other matters made according to the said invention and improvements of the Plaintiff, or only colourably differing therefrom.

PRAYER.

The Plaintiff prays as follows:—

1. That an account may be taken by and under the decree and direction of this Honourable Court of all the gains, profits and emoluments made by the Defendants J. G. W. K., G. E. and R. A. G., or any or one of them, from or by reason of the making or sale, or contract for the sale of the rope so made or caused to be made by them for the said Mediterranean Submarine Telegraph Company as aforesaid; and that a like account may also be taken of all wire rope made by or by the order or for the use of the Defendants, or any or one of them, by means of or according to the invention and improvements of the Plaintiff, or merely colourably differing therefrom, and of all such wire ropes as have been sold or disposed of by or by the order or for the use of the Defendants or any or one of them, and of the gains and profits made thereby; and that the Defendants may be ordered to pay to the Plaintiff what shall be found to be due from the Defendants, or any or one of them, on taking such accounts.
2. That the Defendants J. G. W. K., G. E. and R. A. G., their servants, agents and workmen, may be restrained by the order and injunction of this Honourable Court from using or exercising, or causing or permitting to be used or exercised, the invention and improvements mentioned in the Plaintiff's said Specification, or any means, apparatus or arrangement for making wire rope merely colourably differing therefrom, and in particular that the Defendants may be restrained from completing, or adding to or proceeding with, or from causing or permitting the completion or any addition to or extension of the wire rope so in the course of manufacture by them for the said Mediterranean Sub-

marine Telegraph Company as aforesaid, and from selling, disposing of or parting with, or using, or causing or permitting the sale, parting with, disposition or use of any such wire rope, and from making or selling, or using or causing to be made, used or sold, any wire rope or other matters made according to the Plaintiff's said invention and improvements, or merely colourably differing therefrom.

3. That the Plaintiff may have such further or other relief as the nature of the case may require.

*Names of Defendants :—*

The Defendants to this Bill of Complaint are—

J. G. W. K.,

G. E. and

R. A. G.

H. M. C.

[*Signature of Counsel.*]

Note.—This Bill is filed, &c.

### WRIT OF INJUNCTION.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to J. G. H., his agents, servants and workmen, greeting: WHEREAS Mr. W., of counsel for the Complainant in a cause wherein W. M. is Complainant, and you the said J. G. H. are Defendant, on the 25th day of September, 1851, moved and offered divers reasons unto us in Our Court of Chancery, before the Right Honorable Sir George James Turner, that you the Defendant, your agents, servants and workmen, might be restrained by the order and injunction of Our said Court from working, using, putting in practice or vending, or procuring to be made, used, put in practice or vended, during the remainder of the term mentioned in the Letters-patent granted to T. M. in the Complainant's Bill mentioned, any boxes, safes or other depositories made in such or the like manner, or on the same and the like principle, as the said

T. M.'s invention in the said Letters-patent mentioned, or in anywise counterfeiting, imitating or resembling the said invention, in the presence of Mr. S., of counsel for you the said Defendant: WHEREUPON and upon hearing an affidavit of the said Complainant, an affidavit of B. F., an affidavit of J. S. M., an affidavit of J. G., an affidavit of J. W. P., an affidavit of J. O.; an exhibit marked A, being an Office Copy of the Specification of a Patent granted to T. M.; and an exhibit marked X, being a printed pamphlet relating to Tann's fireproof safes, sold by you the said Defendant; an affidavit of J. F., an affidavit of E. T., an affidavit of J. C., an affidavit of W. M., an affidavit of E. C., an affidavit of J. T., an affidavit of A. L., an affidavit of you the said Defendant, an affidavit of H. L., and the exhibits therein referred to, read, and what was alleged by the counsel on both sides, Our said Court did order that an Injunction should be awarded to restrain you the said Defendant J. G. H., your agents, servants and workmen, from making, using, putting in practice or vending, or procuring to be made, used, put in practice or vended, during the remainder of the term mentioned in the Letters-patent granted to T. M. in the Complainant's Bill named, any boxes, safes or other depositories made in such or the like manner, or on the same or the like principle, as the said T. M.'s invention in the said Letters-patent mentioned, or in anywise counterfeiting, imitating or resembling the said invention, until you the said Defendant should fully answer the Complainant's Bill, or Our said Court make other order to the contrary: WE THEREFORE, in consideration of the premises, Do HEREBY strictly enjoin and restrain you the said J. G. H., and your agents, servants and workmen, under the penalty of five hundred pounds, to be levied on your lands, goods and chattels to our use, from making, using, putting in practice or vending, or procuring to be made, used or put in practice or vended, during the remainder of the term mentioned in the Letters-patent granted to T. M. in the Complainant's Bill named, any boxes, safes or other depositories made in such or the like manner, or on the same or the like principle, as the said T. M.'s invention in the said Letters-patent mentioned, or in anywise counter-

feiting, imitating or resembling the said invention, until you the said Defendant shall fully answer the Complainant's Bill, or our said Court make other order to the contrary.

WITNESS Ourselves at Westminster, the 7th day of October, in the 15th year of Our reign.

ROMILLY.

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### ORDER FOR PERPETUAL INJUNCTION.

V. C. Turner.

Monday, the 2nd day of August, in the 16th year of the reign of Her Majesty Queen Victoria, 1852.

Between W. M. . . . *Plaintiff*;

and

J. G. H. . . . *Defendant*.

WHEREAS Mr. R., Mr. W. and Mr. H., of counsel for the Plaintiff, on the 15th day of January last, moved and offered divers reasons unto the Court that the above-named Defendant J. G. H. might stand committed to Her Majesty's prison, called the Queen's Prison, for a breach of the Injunction awarded in this cause, bearing date the 7th day of October, 1851, to restrain the said Defendant J. G. H., and his agents, servants and workmen, from making, using, putting in practice or vending, or procuring to be made, used, put in practice or vended, during the remainder of the term mentioned in the Letters-patent granted to T. M. in the Plaintiff's Bill named, any boxes, safes or other depositories made in such or the like manner, or on the same or the like principle, as the said T. M.'s invention in the said Letters-patent mentioned, or in anywise counterfeiting, imitating or resembling the said invention: Whereupon and upon hearing the order made in this cause for the said Injunction, dated the 25th day of September, 1851, read, and what was alleged by Sir W. P. W. and Mr. S., of counsel for the Defendant, This Court did order, that the said motion should stand over, with liberty to the Plaintiff to bring such action at Law as he might be advised; That it appears by the affidavit of W. M.,

that an action was brought by the Plaintiff in Her Majesty's Court of Queen's Bench against the said Defendant in respect of his infringement of the said Letters-patent; That the said action was tried before the Lord Chief Justice Campbell and a Special Jury, upon the 25th June, 1852; That the said Defendant tendered a Bill of Exceptions to the said Lord Chief Justice's direction to the Jury; That upon the trial of the said action the Jury found a verdict for the Plaintiff upon all the issues: AND WHEREAS the said Mr. R., Mr. W. and Mr. H., of counsel for the Plaintiff, this day renewed their said motion to commit the said Defendant for a breach of the said Injunction: Whereupon, and upon hearing Mr. S., of counsel for the Defendant, and the said affidavit read, and the Defendant by his counsel undertaking to waive his said Bill of Exceptions, and to release errors in the said action at Law and of the action at Law brought by the Plaintiff against the Defendant before the commencement of this suit, and the said Defendant consenting that this cause should be dealt with as on the hearing, and the Plaintiff by his counsel waiving an answer from the said Defendant to the Bill filed in this cause, This Court doth order, that the Injunction awarded in this cause, pursuant to the said Order dated the 25th day of September, 1851, for restraining the Defendant, his agents, servants and workmen, from making, using, putting in practice or vending, or procuring to be made, used, put in practice or vended, during the remainder of the term mentioned in the Letters-patent granted to T. M. in the Complainant's Bill named, any boxes, safes or other depositories made in such or the like manner, or on the same or the like principle, as the said T. M.'s invention in the said Letters-patent mentioned, or in anywise counterfeiting, imitating or resembling the said invention, be, and the same is hereby made perpetual: And it is ordered, that it be referred to the Taxing Master of this Court in rotation to tax the said Plaintiff his costs of this suit, including therein the costs of obtaining the said Order dated the 25th day of September, 1851, of the said motion for the commitment of the Defendant, and of this application, and of the costs of the second action at Law: And it is ordered, that such costs, when taxed, be paid by the Defendant J. G. H. to the Plaintiff W. M.

**PETITION FOR EXTENSION OF THE TERM OF A PATENT.**  
To the Queen's most excellent Majesty in Council.

The humble Petition of Charles Derosne, late of Leicester Square, in the County of Middlesex, but now of No. 7, Rue des Batailles, Chaillot, near Paris, in the Kingdom of France, Gentleman,

Showeth,

THAT His late Majesty King William the Fourth, by Letters-patent dated the 29th day of September, in the first year of His reign, granted to your said Petitioner, his executors, administrators and assigns, the sole use and exercise of his invention, entitled "Certain improvements in extracting sugar or syrups from cane juice and other substances contained in sugar, and in refining sugar and syrups," within that part of the Kingdom of Great Britain and Ireland called England, the dominion of Wales, and the town of Berwick-upon-Tweed, and also in all His said Majesty's Colonies and Plantations abroad, for the term of fourteen years from the date of the said Letters-patent, which term has not yet expired.

That shortly after the granting of the said Letters-patent (your Petitioner then and now residing abroad), your Petitioner, with a view to bring the aforesaid invention into general use both in England and the Colonies, was induced to enter into an arrangement with an English gentleman named Isaac Higgin, then carrying on business as a merchant in the City of London, whereby your Petitioner agreed to give and did secure to the said Isaac Higgin one-third of the gains, profits and advantages which should at any time thereafter be derived from granting licences to use the said invention, in consideration of the said Isaac Higgin undertaking (as far as lay in his power) to introduce the said invention, not only to the refiners in England, but also to the planters in the British Colonies.

That, in consequence of the decease of the said Isaac Higgin in the year 1832, just as he landed in Jamaica, the generally depressed state of the Colonies, and the duty of eight guineas per cwt. charged upon partially refined sugar, your Petitioner has never yet been enabled to introduce the

use of the said invention into the English Colonies, although he knows that it would be of the highest advantage to the planters if it could be so introduced.

That in consequence, also, of his being resident abroad, and of the difficulties thrown in his way by parties disputing his Patent right, he was unable to introduce the general use of his invention into English refineries for nearly five years after the granting of his said Patent, and that in fact he only sold two licences prior to the year 1835, whereby (having sold them mainly with the view of getting the process known) he only realized a sum of 200*l*.

