LAWS AND PRACTICE

OF

ALL NATIONS AND GOVERNMENTS

RELATING TO

PATENTS FOR INVENTIONS;

WITH TABLES OF FEES AND FORMS.

ALSO,

AN EDITORIAL INTRODUCTION, WITH EXPLANATIONS OF PRACTICE AND PROCEEDINGS USED IN PROCURING PATENTS THROUGHOUT THE WORLD.

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TO THE PUBLIC.

Much experience in procuring Patents, both for the United States and Europe, has caused, on our part, the accumulation of information of public importance, to no inconsiderable amount. And, although we have the aid of a well selected and valuable library; yet, the information is in many works, and not often in a brief and comprehensive style, nor yet in the most understandable form possible. In view of these facts, we have prepared the present work, on "The Laws and Practice of procuring Patents in several Governments;" and we have endeavored to give an intelligible account of the method of obtaining them. Not that we wish to convey the idea that the inexperienced can, by this book, learn all the practice in procuring Patents—for, as persons having experience, we can truly aver, that there is no business or profession where greater ingenuity and skill are indispensable, even when coupled with the best judgment and experience, than that of "Procuring Patents for Inventions."

Although some professions may be better practiced by surrounding them with an air of mysterious importance, and assumed dignity, we deem such ideas entirely repugnant to the spirit of the age we live in, as well as to the interests of those we wish to serve, than whom, no class of our community are more intelligent than inventors. But, the inventor should reflect, that a good "Patent Agent" ought thoroughly to understand the Laws of Patents, and, likewise, be practically acquainted with the construction of machines, and with chemistry; —to these we may safely add a constant study of the arts and inventions of the times, and include, at least, some knowledge of the branch of science to which the invention in question belongs, and we have then the mere elements of what is requisite to make a competent "Patent Agent." For an intelligent description constitutes as important a feature in the instrument called a "Patent," as the machine or invention itself constitutes an important feature on which to base a Patent at all.

Those who have experienced the multiplied difficulties of trying to procure Patents by their own personal exertions, and without the aid of Attorneys, will, we feel sure, be the last again to try such experiments,—for as inventions and Patents multiply, so difficulties increase, in each of the several branches of science where Patents may be obtained. By the foregoing it will be under-

stood that we by all means advise the inexperienced to be extremely cautious. They may rely upon the judgment of the experienced, that the money paid to a good Agent is really money to profit rather than otherwise: therefore employ the best Agent you can find, to obtain your Patent, for, with the aid he can give you, your risks will be great enough. Remember "what is worth doing, is worth well doing;" but be sure to know of the ability, integrity, and responsibility of the reputed Agent before you entrust your business to his hands, for it is said that some incompetent persons essay this profession. Therefore, if you would be safe, and obtain Patents of a substantial character, instruments that will stand the test of Courts, employ those who understand their business perfectly, and you will seldom fail in accomplishing your desires.

At our office, inventors will find every facility for procuring *Patents in the* UNITED STATES, *and in all the* GOVERNMENTS OF EUROPE, whose Laws appear in this work, and these are all that issue Patents for Inventions. Believing that these pages bear some evidence of the information in our possession, to which we may add that derived from much experience in procuring Patents, in all the governments named herein; having been engaged in the several capacities of issuing, re-issuing, amending and opposing the issue of Patents, thus affording much opportunity for personal observation in all branches of our profession. Although the patronage we enjoy may have been in part superinduced by our position as editors of a monthly scientific work, called "*The Eureka, or the National Journal of Inventions, Patents, and Science,*" still we are more inclined to refer for this to the principles adopted by us in our practice, and to the very complete arrangements we have in foreign countries, for correspondence, &c., by which means unfailing success has attended the various enterprizes we have undertaken for inventors. Thus, the assurance is afforded that business placed in our hands will be conducted with the promptness, zeal, and despatch which necessarily result from the well-contrived machinery of our establishment.

In closing, we will remark that we have very perfect arrangements for