That your Petitioner duly entered with the Clerk of the Patents in England, and on the 16th day of August, 1836, duly enrolled in Her Majesty's High Court of Chancery in England, a Disclaimer or Memorandum of alterations, and thereby (among other things) desired that, instead of the title of the said Patent being for the invention of "certain improvements in extracting sugar or syrups from cane juice and other substances containing sugar, and in refining sugar and syrups," the following words be substituted in lieu thereof; videlicet, the invention of "a certain improvement or certain improvements to be used in the course of the process of extracting sugar or syrup from cane juice and other substances containing sugar, and also to be used in the course of the process of refining sugar and syrup, and for the purpose in either case of removing the colour from or whitening and purifying such sugars or syrups respectively."

That your Petitioner, by his said Disclaimer and Memorandum of alterations, also disclaimed a portion of the said Specification of the said Patent, and amended the said Specification in various particulars.

That your Petitioner has received for licences to use the invention protected by His said late Majesty's Patent of the 29th day of September, 1830, the sum of 8,120*l*. 6*s*. 8*d*., and no more.

That your Petitioner has paid for law charges in taking out the said Patent, in legal proceedings, in law and equity, to protect the same, and for the share of the said Isaac Higgin out of his profits, and for general professional assistance relating thereto, the sum of 4,500*l*. and upwards.

That your Petitioner is the senior partner in the firm of

Derosne and Cail, and has extensive works at Paris for the manufacture of machines, and he has, at much loss and inconvenience, been obliged from time to time to leave his business abroad and to travel into England for the purpose of introducing the said invention to the London and provincial refiners, to explain its use, and show its beneficial results.

That, to avoid further litigation and subsequent expense, your Petitioner was from time to time induced to take and did take premiums for licences to use the said invention wholly inadequate to the advantages derived and derivable therefrom.

That the usefulness of your Petitioner's invention in the refining of sugars is admitted by everybody, and the cost of refining sugar is much less than heretofore; and therefore, by means of your Petitioner's invention, the refiner is enabled to sell refined sugars at a less price than heretofore, whereby the public has been considerably benefited.

That your Petitioner has advertised in the London Gazette three times, and in three London newspapers, "The Morning Herald," "The Morning Post" and "Standard," and your Petitioner (having neither manufactory nor residence in England) has advertised in each of the following papers; videlicet, "The Liverpool Courier," of the 14th; "Gore's General Advertiser," of the 15th; "The Liverpool Standard," of the 20th; "The Plymouth and Devonport Weekly Journal," of the 15th and 23rd; "The Plymouth, Devonport and Stonehouse Herald," of the 17th; "The Bristol Gazette," of the 15th and 22nd; "Felix Farley's Bristol Journal," of the 17th; "The Eastern Counties Herald," of the 15th; "The Hull Packet," of the 16th, and "Hull Rockingham," of the 17th days of February instant respectively, being papers circulating in the towns at which your Petitioner's invention is carried on under licences from your Petitioner.

That it is your Petitioner's intention to apply to your Majesty in Council for a prolongation of his said term of sole vending and using his said invention.

Your Petitioner therefore humbly prays your Majesty to grant to him new Letters-patent for the sole use and exercise of his said invention (as described in and by the said Disclaimer and Memorandum of alterations) within that part of your Majesty's Kingdom of Great



Britain and Ireland called England, the dominion of Wales, and town of Berwick-upon-Tweed, and also in all your Majesty's Colonies and Plantations abroad, for a term of seven years, or such other term as your Majesty shall please, after the expiration of the said term of fourteen years first above mentioned, according to the form of the Statute in such case made and provided.

And your Petitioner will ever pray, &c.

—♦—

**AFFIDAVIT AS TO INSERTION OF THE ADVERTISEMENTS  
WITH REFERENCE TO THE ABOVE PETITION.**

DANIEL HEATH, Clerk to Thomas Graham, of 1, Mitre Court Chambers, Temple, in the City of London, Gentleman, maketh oath and saith, that he this deponent, by the direction of the said Thomas Graham and on the part of the said Charles Derosne, caused three advertisements to be published in the London Gazette of the said Charles Derosne's intention to apply to Her Majesty in Council for a prolongation of his term of sole using and vending his invention in the said Petition mentioned. And this deponent further saith, that the three said advertisements were in the words and figures or to the purport and effect following; (that is to say,) "Whereas His late Majesty King William the Fourth did, by his Letters-patent bearing date the 29th day of September, in the first year of His reign, give and grant (for the term therein mentioned) unto me the undersigned Charles Derosne, therein described of Leicester Square, in the county of Middlesex, Gentleman, but now of No. 7, Rue des Batailles, Chaillot, near Paris, in the Kingdom of France, the sole right to make, use, exercise and vend within England, Wales and the town of Berwick-upon-Tweed, and also in all His Majesty's Colonies and Plantations abroad, the invention of 'certain improvements in extracting sugar or syrup from cane juice and other substances containing sugar, and in refining sugar and syrups:' And whereas I the said Charles Derosne, by virtue of the Statute in that case made and provided, duly entered with the Clerk of the Patents in England, and on the 15th day of August, 1836, duly enrolled in Her Majesty's High Court of Chancery, a Disclaimer and Memo-

randum of alterations, and thereby, among other things, desired that, instead of the title of the said Patent being for the invention of 'certain improvements in extracting sugar or syrup from cane juice and other substances containing sugar, and in refining sugar and syrups,' the following words be substituted in lieu thereof; videlicet, the invention of 'a certain improvement or certain improvements to be used in the course of the process of extracting sugar or syrup from cane juice and other substances containing sugar, and also to be used in the course of the process of refining sugar and syrup, for the purpose in either case of removing the colour from or whitening and purifying such sugars or syrups respectively:' Now I the said Charles Derosne do hereby give notice, that I intend forthwith to apply to Her Majesty in Council for a prolongation for the further term of seven years, or such other term, not exceeding seven years, as Her Majesty shall please, of the term of sole using, making and vending the aforesaid invention: within that part of the United Kingdom of Great Britain and Ireland called England, the dominion of Wales and town of Berwick-upon-Tweed, and also in all Her Majesty's Colonies and Plantations abroad; and I the said Charles Derosne hereby give further notice, that I intend to apply on the 18th day of March next to the Right Honorable the Lords comprising the Judicial Committee of Her Majesty's Honorable Privy Council for a time to be fixed for hearing the matters of the said Petition for such prolongation of the said term as hereinbefore mentioned; and all persons desirous of being heard in opposition to the prayer of the said Petition are hereby required to enter *caveats* at the Privy Council Office on or before the said 18th day of March next. Charles Derosne, per procuration, Thomas Graham, 1, Mitre Court Chambers, Temple, London, his attorney and agent:" And that the days on which the said advertisement appeared in the London Gazette were Friday the 9th, Tuesday the 13th, and Friday the 16th days of February instant. And this deponent further saith, that he also caused the said advertisement, or the purport and effect thereof, to be inserted in the following London papers; videlicet, "The Morning Herald," of Tuesday the 13th, Thursday the 15th, and Saturday the 17th days of February instant, and in "The Morning Post" and "Standard," of the

16th day of February instant. And this deponent further saith, that the said Charles Derosne, having no manufactory nor residence in England, this deponent caused the said advertisement, or the purport and effect thereof, to be inserted in the following provincial newspapers; (that is to say,) "The Liverpool Courier," of the 14th; "Gore's General Advertiser," of the 15th; "The Liverpool Standard," of the 20th; "The Plymouth and Devonport Weekly Journal," of the 15th and 22nd; "The Plymouth, Devonport and Stonehouse Herald," of the 17th; "The Bristol Gazette," of the 15th and 22nd; "Felix Farley's Bristol Journal," of the 17th; "The Eastern Counties Herald," of the 15th; "The Hull Packet," of the 16th, and "The Hull Rockingham," of the 17th days of February instant, respectively. And this deponent further saith, that he is informed and believes that the said provincial newspapers, or some of them, circulate within the towns and neighbourhood of Liverpool, in the county of Lancaster, Plymouth, in the county of Devon, Goole and Hull, in the county of York, and the city of Bristol. And this deponent further saith, that the only licences granted in England for the use of the said Charles Derosne's invention (other than to London refiners) were granted to persons residing or carrying on business at Liverpool, Plymouth, Goole, Hull and Bristol aforesaid.

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I.

*ASSIGNMENT of separate LETTERS-PATENT for the Three Kingdoms respectively (to a PURCHASER).*

THIS INDENTURE, made on the — day of —, 18—, Between [*Patentee*] of, &c., of the one part, and [*Purchaser*] of, &c., of the other part: WHEREAS by Letters-patent<sup>a</sup> under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the — day of —, in the year of our Lord 18—, and in the — year of the reign of Her Majesty Queen Victoria, and duly enrolled in Her Majesty's High Court of Chancery, after reciting, among other things, a petition of the said [*Patentee*], representing

Recital of Letters-patent granted before the Patent Law Amendment Act for England.

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<sup>a</sup> For a recital of Letters-patent granted under the present practice, see *post*, p. 519.

that he had invented "Improvements in [*title of invention*]," Her said Majesty did give and grant unto the said [*Patentee*], his executors, administrators and assigns, special licence, full power, sole privilege and authority that he the said [*Patentee*], his executors, administrators and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said [*Patentee*], his executors, administrators or assigns, should at any time agree with, and no other person, from time to time and at all times thereafter during the term of years there expressed, should and lawfully might make, use, exercise and vend his said invention within that part of the United Kingdom of Great Britain and Ireland called England, the dominion of Wales and town of Berwick upon Tweed, To have, hold, exercise and enjoy the said licence, powers, privileges and advantages unto the said [*Patentee*], his executors, administrators and assigns, for and during the term of fourteen years from the date of the now being recited Letters-patent: AND WHEREAS in pursuance and performance of a condition in the above recited Letters-patent contained, the said [*Patentee*] did, within the space of six calendar months after the date of the same Letters-patent, cause to be enrolled in Her Majesty's High Court of Chancery in England a particular description in writing under his hand and seal of the nature of his said invention and in what manner the same was to be performed: AND WHEREAS by other Letters-patent sealed at Edinburgh with the Seal appointed by the Treaty of Union to be kept and used instead of the Great Seal of Scotland, bearing date at St. James's, the — day of —, in the — year of Her said Majesty, and duly registered, after reciting, among other things, that the said [*Patentee*] had by his petition represented that he had invented [*title of invention*], her said Majesty did give and grant unto the said [*Patentee*], his executors, administrators and assigns, special permission, licence and full power, sole privilege and authority that he the said [*Patentee*], his executors, administrators or assigns, by themselves or such other persons as he or they should appoint or agree with, and no others, from time to time and at all times thereafter during the term of years therein mentioned might lawfully use, exercise and sell the said invention within that part of the United Kingdom of

Enrolment of  
Specification in  
England.

Letters-patent  
for Scotland.

Enrolment of  
Specification in  
Scotland.

Letters-patent for  
Ireland.

Great Britain and Ireland called Scotland, To hold, have, exercise and use the said licences, powers, privileges and advantages unto the said [*Patentee*], his executors, administrators or assigns, for and during the term of fourteen years from the date of the now being recited Letters-patent : AND WHEREAS in pursuance and performance of a condition in the lastly above recited Letters-patent contained, the said [*Patentee*] did, within the space of four calendar months after the date of the same Letters-patent cause to be enrolled in Her Majesty's Court of Chancery in Scotland a particular description in writing under his hand and seal of the nature of his said invention and in what manner the same was to be performed : AND WHEREAS by other Letters-patent under the Great Seal of Ireland, bearing date at Dublin the — day of —, in the — year of Her said Majesty's reign, and duly enrolled in Her said Majesty's High Court of Chancery in Ireland, after reciting, among other things, the petition of the said [*Patentee*], representing that he had invented [*title of invention*], Her said Majesty did give and grant unto the said [*Patentee*], his executors, administrators and assigns, special licence, full power and sole privilege and authority that he the said [*Patentee*], his executors, administrators and assigns, by himself and themselves and by his and their deputy and deputies, servants and agents, and such other as he the said [*Patentee*], his executors, administrators and assigns, should at any time agree with, and no other, from time to time and at all times thereafter during the term of years therein mentioned, should and might lawfully make, use, exercise and vend the said invention within that part of the United Kingdom of Great Britain and Ireland called Ireland, To have, hold, exercise and enjoy the said licence, power, privileges and advantages unto the said [*Patentee*], his executors, administrators or assigns, for and during the term of fourteen years from the date of the now being recited Letters-patent : AND WHEREAS in pursuance and performance of a condition in the lastly above recited Letters-patent contained, the said [*Patentee*] did, within the space of six calendar months after the date of the same Letters-patent, cause to be enrolled in Her Majesty's Court of Chancery in Ireland a particular description in writing under his hand and seal of the nature of his said invention and in what manner the same was to be

Enrolment of  
Specification in  
Ireland.

performed: AND WHEREAS the said [*Patentee*] has agreed with the said [*Purchaser*] for the absolute sale to him of the said invention and the said several Letters-patent hereinbefore recited, and the several privileges and rights thereby respectively granted, and of all benefit thereof respectively, including any extension or renewals thereof that may be obtained, and free from incumbrances, at the price of £—: Now THIS INDENTURE WITNESSETH, that in pursuance of the said agreement and in consideration of £— sterling by the said [*Purchaser*] to the said [*Patentee*] paid immediately before the execution of these presents, the receipt whereof the said [*Patentee*] doth hereby acknowledge and therefrom doth acquit, release and discharge the said [*Purchaser*], his heirs, executors, administrators and assigns for ever by these presents, He the said [*Patentee*] DOth hereby grant, assign and confirm unto the said [*Purchaser*], his executors, administrators and assigns, ALL those the invention and several Letters-patent hereinbefore mentioned, and all privileges and authorities by the said several Letters-patent respectively granted, and the exclusive use and benefit of the said invention within England, Wales, Berwick upon Tweed, Scotland and Ireland respectively, AND all rights, powers, authorities, privileges, advantages, profits, emoluments and benefits to the said invention, Letters-patent and premises, or any of them, in anywise appertaining or belonging, so far as concerns the use, exercise and enjoyment of the said invention within the countries and places aforesaid, or otherwise under or by virtue of the several above recited Letters-patent, AND all the right, title and interest whatsoever of him the said [*Patentee*] to and in respect of the said same invention, Letters-patent and premises respectively, To HAVE, hold, use, exercise and enjoy the said invention, Letters-patent and premises unto and by the said [*Purchaser*], his executors, administrators, licences and assigns, henceforth for all the respective residues of the said respective terms of fourteen years each now unexpired, and also for and during any further term or terms for which any extensions or extension, renewals or renewal, of the said respective Letters-patent, or any of them, may be obtained, in as full, ample and beneficial a manner as the said [*Patentee*] might have done if these presents had not been made: AND

Agreement for sale.

Testatum.

Vendor assigns Letters-patent.

General words.

Habendum.

Vendor's covenants:

—that Patentee was the first inventor;

—that invention was new;

—and duly specified;

—and that Letters-patent are now valid;

—that vendor has right to assign;

—for quiet enjoyment;

—for further assurance.

the said [*Patentee*], for himself, his heirs, executors and administrators, doth hereby covenant with the said [*Purchaser*], his executors, administrators and assigns, THAT the said [*Patentee*], at the time of the sealing of the said Letters-patent, was the true and first inventor of the said invention, AND that the same<sup>b</sup> then was new as to the public use or knowledge thereof within the realm; AND also that in pursuance of the several provisoes for that purpose contained in the several hereinbefore recited Letters-patent respectively, he the said [*Patentee*] did particularly describe and ascertain the nature of the said invention and in what manner the same is to be performed, by the several hereinbefore recited Specifications or instruments, and did cause the same to be in due time enrolled or registered as aforesaid; AND that the said several Letters-patent expressed to be hereby assigned are good, valid and effectual for the said invention, and are in nowise invalidated, avoided or voidable; AND that the said [*Patentee*] now hath in himself good right, and full power and authority by these presents to assign the said several Letters-patent, invention and premises unto the said [*Purchaser*], his executors, administrators and assigns, in manner aforesaid and according to the true intent and meaning of these presents; AND that the said Letters-patent, privileges, invention and premises respectively shall from henceforth be held, used, exercised and enjoyed during the term or terms aforesaid by the said [*Purchaser*], his executors, administrators or assigns, without any lawful denial, intervention, hinderance, prevention or disturbance by any person or persons whomsoever: AND LASTLY, that the said [*Patentee*], his executors and administrators, and every other person having or lawfully claiming or to claim any right, title, interest or authority whatsoever, either at Law or in Equity, to, in or in respect of the said several Letters-patent and premises, or any of them, will and shall from time to time and at all times hereafter

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<sup>b</sup> In the case of Letters-patent granted since the Patent Law Amendment Act, say—

“And that the same was at the time of the allowance of the said [*Inventor's*] Provisional Specification of the said invention.”

upon every reasonable request and at the costs of the said [*Purchaser*], his executors, administrators or assigns, make, do and execute all such further acts, deeds, applications, petitions, amendments, disclaimers, assurances, matters and things whatsoever, for the better and more effectually assigning, assuring, confirming, renewing or extending the said several Letters-patent, invention, privileges, term or terms of years and premises, or any of them, or the enjoyment thereof respectively, unto or for the benefit of the said [*Purchaser*], his executors, administrators or assigns, or for enabling him, them or any of them to prevent, or to commence, bring or prosecute any actions, suits or other proceedings in respect of any infringement or infringements of the said privileges and premises intended to be hereby assured, or otherwise to secure to him and them the sole and exclusive use and enjoyment of the said invention and premises as by the said [*Purchaser*], his executors, administrators or assigns, shall be devised and required. IN WITNESS, &c.



## II.

## MORTGAGE OF LETTERS-PATENT.

THIS INDENTURE, made on the — day of —, Between [*Mortgagor*], of, &c., of the one part, and [*Mortgagee*], of, &c., of the other part: WHEREAS by Letters-patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the — day of —, in the — year of the reign of Her Majesty Queen Victoria, and duly filed in Her Majesty's High Court of Chancery, after reciting, among other things, that the said [*Mortgagor*] had by his Petition represented to Her Majesty that he was in possession of an invention for [*title of invention*]<sup>c</sup>, her said

Recital of Letters-patent granted since the Patent Law Amendment Act;

<sup>c</sup> If a Complete Specification was deposited at the time of filing the petition, say—

“ And that the said [*Inventor*] had particularly described and ascertained the nature of the said invention, and in what manner the same was to be performed, by an instrument in writing under his hand and seal, and had caused the same to be duly filed in the Great Seal Patent Office.”

Recital of Letters-patent founded on Complete Specification.



Majesty did give and grant unto the said [*Mortgagor*], his executors, administrators and assigns, her said Majesty's especial licence, full power, sole privilege and authority that he the said [*Mortgagor*], his executors, administrators and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said [*Mortgagor*], his executors, administrators or assigns, should at any time agree with, and no other, from time to time and at all times thereafter during the term thereafter mentioned, should and lawfully might make, use, exercise and vend his said invention within the United Kingdom of Great Britain and Ireland, the Channel Islands, and the Isle of Man, To have, hold, exercise and enjoy the said licence and privilege unto the said [*Mortgagor*], his executors, administrators and assigns, for and during the term of fourteen years from the — day of —, subject, among other conditions, to a condition or proviso therein contained, that if the said [*Mortgagor*] should not particularly describe and ascertain the nature of his said invention, and in what manner the same was to be performed, by an instrument in writing under his hand and seal, and cause the same to be filed in Her Majesty's Great Seal Patent Office within six calendar months next and immediately after the date of the now being recited Letters-patent;<sup>d</sup> and also if the said [*Mortgagor*], his executors, administrators or assigns, should not pay or cause to be paid, before the expiration of three and seven years respectively from the date of the now being recited Letters-patent, the several stamp duties<sup>e</sup> therein mentioned; and if articles of the said invention should not be supplied for Her Majesty's service in manner therein mentioned, that then and in any of the said cases the now being

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<sup>d</sup> If the invention was completely specified in the first instance, this condition will run thus:—

“That if the said instrument in writing thereinbefore mentioned did not particularly describe and ascertain the nature of the said invention, and in what manner the same was to be performed.”

<sup>e</sup> This was rather differently expressed before the Stat. 16 & 17 Vict. c. 5.

recited Letters-patent, and all liberties and advantages whatsoever thereby granted, should utterly cease, determine and become void: AND WHEREAS<sup>f</sup> in pursuance and performance of the condition in that behalf in the above-recited Letters-patent contained, the said [*Mortgagor*] did particularly describe and ascertain the nature of his said invention, and in what manner the same was to be performed, by an instrument in writing under his hand and seal, and did cause the same to be filed in Her Majesty's Great Seal Patent Office within six calendar months next and immediately after the date of the said Letters-patent: AND WHEREAS the said [*Mortgagee*] hath agreed to advance and lend to the said [*Mortgagor*] the sum of £—, at interest on the security hereinafter expressed: NOW THIS INDENTURE WITNESSETH, that in pursuance of the said agreement, and also in consideration of the sum of £— sterling to the said [*Mortgagor*] advanced and lent by the said [*Mortgagee*] immediately before the execution of these presents, the receipt whereof the said [*Mortgagor*] doth hereby acknowledge and from the same doth discharge the said [*Mortgagee*], his executors, administrators and assigns, by these presents, he the said [*Mortgagor*] doth by these presents grant, assign and transfer unto the said [*Mortgagee*], his executors, administrators and assigns, All those the invention and Letters-patent respectively hereinbefore mentioned and recited, and all the licences and privileges by the said Letters-patent granted, and the exclusive use and benefit of the said invention within the United Kingdom of Great Britain and Ireland, and the Channel Islands and Isle of Man, and all rights, powers, authorities, privileges, advantages, profits, emoluments and benefits to the said invention, Letters-patent and premises, or any of them, in anywise appertaining or belonging, so far as concerns the use, exercise and enjoyment of the said invention within the countries and places aforesaid, or otherwise under or by virtue of the said Letters-patent, or any extension or renewal thereof: AND all the right, title, interest, term and terms of years, benefit, property, advantage, claim and demand whatsoever, both at Law

—of filing of Specification.

Testatum.

Assignment of Letters-patent.

General words.

<sup>f</sup> To be omitted if a Complete Specification was filed in the first instance.

Habendum.

and in Equity, of him the said [*Mortgagor*] to, in, of, upon or in respect of the same invention, Letters-patent and premises, To HAVE, hold, use, exercise and enjoy the said invention, Letters-patent and premises unto and for the said [*Mortgagee*], his executors, administrators and assigns, henceforth, for and during all the residue now unexpired of the said term of fourteen years by the said Letters-patent granted, and for all other the term and interest (if any) of the said [*Mortgagor*] therein: And also for and during any future term or terms for which any extension or renewal of the said Letters-patent, or of any of the privileges thereby granted, may be obtained, in as full and beneficial a manner to all intents and purposes as he the said [*Mortgagor*] might or could have held or enjoyed the same if these presents had not been made, but subject nevertheless to the proviso or agreement for redemption hereinafter contained; that is to say: PROVIDED ALWAYS, and it is hereby agreed and declared, that if the said [*Mortgagor*], his heirs, executors or administrators, should pay unto the said [*Mortgagee*], his executors, administrators or assigns, the said principal sum of £— on the — day of —, and should also duly pay to the said [*Mortgagee*], his executors, administrators or assigns, interest on the said sum of £—, by equal half-yearly payments on each — day of — and — day of — henceforth, until and up to the time of the payment of the said principal sum, and should make all such payments without any deduction or abatement whatsoever, Then and in such case the said [*Mortgagee*], his executors, administrators and assigns, will or shall, on the request and at the costs of the said [*Mortgagor*], his executors, administrators or assigns, assign and assure the said Letters-patent, and all other the premises hereby assigned or intended so to be, unto the said [*Mortgagor*], his executors, administrators or assigns, or as he or they shall direct, free from all incumbrances made or executed by the said [*Mortgagee*], his executors, administrators or assigns, or any person or persons claiming through or under him or them: PROVIDED ALSO, and it is hereby further declared and agreed, that in case the said sum of £— and the interest thereon, or any part thereof respectively, should remain unpaid after the day or time mentioned in the proviso for redemption herein-

Proviso for redemption.

Power to grant licence and to sell after default.

before contained, it shall be lawful for the said [*Mortgagee*], his executors, administrators or assigns, without the necessity of the concurrence of the said [*Mortgagor*], his executors or administrators, either to grant such general or special or other exclusive licence or licences to exercise and use the said invention for and during such term or terms of years, upon such conditions, for such consideration by way of fine, premium, royalty or otherwise, and generally in such manner as the said [*Mortgagee*], his executors, administrators or assigns, should think fit: AND ALSO, either without granting any such licence or licences, or after granting the same, absolutely to sell and dispose of the said Letters-patent and premises either by public auction or private contract, and subject to such special conditions or stipulations as the said [*Mortgagee*], his executors, administrators or assigns, shall think fit, with liberty, if deemed expedient, to buy in the same at any auction without being answerable for any loss to be occasioned thereby, and to rescind or vary any contract for sale, and to assign the same when sold to the purchaser or purchasers thereof: AND IT IS HEREBY DECLARED, that the receipt of the said [*Mortgagee*], his executors, administrators or assigns, to any purchaser or licensee for any purchase money, fine, premium, royalty or other moneys payable in respect of the said invention, shall effectually discharge the person or persons paying the same from all responsibility in respect of the application thereof, and that such purchaser shall not be bound to inquire whether the sale made by the said [*Mortgagee*], his executors, administrators or assigns, is consistent with these presents, nor be affected by express notice that the same is contrary thereto: AND IT IS HEREBY DECLARED and agreed, that the said [*Mortgagee*], his executors, administrators and assigns, shall stand possessed of all and every the sums and sum of money which shall or may be received by him or them by virtue of these presents, Upon trust, in the first place, to reimburse himself and themselves the costs and charges (if any) attending the receipt or recovery thereof and otherwise arising in the execution of these present trusts; and in the next place, Upon trust to retain and satisfy unto him the said [*Mortgagee*], his executors, administrators and assigns, the principal sum of £—

Mortgagee's receipts to be discharged.

Application of monies to be received by mortgagee;

—to pay costs;

—and mortgage debt;

hereby intended to be secured, and interest thereon at the rate of £— per centum per annum from the day of the date of these presents, or so much of the said principal and interest monies as shall then be due and owing by virtue thereof: And after payment and full satisfaction of the said costs and charges, principal and interest monies, Upon trust to pay the balance or residue of the said monies which shall come to the hands of the said [*Mortgagee*], his executors, administrators or assigns, by virtue of these presents, unto the said [*Mortgagor*], his executors, administrators or assigns, for his or their own use and benefit: AND the said [*Mortgagor*] doth hereby for himself, his heirs, executors and administrators, covenant with the said [*Mortgagee*], his executors, administrators and assigns, in manner following (that is to say), THAT he the said [*Mortgagor*], his heirs, executors, administrators or assigns, will or shall pay unto the said [*Mortgagee*], his executors, administrators or assigns, the said principal sum of £— on the — day of —, and all costs, charges and expenses incurred and to be incurred by the said [*Mortgagee*], his executors, administrators or assigns, in maintaining, enforcing or otherwise in relation to the security intended to be hereby made immediately after the same respectively shall have been incurred, and interest after the rate of £— per centum per annum on the said sum of £— from the date of these presents, and on such costs, charges and expenses from the respective times of the same being incurred by payments on each — day of — and — day of —, until the said principal monies respectively shall have been repaid, and also on the repayment of any principal money: AND also that the said [*Mortgagor*],<sup>g</sup> at the time of the sealing of the said Letters-patent, was the true and first inventor of the said invention, AND that the same was, at the time of the allowance of the said [*Mortgagor's*] Provisional Specification of the said invention, new as to the public use or knowledge thereof within the realm: AND also, that in pursuance of the condition in that behalf in the said Letters-patent contained, the said [*Mortgagor*] did particularly describe and ascertain the nature of the said invention, and in what manner the same was to be

—residue, if any,  
to Mortgagor.

Mortgagor's  
covenants;

—to pay principal,  
costs and in-  
terest;

—that Patentee  
was first in-  
ventor;

—that invention  
was new;

—and duly speci-  
fied;

<sup>g</sup> Or “ [*Inventor*]” if the Mortgagor is not the Patentee.

performed, by an instrument in writing under his hand and seal, and did cause the same to be filed in Her Majesty's Great Seal Patent Office within six calendar months from the date of the said Letters-patent: AND that the said Letters-patent are now good, valid and effectual for the said invention, and are in nowise invalidated, avoided or voidable: AND that he the said [*Mortgagor*] now hath in himself good right and full power and authority by these presents to assign the Letters-patent, invention and premises unto the said [*Mortgagee*], his executors, administrators and assigns, in manner aforesaid, and according to the true intent and meaning of these presents: AND also that, immediately after default shall be made in payment of all or any part of the said sum of £—, or any interest thereon, contrary to the true intent and meaning of the proviso or agreement for redemption hereinbefore contained, it shall be lawful for the said [*Mortgagee*], his executors, administrators or assigns, thenceforth during the residue of the said term of fourteen years to use, exercise and enjoy the said invention in such manner as he or they shall think fit, and receive and take for his and their own use, all profits and advantages arising from the Letters-patent and premises hereby assigned and intended so to be, without any lawful denial, interruption, hinderance, prevention or disturbance of or by the said [*Mortgagor*], his executors or administrators, or any other person or persons whomsoever: AND also that the said [*Mortgagor*], his executors or administrators, will and shall, from time to time, so long as any principal sum or interest shall be owing to the said [*Mortgagee*], his executors, administrators or assigns, upon this security, use his and their utmost endeavour to detect any infringement that shall hereafter be made or attempted to be made on any of the rights and privileges granted by or incident to the Letters-patent hereby assigned or intended so to be, or any Letters-patent which shall hereafter be assigned to the said [*Mortgagee*], his executors, administrators or assigns, pursuant to the covenant of the said [*Mortgagor*] hereinafter contained, and will and shall forthwith communicate and divulge the same when discovered to the said [*Mortgagee*], his executors, administrators or assigns: AND also that the said [*Mortgagor*], his executors or administra-

—that Letters-patent are valid;

—that Mortgagor has right to assign;

—for quiet enjoyment after default;

—that Mortgagor will aid in protecting Patent;

tors, shall and will render his and their utmost assistance to the said [*Mortgagee*], his executors, administrators or assigns, for the purpose of enabling him or them to protect or defend the said rights or privileges granted by or incident to the said Letters-patent, or to prosecute any action or proceeding against any person or persons infringing the same as aforesaid: AND moreover, that he the said [*Mortgagor*], his executors and administrators, and every other person having or lawfully claiming or to claim any right, title, interest or authority whatsoever in respect of the said invention, Letters-patent and premises, will and shall from time to time and at all times hereafter, upon every reasonable request of the said [*Mortgagee*], his executors, administrators or assigns, but at the costs of the said [*Mortgagor*], his executors or administrators, until the said Patent or premises shall have been sold under the foregoing power, or the equity to redeem the same shall have been foreclosed or barred, and then at the costs of the person or persons requiring the same, make, do and execute, or cause to be made, done and executed, all such further and other lawful acts, deeds and assurances in the law whatsoever for the more effectually assigning and assuring the Letters-patent and premises hereby assigned or intended so to be, and the right, title and interest of the said [*Mortgagor*], his executors and administrators therein, unto the said [*Mortgagee*], his executors, administrators and assigns, in manner aforesaid, according to the true intent and meaning of these presents, as by the said [*Mortgagee*], his executors, administrators or assigns, or his or their counsel in the law shall be reasonably required: AND further, that in case and so often as it shall happen that any money should be owing on the security of these presents within one calendar month before the time when it shall become necessary under the condition in that behalf contained in the said Letters-patent, to pay any additional Stamp duty or money for the purpose of keeping the said Letters-patent and the privileges thereby granted on foot, he the said [*Mortgagor*], his heirs, executors, administrators or assigns, will or shall, without the necessity of any notice or request to that effect being given to him by or on behalf of the said [*Mortgagee*], his executors, administrators or assigns, pay such Stamp duty or respective Stamp

—for further assurance.

Mortgagor to pay additional Stamp Duties for keeping Patent on foot,

duties or monies, and do, or procure to be done, all such other acts and things as may be necessary to be done for the purpose of keeping such Letters-patent and privileges on foot, and deliver the receipts for evidence of each such payment to the said [*Mortgagee*], his executors, administrators or assigns, at least one calendar month before the last day for making such payment, in default whereof it shall be lawful for (but not incumbent on) the said [*Mortgagee*], his executors, administrators or assigns, to make any such payment or payments, or do or cause to be done any such acts or things, and to add the amount, costs and expenses thereof respectively to the principal monies hereby secured, to be recovered, with such interest as aforesaid, by any of the means or remedies hereby provided for recovering principal or interest monies: AND THIS INDENTURE FURTHER WITNESSETH, that for the consideration aforesaid, the said [*Mortgagor*] doth hereby for himself, his heirs, executors and administrators, covenant with the said [*Mortgagee*], his executors, administrators and assigns, that in case at any time hereafter during the continuance of this security the said invention, or any alteration or improvement therein, should be secured to the said [*Mortgagor*], his executors or administrators, by other Letters-patent for some further term or terms, then and in every such case the said [*Mortgagor*], his executors or administrators, shall and will, at the request of the said [*Mortgagee*], his executors, administrators or assigns, but at the costs of the said [*Mortgagor*], his executors or administrators, assign and assure unto the said [*Mortgagee*], his executors, administrators and assigns, all such Letters-patent so to be granted as aforesaid, and the exclusive right and enjoyment of the said invention, and the alteration or improvement thereby to be secured, and all the right, title and interest of him the said [*Mortgagor*], his executors or administrators therein, for and during all such term and terms, time and times, as in and by such Letters-patent respectively shall be granted and limited, subject nevertheless to such and the same proviso or agreement for redemption as is hereinbefore contained of and concerning the Letters-patent and premises hereby assigned or intended so to be, as by the said [*Mortgagee*], his executors, administrators or assigns,

—and do all requisite acts for preserving Patent;

—in default Mortgagee may do so, and add costs to mortgage debt.

Covenant to assign any extension of Letters-patent.



Mortgagor to enjoy until default.

or his or their counsel in the law, shall be reasonably required: AND IT IS HEREBY DECLARED and agreed, that in the meantime, until default shall be made in payment of all or some part of the said sum of £— and interest, contrary to the proviso or agreement for redemption hereinbefore contained, it shall be lawful for the said [*Mortgagor*], his executors or administrators, to use, exercise and enjoy the said new invention or discovery and any such improvements therein as aforesaid, in such manner as he or they shall think fit, and to receive and take for his and their own use all profits and advantages arising from the Letters-patent and premises hereby assigned, or intended so to be, and covenanted to be assigned as aforesaid, without any interruption whatsoever of, from or by the said [*Mortgagee*], his executors, administrators or assigns, or any person or persons rightfully claiming by, from, under or in trust for him or them, anything hereinbefore contained to the contrary notwithstanding. IN WITNESS, &c.



### III.

#### LICENCE TO USE A PATENTED INVENTION FOR WOVEN FABRICS.

Short recital of title to Letters-patent by assignment;

THIS INDENTURE, made the — day of —, Between [*Grantor*] of, &c., of the one part, and [*Licencee*] of, &c., of the other part: WHEREAS by Letters-patent dated the — day of —, Her Majesty Queen Victoria granted unto [*Grantor*], his executors, administrators or assigns, for the term of fourteen years, the exclusive privilege of using, exercising and vending within the United Kingdom of Great Britain and Ireland, the Channel Islands and Isle of Man, the invention of a certain method of weaving: AND WHEREAS the said [*Grantor*] hath become entitled to the Patent and the benefit thereof: AND WHEREAS the said [*Grantor*] hath agreed with the said [*Licencee*] to grant to him a licence to use the said invention to the intent and upon the terms herein expressed: NOW THIS INDENTURE WITNESSETH, that in pursuance of the said agreement and in consideration of the covenants

—of agreement to grant licence.

Testatum.

and agreements hereinafter entered into by the said [*Licencee*], he the said [*Grantor*] DOth grant unto the said [*Licencee*] full licence and authority within the limits granted by the said Letters-patent, to use and exercise the said invention so far as the same relates to the weaving or manufacturing of \_\_\_\_\_, but not further or otherwise ;<sup>a</sup> and to vend all such \_\_\_\_\_ as shall have been woven or manufactured by him during the continuance of this licence or agreement, by means of or according to the principle of the said invention, for and during the unexpired residue of the term granted by the said Letters-patent, if the said [*Licencee*] should so long live, subject nevertheless to the restrictions and provisions hereinafter contained, YIELDING AND PAYING therefore unto the said [*Grantor*], his executors, administrators and assigns, at the times and in the manner hereinafter expressed, the royalties or sums of money hereinafter by the said [*Licencee*] covenanted to be paid: AND the said [*Licencee*] doth hereby for himself, his heirs, executors and administrators, covenant with the said [*Grantor*], his executors, administrators and assigns, in manner following (that is to say):—

Licence to use Patent invention for certain limited purposes.

During continuance of Patent, if Licencee should so long live.

Reddendum of royalties.

Covenants by Licencee.

1. THAT the said [*Licencee*] shall pay to the said [*Grantor*], his executors, administrators and assigns, the following rates and tributes:—For all \_\_\_\_\_ woven or manufactured according to the principles of the said invention, in which no silk shall be used, either in warp or west, For every shuttle used and employed in weaving the above-mentioned fabrics, for every week of such use, if the said fabric shall not exceed in width \_\_\_\_\_ inches, the sum of — ; if above \_\_\_\_\_ inches and not exceeding \_\_\_\_\_ inches the sum of — ; and for every additional inch in width above \_\_\_\_\_ inches the further sum of — ; and so in proportion for any less period of user than a week : And for all \_\_\_\_\_ woven or manufactured according to the principles of the said invention in which silk shall be used, For every shuttle used and employed in weaving the above-mentioned fabrics, for every week of

To pay royalties.

<sup>a</sup> Or (as the case may require)—

“ To use and exercise the said invention in or for the purpose only of weaving or manufacturing, and for no other purpose.”

such user, If the fabric shall not exceed in width ——— inches the sum of —; if above ——— inches and not exceeding ——— inches the sum of —; and for every additional inch in width above ——— inches the further sum of —; and so in proportion for any less period of user than a week; such payments to be made on the first day of every calendar month during the continuance of the licence, the first payment to be made on the first day of the month ensuing the date hereof: *Provided* that the said [*Licencee*] shall in no case, either in silk or cotton, manufacture any webs of a greater width than ——— inches.

Licencee to work only by day.

2. THAT the said [*Licencee*] shall not use or employ any shuttle in manufacturing according to the principles of the said invention during the night, but only in the usual and ordinary hours of day labour, and for not more than ——— hours in each twenty-four hours.

To give notice of number of shuttles to be employed.

3. THAT on or before the last day of each calendar month during the continuance of this licence the said [*Licencee*] shall, by notice in writing, inform the said [*Grantor*], his executors, administrators or assigns, or his or their agent in that behalf, of the number of shuttles intended to be used or employed in the ensuing month in the weaving of the said ———, distinguishing those to be used for the weaving of fabrics in which silk shall be used, and of the place or places where such shuttles respectively are intended to be employed.

Notice of increase of number of shuttles.

4. THAT in case, at the expiration of any calendar month during the continuance of this licence, the said [*Licencee*] shall be desirous of increasing the number of shuttles employed by him for the purpose aforesaid, he shall, previously to such employment, give to the said [*Grantor*], his executors, administrators or assigns, or his or their agent in this behalf, notice in writing of such intention and of the place or places where such increased number of shuttles are intended to be employed; and that the said [*Licencee*] shall be deemed and taken to have used and employed for the purposes aforesaid, from the period of giving any such notice or notices as aforesaid until the expiration of the current calendar month for the time being, all the shuttles which in any such notice or notices as aforesaid he shall have signified his intention to

use and employ, whether he shall in fact have so used or employed them or not.

5. THAT the said [*Licencee*] shall, within the first three days of each calendar month during the continuance of this licence, give unto the said [*Grantor*], his executors, administrators or assigns, or his or their agent in that behalf, a statement in writing, signed by the said [*Licencee*] or his agent, of the number of shuttles used and employed by the said [*Licencee*] during the preceding calendar month in the weaving of the said ———, distinguishing those used for the weaving fabrics in which silk shall be used, and also specifying and distinguishing the widths manufactured by the said shuttles respectively, and the respective times during which such shuttles shall have been employed.

To deliver account of number of shuttles employed.

6. THAT if at any time or times during the continuance of this licence the said [*Licencee*] shall use or employ any shuttles for weaving ——— by means of or according to the principles of the said invention, without previously giving to the said [*Grantor*], his executors, administrators or assigns, or his or their agent in that behalf, such notice in writing as is hereinbefore agreed to be given of his intention to use the same; or if the said [*Licencee*] shall at any time during the continuance of this licence neglect or refuse to give in such notice as is agreed to be given during the first three days of every calendar month of the shuttles used during the preceding month, then and in such case (and when and so often as the same shall happen) the said [*Licencee*] shall, on the first day of the calendar month next after such use or employment or neglect as aforesaid, pay unto the said [*Grantor*], his executors, administrators or assigns, the sum of £— for each and every shuttle which shall have been so used or employed or of which no notice shall have been given as aforesaid, contrary to the covenant in that behalf hereinbefore contained.

Proviso in the event of neglect to give notice.

7. THAT the said [*Licencee*] shall not, at any time or times during the continuance of this licence, use or employ, or knowingly permit or suffer to be used or employed, any shuttle whatever for weaving the said ——— according to the principles of the said invention in any place or places other than such as shall have been specified in the notice in

Licences' workings to be limited to the places specified in his notice.

writing which shall have been given by the said [*Licencee*] of his intention in that behalf.

Penalty for working contrary to stipulations.

8. THAT if at any time or times during the continuance of this licence the said [*Licencee*] shall use or employ, or knowingly permit or suffer to be used or employed, any shuttle for weaving the said ——— according to the principles of the said invention in any place or places other than such as shall have been specified in such notice as aforesaid, or otherwise contrary to any of the stipulations herein contained; then and in every such case the said [*Licencee*] shall, on the first day of the calendar month next after such use or employment, pay unto the said [*Grantor*], his executors, administrators or assigns, the sum of £— for each and every shuttle which shall have been so used or employed contrary to any of the stipulations herein contained.

Grantor may inspect Licencee's factories.

9. THAT it shall be lawful for the said [*Grantor*], his executors, administrators or assigns, and his or their agent or agents, at all reasonable times in the day time during the continuance of this licence, to enter into and upon any factory, shop, house or other place where the said [*Licencee*] may be carrying on any manufacture or business, and then and there to inspect any shuttles and machinery which may be employed by the said [*Licencee*] in the weaving of such ——— as aforesaid [or in any other weaving process], and to ascertain the number of shuttles and the width of the fabrics woven therewith.

Materials to be purchased of certain parties.

10. THAT the said [*Licencee*] shall purchase of and from Messrs. ———, or of such other persons as the said [*Grantor*], his executors, administrators and assigns, shall nominate or appoint in that behalf, all the ——— which the said [*Licencee*] shall, during the continuance of this licence, use or employ in the manufacture of the said ——— fabrics as aforesaid, they the said ———, or such other person or persons as aforesaid, selling the same to the said [*Licencee*] at the usual and accustomed price for the time being charged by them or him for such ———, and that the said [*Licencee*] shall not, without the licence and consent of the said [*Grantor*], his executors, administrators and assigns, use or employ in their shuttles any other than the said ——— so purchased.

11. THAT if the said [*Licencee*] shall, at any time or times during the continuance of this licence, use or employ in the manufacture of such ——— as aforesaid any ——— other than such as shall be purchased by him of and from the said ——— or such other person or persons as aforesaid, then and in every such case he the said [*Licencee*] shall, provided the said ——— or such other person or persons as aforesaid shall have been willing to sell the same to him at the usual and accustomed price, pay unto the said [*Grantor*], his executors, administrators and assigns, the sum of — for each and every pound weight of such ——— which he the said [*Licencee*] shall so use as last aforesaid.

Stipulated  
damages for  
breach of fore-  
going conditions.

12. THAT he the said [*Licencee*] will not at any time hereafter assign or transfer or underlet the licence hereby granted, or in any manner exercise or permit the same to be exercised, for the benefit, either wholly or in part, of any person or persons whomsoever, as manufacturer or manufacturers, other than the said [*Licencee*]; and that this licence shall absolutely cease and determine on the said [*Licencee*] making any attempt so to assign or transfer or underlet the same, or becoming bankrupt, or suffering his estate and effects to be vested in assignees in insolvency or bankruptcy or in trustees for the benefit of creditors.

Licence to be  
void on assign-  
ment to pay, &c.

13. THAT all the sums of money hereinbefore agreed to be paid on breach of any stipulation herein contained shall be the stipulated damages for such breach, and not penalties.  
IN WITNESS, &c.

Liquidated  
damages.

## IV.

LICENCE TO A FIRM TO USE A PATENTED INVENTION AS  
TO CERTAIN ARTICLES AND WITHIN A LIMITED DIS-  
TRICT, WITH SOME SPECIAL STIPULATIONS.

Short recital of  
Letters-patent.

Specification.

Agreements for  
Licence.

Testatum.

Licence limited  
to continuance of  
partnership firm.

THIS INDENTURE, made on the — day of —, 18—,  
Between [*Patentee*], of, &c., of the one part, and [*Licencees*],  
of, &c., of the other part: WHEREAS Her present Majesty  
Queen Victoria, by Letters-patent under the Great Seal of  
the United Kingdom of Great Britain and Ireland, bearing  
date the — day of —, did grant unto the said [*Patentee*],  
his executors, administrators and assigns, the sole privilege  
during the term of fourteen years, from the — day of —,  
of using and vending within the United Kingdom of Great  
Britain and Ireland, the Channel Islands and Isle of Man, the  
invention of “Improvements, &c. :” AND WHEREAS the said  
[*Patentee*], in pursuance of a proviso in the said Letters-  
patent contained, did particularly describe and ascertain the  
nature of his said invention, and in what manner the same  
was to be performed, by an instrument in writing under his  
hand and seal, and did cause the same to be filed in Her said  
Majesty’s Great Seal Patent Office on the — day of — :  
AND WHEREAS it has been agreed between the said parties  
hereto that the said [*Patentee*] shall grant such licence, and  
the said parties hereto shall enter into such agreements as  
are hereinafter contained : NOW THIS INDENTURE WITNESSETH,  
that in consideration of the royalties, conditions and cove-  
nants hereinafter reserved and contained on the part of the  
said [*Licencees*] to be respectively paid, observed and per-  
formed, the said [*Patentee*] DOth give and grant unto the  
said [*Licencees*] and the survivors and survivor of them, and  
the executors and administrators of such survivor and their  
or his assigns, for such time only as they or he shall continue  
and carry on the said partnership business at — afore-  
said, or at any other place within the distance of —  
miles from the General Post Office, London, under the firm  
of —, and notwithstanding any change in the said firm  
by the death or deaths or retirement or admission of any

member or members, full and free licence and permission to make at their or his manufactories in ——— aforesaid, or elsewhere within the distance of ——— miles from the said General Post Office, and to sell and dispose of ——— at ——— aforesaid, or elsewhere within the distance aforesaid [*description of articles to be made under licence*], made according to the principle of the above-mentioned invention, and of the kind in the said Specification described, by reference to the figures ——— and ——— in the drawing to the said Specification annexed, for the term of ——— years from the ——— day of ———, determinable as hereinafter mentioned, YIELDING and paying therefore unto the said [*Patentee*], his executors, administrators or assigns, the royalty or sum of — for each and every ——— which the said [*Licencees*], or the survivors or survivor of them, or the executors or administrators of such survivor or their or his assigns, shall during the continuance of the said term make upon the principle described in the said Specification, [or in case at any time or times during the continuance of the licence hereby granted the said [*Patentee*], his executors, administrators or assigns, should license any other person or persons to make or vend ———, according to the said invention, within any part of England or Wales, at or for a lower royalty or payment than — for each ———, then yielding and paying during such time or part of the term hereby granted as any other person or persons shall be so licensed by the said [*Patentee*], his executors or administrators, at a reduced royalty or payment, a royalty or payment for each ——— to be made under the licence hereby granted, a royalty or payment equal to the lowest royalty or payment that shall for the time being be paid or payable by any such other person or persons]: PROVIDED ALWAYS, and it is hereby agreed and declared, that in case the said [*Licencees*], their executors, administrators or assigns, or any of them, should at any time during the continuance of the licence hereby granted make any default in the observance and performance of the several covenants, conditions and agreements herein on their parts contained, or any of them, then and at any time thereafter, and notwithstanding any waiver of any previous breach or default, it shall be lawful for the said [*Patentee*], his executors, administrators or as-

Reddendum of royalty.

Royalty to be reduced if Patentee grant other licences at a reduced rate.

Power to determine licence on nonpayment of royalty or breach of condition.



signs, by notice in writing delivered to the said [*Licencees*], their executors, administrators or assigns, or any of them, or left for them or him at their or his usual or last known place of abode or of business, absolutely to determine, put an end to and annul the licence hereby granted, and every covenant and agreement herein contained by or on the part of the said [*Patentee*], his heirs, executors, administrators or assigns, from the time of the delivery or leaving of such notice: AND in consideration of the premises the said [*Licencees*], for themselves, their heirs, executors and administrators, do hereby jointly and severally covenant and agree with the said [*Patentee*], his executors, administrators and assigns, that they the said [*Licencees*], their executors, administrators and assigns, will and shall during the said term stamp every ——— which they or any of them shall make or cause to be made according to the principle of the said invention with such fit stamp or mark as the said [*Patentee*], his executors, administrators or assigns, shall from time to time require them to use for that purpose [the said [*Patentee*], his executors, administrators or assigns, paying the cost of preparing the die or dies for such stamp or mark]: AND FURTHER, that in case the said [*Patentee*], his executors, administrators or assigns, should at any time before the —— day of ——, 18—, give or grant to any other person or persons any licence or authority to make any such ——— as aforesaid, and should either directly or through or by any such Licencee or Licencees require the said [*Licencees*], their executors, administrators or assigns, or any of them, so to do, they the said [*Licencees*], their executors, administrators or assigns, will or shall stamp all such ——— as shall be brought to them for that purpose with such stamp or mark as aforesaid, or with any different stamp or mark to be from time to time prescribed by the said [*Patentee*], his executors, administrators or assigns, he or they paying the cost of preparing the die or dies for such different stamp or mark; and will or shall at all seasonable hours, on all lawful days, keep at their principal place of business a proper person or persons for the purpose of receiving all such ——— for stamping, and will perform all such stamping in a workmanlike manner and with as much care and neatness as they shall bestow on their own goods; AND will or shall

Covenant by  
Licencees to  
stamp all goods  
made under the  
licence.

To stamp articles  
made under  
Patent by others,  
if required;

stamp or mark every such ——— which shall so be brought to them to be stamped, and have the same ready for delivery within twenty-four hours after the same shall be left with them, they the said [*Licencees*], their executors, administrators or assigns, being allowed to charge for the ——— which shall be so stamped or marked by them, when the number thereof that shall be brought to be stamped or marked in any one week for any one person or firm shall be not more than ——— dozen, the sum of — for every dozen which shall be so brought by such person or firm within the week, and so in proportion for any greater or less number than one dozen; and when the number thereof so brought in any one week shall exceed 200 and not exceed ——— dozen, the sum of — per dozen; and when the number so brought in any one week shall exceed ——— dozen and not exceed ——— dozen, the sum of ——— per dozen; and when the number so brought in any one week shall exceed ——— dozen at one time, the sum of — per dozen, for which several payments the parties bringing such ——— to be stamped or marked alone,<sup>a</sup> and not the said [*Patentee*], his executors, administrators or assigns, are to be liable: AND further, that the said [*Licencees*], their executors, administrators and assigns, will and shall within three days after the last day of each calendar month henceforth, as to the ——— to be manufactured by them as aforesaid up to the last day of — inclusive, and as to the ——— which shall be brought to them to be stamped as aforesaid up to the — day of — inclusive, and also in case of the determination of the licence hereby granted before the said — day of —, within three days after such determination as to the said ——— to be so manufactured by them as aforesaid, a just and true account in writing of all the ——— which they or any of them or the said firm of ——— for the time being, whether consisting

—being paid for stamping.

Licencees to deliver accounts of articles made, sold and stamped respectively, and of stock on hand.

<sup>a</sup> Or—“ shall not be liable to the said [*Licencees*], their executors, administrators or assigns, but the same sums shall be charged to the said [*Patentee*], his executors, administrators or assigns, and set off in account against them.”

This gives the Patentee a better security for the accounts, which are intended to check the accounts of other Licencees.

of or comprising any of the said present members or not, shall have made or caused to be made according to the principle aforesaid during the calendar month or fraction of a month (as the case may be) ending on such respective day, and also a separate, just and true account in writing of all the ——— made according to the principle aforesaid, which they or any of them or the said firm for the time being shall have sold during the same period; and also a separate, just and true account in writing of all the ——— not made under this licence, which during the same period shall have been brought to them for the purpose of being stamped or marked as aforesaid; and also, within three days after the expiration or sooner determination of the licence hereby granted, a just and true account in writing of all the ——— made according to the principle aforesaid, which they or any of them or the said firm for the time being shall on the day of such determination have on hand or in stock: AND also will and shall within three days after the last day of each calendar month after the determination of the licence hereby granted, until the whole of such ——— so remaining on hand or in stock as aforesaid shall have been sold, deliver to the said [*Patentee*], his executors, administrators or assigns, a just and true account of all sales of any such ——— so remaining on hand or in stock as last aforesaid as shall have been effected by them or any of them, or by the said firm for the time being, during the calendar month ending on such respective day, All such respective accounts hereinbefore covenanted to be delivered, to be signed by one of or (if the said [*Patentee*], his executors, administrators or assigns, should so require) by all the members for the time being of the said firm of ——— (whether consisting of or comprising any of the said present members or not) who shall take any part in the conduct of the business of the said firm, and to be verified (if the said [*Patentee*], his executors, administrators or assigns, should so require), by the solemn statutory declaration of some one of the members for the time being of the said firm of ——— who shall be actively engaged in the said business, and also by the solemn statutory declaration of such other person or such other two persons employed by the said firm for the time being in their said business, or employed or engaged to work or manufacture

To deliver account of sales after expiration of licence.

Accounts to be signed and verified by declaration and production of books.

for them, as the said [*Patentee*], his executors, administrators or assigns, shall require to make such declaration, and shall indicate to any member of the said firm for the time being, either by name or by any sufficient general description of the office or employment of such person or persons; and also, if the said [*Patentee*], his executors, administrators or assigns, should so require, by the production and explanation, at the counting-house or place of business of the said firm for the time being, to the said [*Patentee*], his executors, administrators or assigns, or his or their nominee, of all books of account and other documents and vouchers relating to or containing any entry or entries relating to the manufacture, stock taking, sale, stamping or marking of any such ——— as aforesaid: AND FURTHER, that they the said [*Licencees*], their executors, administrators or assigns, will and shall on each of the monthly days before named, henceforth until the said ——— day of ——— inclusive, and also on the day of the determination of the licence hereby granted, in case the same should be sooner determined, pay unto the said [*Patentee*], his executors, administrators or assigns, the royalty or payment of — [or such reduced royalty or payment as aforesaid, in case the same should be reduced under the provision hereinbefore contained] for every such ——— as aforesaid which the said [*Licencees*], their executors, administrators or assigns, or any of them, shall during the month or fraction of a month immediately preceding such respective day (as the case may be) have made or caused to be made according to the principle of the said invention: AND the said [*Patentee*], for himself, his heirs, executors and administrators, doth hereby covenant with the said [*Licencees*], their executors, administrators and assigns, that in case he the said [*Patentee*], his executors or administrators, should at any time or times before the said ——— day of ——— grant unto any other person or persons any licence or licences to make ——— according to the principle of the said invention within the distance, in a straight line, of ——— miles from the General Post Office, London, it shall be made a term and condition of every such licence that the person or persons so licensed shall bring every ——— which he or they shall manufacture under such licence before the said ——— day of ——— [or, during the continuance of the licence hereby

To pay royalties.

Covenant by Patentee to stipulate with future Licencees that they shall bring articles to present Licencees to be stamped.

granted] unto the said [*Licencees*], their executors, administrators or assigns, or unto the said firm for the time being of ———, to be stamped or marked according to the provisions hereinbefore contained in that behalf, [and shall pay for such stamping or marking after the rate or ratés hereinbefore mentioned]: Provided that in case the licence hereby granted or the agreement hereby made should be determined under the proviso hereinbefore contained in that behalf, or by mutual agreement, the person or persons so to be licensed as aforesaid shall, on and from and after such determination, cease to be bound by the foregoing agreement or condition as to stamping or marking. IN WITNESS, &c.

—◆—  
V.

**EXCLUSIVE LICENCE TO USE PART OF AN INVENTION  
(SUBJECT TO CERTAIN SPECIAL LICENCES), IN CON-  
SIDERATION OF A GROSS SUM PAYABLE BY INSTAL-  
MENTS.—SPECIAL PROVISION IN CASE PATENT BE  
DECLARED INVALID.**

Parties.

Recital of cer-  
tain limited  
licences and  
agreements.

Agreement for  
exclusive li-  
cence.

THIS INDENTURE, made on the ——— day of ———, Between [*Patentee*], of, &c., of the one part, and [*Licencees*], of, &c., of the other part: WHEREAS, &c. [*recite Letters-patent and Specification as in preceding forms*]: AND WHEREAS the said [*Patentee*] has lately granted or agreed to grant to certain persons certain special and limited licences to use the said invention, which grants or agreements are severally mentioned or referred to in the Schedule hereunder written: AND WHEREAS the said [*Patentee*] has contracted with the said [*Licencees*] for the sale to them of a licence, to or for them the said [*Licencees*], and their respective executors, administrators and assigns, exclusively of all other persons whomsoever, except as hereinafter mentioned, to use, exercise and vend the said invention of the said [*Patentee*], during the residue of the said term of fourteen years granted by the said Letters-patent, throughout the whole of the United Kingdom of Great Britain and Ireland, the Channel Islands and Isle of Man, so far only as it in any respect relates to the preparing of ——— and other similar produce (exclusive of ———), at or for the price or

sum of £—, to be paid in manner following (that is to say), one equal fifth part thereof immediately before the execution of these presents, the remaining four fifth parts thereof by four equal yearly instalments on each — day of —, in the years —, —, — and —, and the payment of the said several instalments to be secured by the joint and several covenants of the said [*Licencees*]: NOW THIS INDENTURE WITNESSETH, that in consideration of the sum of £— paid by the said [*Licencees*] to the said [*Patentee*] immediately before the execution of these presents (the receipt whereof the said [*Patentee*] doth acknowledge and therefrom doth release the said [*Licencees*], their heirs, executors, administrators and assigns), and of the further sum of £—, to be paid by the said [*Licencees*] to the said [*Patentee*], his executors, administrators or assigns, by four instalments of £— each, on the — day of — in each of the years —, —, — and —, with interest after the rate of £5 per centum per annum on each of the said instalments from the day on which the same ought to be paid until actually paid, the said [*Patentee*] DOth hereby absolutely and irrevocably give, grant and confirm unto the said [*Licencees*], their executors, administrators and assigns, and to such person or persons as they the said [*Licencees*] or the survivors or survivor of them, or the executors or administrators of such survivor, or their or his assigns, shall from time to time license, empower or authorize in that behalf, full and free and (except as to the rights of the several persons claiming or to claim under the several licences and agreements mentioned or referred to in the Schedule hereunder written, or under a licence or licences to be granted in pursuance of any of such agreements) exclusive licence and authority to and for them the said [*Licencees*], and the survivors and survivor of them, and the executors or administrators of such survivor, and their and his assigns, and all such persons as they or he respectively shall authorize, during the residue of the said term of fourteen years granted by the hereinbefore recited Letters-patent, and in accordance with and to the full extent of the exclusive rights and privileges granted and conferred to or upon the said [*Patentee*] by the Letters-patent hereinbefore recited, to make, use, exercise and vend the said invention, entitled [*title of invention*], so far

Testatum.

Consideration.

Exclusive licence.

(Subject to certain existing licences.)

Limited to certain uses of the invention.

Licence not to extend to certain uses of the invention.

Covenant by Patentee that Patent is valid.

That Letters-patent are valid.

That no other Licences have been or shall be granted.

Not to avoid Patent.

and to such extent only as it in any respect relates to the preparing ——— and other similar produce (exclusive of ———), but not further or otherwise, throughout all or any parts or part of the United Kingdom of Great Britain and Ireland, the Channel Islands and Isle of Man, in exclusion of the said [*Patentee*], his executors and administrators, and every person or persons claiming under him, them or any of them, save and except only the several persons entitled to the benefit of the several licences and agreements mentioned in the Schedule hereunder written: AND IT IS HEREBY AGREED and declared, that these presents shall not be construed to operate or extend to license, authorize or empower the said [*Licencees*], their executors, administrators or assigns, or such sub-licencees as aforesaid, or any of them, in any manner to use, exercise or vend the said invention, or any machine, process or operation comprised or included therein, in or for the preparing of ———: AND the said [*Patentee*] doth for himself, his heirs, executors and administrators, covenant and agree with the said [*Licencees*], their executors, administrators and assigns, that, for and notwithstanding any act, deed, matter or thing by him the said [*Patentee*] made, done, committed or executed to the contrary, the said Letters-patent, and the exclusive rights and privileges thereby conferred, are in full force and not void or voidable: AND further, that (save and except and so far as concerns the several licences and agreements mentioned or referred to in the Schedule hereunder written, and any licence to be granted in pursuance of any such scheduled agreement) he the said [*Patentee*] hath not at any time heretofore licensed or empowered, or assumed to license or empower, and will not, nor shall his executors, administrators or assigns, at any time hereafter during the subsistence of the said exclusive privileges hereby granted, or any of them, in any manner license or empower, or assume to license or empower, any person or persons whomsoever (save the said [*Licencees*], their executors, administrators or assigns, or licencees), to make, use, exercise or vend the said invention, so far as the same in any manner relates to the preparing of ——— within the United Kingdom of Great Britain and Ireland, the Channel Islands and Isle of Man: AND will not nor shall do, commit or suffer any act, deed, matter or thing

in breach of any of the conditions contained in the said Letters-patent, or by means whereof the said Letters-patent and the exclusive rights and privileges thereby granted or conferred shall or may be forfeited or avoided; or without the consent in writing of the said [*Licencees*], their executors, administrators and assigns, make or enter, according to any Statute in that behalf, any Disclaimer or Memoranda of alteration in or touching the Title or Specification of the said invention, so far as the same in any way relates to or affects the preparing of ———: AND FURTHER, that the said [*Patentee*] will not, nor shall his executors, administrators or assigns, at any time hereafter during the subsistence of the exclusive privileges granted by the said Letters-patent, in any manner, directly or indirectly, use, exercise or vend the said invention, so far as the same relates to or concerns the preparing or manufacture of ——— or other similar produce, in any part of the United Kingdom of Great Britain and Ireland, or of any of the Channel Islands or the Isle of Man: AND also that the said [*Patentee*], his executors and administrators, and any person or persons claiming or to claim any right or interest in the said Letters-patent through, from or under him, will at all times hereafter, at the request, costs and charges of the said [*Licencees*], make, do, execute and perfect all such further acts, deeds and assurances for the further or more satisfactory confirming to the said [*Licencees*], their executors, administrators and assigns, the said licence and privilege intended to be hereby granted as aforesaid, according to the true intent and meaning of these presents, as by the said [*Licencees*], their executors, administrators or assigns, or their counsel, shall be reasonably advised and required: AND FURTHER, that in case the said invention shall, so far as it relates in any respect to the preparing or manufacture of ——— or other similar produce, be at any time hereafter, during the continuance of the licence hereby granted, vended, used, exercised, practised, employed or applied to or for such purpose within any of the countries and places aforesaid by any person or persons whomsoever other than and except the said [*Licencees*], their executors, administrators or assigns or licencees, then the said [*Patentee*], his executors, administrators or assigns (having the legal title to sue for or in respect

Not to disclaim,  
&c., without consent.

Not to use invention.

For further assurance.

To sue for infringement at Licencees' costs.



of any such infringement), will or shall, on the request and at the costs of the said [*Licencees*], their executors, administrators and assigns, bring, commence, prosecute, take, use, enforce and concur in all such actions, suits, proceedings, ways, means and remedies, whether legal or equitable, as by counsel on behalf of the said [*Licencees*], their executors, administrators or assigns, shall be advised, for obtaining damages or compensation for such infringement, and for preventing and restraining the continuance thereof; and as to any compensation or damages which may be obtained or recovered in respect of any such infringement, shall and will stand possessed thereof, In trust for the party or parties at whose request the same shall have been obtained or recovered, their executors, administrators or assigns: [AND MOREOVER, that he the said [*Patentee*], his executors, administrators or assigns, or some or one of them, will and shall, at his or their own expense, defend all actions, suits or other proceedings which may at any time or from time to time be commenced, instituted or procured for the purpose of setting aside or invading the said Letters-patent, and protect the same at his or their own expense, and will and shall in all other respects, on the request and at the costs of the said [*Licencees*], their executors, administrators or assigns, maintain and support the same Letters-patent and the rights and privileges expressed to be thereby granted :<sup>1</sup>] AND also shall and will from time to time during the continuance of the licence hereby granted, on the request and at the costs and charges of the said [*Licencees*], their executors, administrators or assigns, produce the said Letters-patent or any of them to the said [*Licencees*], their executors, administrators or assigns, or any of them, or to any person or persons whom they or any of them shall from time to time in that behalf appoint, or in evidence in any action, suit or other proceeding to or in which the said [*Licencees*], their executors, administrators or assigns, or any of them, shall or may be parties or a party, or interested in any manner howsoever: AND THIS INDENTURE ALSO WITNESSETH, that in consideration of the premises the said [*Li-*

To defend Patent  
at his own costs.

To produce Let-  
ters-patent.

Covenants by  
Licencees.

---

<sup>1</sup> The propriety of this stipulation in connection with the preceding one is questionable.

*cencees*], and each four, three and two of them, Do, and each one of them Doth for themselves and himself, and their and his heirs, executors and administrators, jointly and severally covenant and agree with the said [*Patentee*], his executors and administrators, That they the said [*Licencees*], or some or one of them, or their or his heirs, executors or administrators, will and shall at all times hereafter save harmless and keep indemnified the said [*Patentee*], his executors, administrators and assigns, and his and their lands and tenements, goods and chattels, from and against all the costs, damages, losses and expenses of and incident to and consequential upon the bringing, commencing, prosecuting, taking, using or enforcing of any action, suit, proceeding or remedy which is hereinbefore agreed to be brought, commenced, prosecuted, taken, used or enforced at the costs of the said [*Licencees*], their executors, administrators and assigns, or any of them: AND further, that they the said [*Licencees*], or some or one of them, or their or his heirs, executors or administrators, will or shall well and truly pay or cause to be paid unto the said [*Patentee*], his executors, administrators or assigns, as such trustees as aforesaid, the sum of £—, residue of the said purchase-money or sum of £—, by four equal instalments in manner following (that is to say),—the sum of £— on the — day of —; the further sum of £— on the — day of —; the further sum of £— on the — day of —; and the further sum of £— on the — day of —: AND further, that in case any of the said instalments should not be duly paid within twenty-one days after the day appointed for the payment thereof, the whole of the said sum of £—, or of such part thereof as for the time being shall remain unpaid, shall immediately thereupon become payable and shall forthwith be paid accordingly: AND further, that in case any of the said instalments should not be duly paid on the day when the same respectively ought to be paid as aforesaid, the same respectively shall carry interest at the rate of £5 per centum per annum from such day until the same respectively shall be paid, and such interest shall be paid accordingly: PROVIDED also and it is hereby further agreed and declared, that in case the said Letters-patent should be decided by a Court of competent jurisdiction in England to be null and void, and the validity thereof as to the essential

To indemnify Patentee against costs of actions for infringement.

To pay remainder of consideration by instalments.

The entire sum to become payable after default in paying any instalment.

Instalments in arrear to bear interest.

Proviso that if Patent invalid, any instalments not then due shall not become payable.

Avoidance of Patent not to affect right to instalments previously due.

Cesser of liability to pay instalments to be in satisfaction of any claim for damages.

and material parts of the said invention as applicable to ——— and other similar produce, should not forthwith thereupon be restored by a proper Disclaimer or alteration or otherwise, Then and in such case all instalments of the said sum of £— which shall not have become due previously to the day on which the said Letters-patent shall be declared void, shall cease to be payable, and the covenants in these presents contained for the payment of such instalment shall thereupon become null and void: PROVIDED always, and it is hereby agreed, that the proviso lastly hereinbefore contained shall not prejudice the right of the said [*Patentee*], his executors, administrators or assigns, to any or any part of the said instalments or interest which shall have been received by them or which shall have accrued due under the foregoing covenants of the said [*Licencees*] previously to the cesser of liability to pay any further instalments under or by virtue of the said proviso, and shall not prejudice the rights or remedies of the said [*Patentee*], his executors or administrators, under the said covenants or otherwise, to recover such of the said instalments as shall have accrued due previously to such cesser of liability as aforesaid, and the interest thereon: AND further, that the said proviso shall not render the said [*Patentee*], his executors, administrators or assigns or any of them, liable to repay any or any part of the said instalments or interest which shall have been received by him, them or any of them, under or by virtue of the said covenants previous to such cesser of liability as aforesaid: PROVIDED also, and it is hereby agreed, that in the event of the cesser of liability of the said [*Licencees*], their heirs, executors and administrators, to pay any of the said instalments under or by virtue of any of the provisions hereinbefore contained by reason of any act, default, omission, matter or thing which shall be a breach of any of the covenants by the said [*Patentee*] hereinbefore contained, or for which damages might be recovered under or by virtue of the same covenants or any of them, such cesser of liability shall be accepted by the said [*Licencees*], their executors, administrators and assigns, (as or) in full satisfaction or compensation of or for such breach and of or for any damages and costs which might be recovered under or by virtue of such covenants or any of them, or for or in respect of any

such act, default, omission, matter or thing as aforesaid, without prejudice nevertheless to the remedies of the said [*Licencees*], their executors, administrators or assigns, under or by virtue of the said covenants or any of them, for or in respect of any breach, act, deed, omission, matter or thing which shall not cause such redemption or cesser of liability as aforesaid: PROVIDED ALSO, and it is hereby further agreed and declared between and by the said respective persons parties to these presents, that, notwithstanding the stipulations hereinbefore contained for determining the liability of the said [*Licencees*], their heirs, executors or administrators, to pay future instalments of the said purchase-money in the events hereinbefore mentioned, the liability of the said [*Licencees*], their heirs, executors and administrators, to pay such instalments shall revive in case the legal decision or decisions determining such liability as aforesaid shall be reversed or overruled by a Court of competent authority; but interest shall not be payable or accrue upon such instalments during the time such decision or decisions shall continue in force: AND FURTHER, that in case it shall be necessary or expedient for the purpose of saving or restoring the validity of the said Letters-patent to make or enter, according to the Statute in that behalf, any Disclaimer or Memorandum of alteration in or touching the title or Specification of the said invention, the said several persons parties hereto, or their respective executors, administrators or assigns, will consent to the making or entry thereof: AND FURTHER, that the said [*Licencees*], their executors, administrators or assigns, or any of them, shall not manufacture machines under or by virtue of the said licence for sale out of Great Britain and Ireland, the Channel Islands and the Isle of Man: AND FURTHER, that any improvements which may be made by any of the said parties hereto in the said Patented Machinery as applicable to ——— or other similar produce, which they or he shall not decide upon securing by Letters-patent, shall be by them or him freely communicated to the said other parties hereto, their executors, administrators or assigns, and may be as freely used by the said [*Licencees*] as if the same had been included in the said Letters-patent and in the above recited licence of even date herewith and these presents. IN WITNESS, &c.

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LONDON :

PRINTED BY C. ROWORTH AND SONS,  
BELL YARD, TEMPLE BAR.

Ex. B. A. A.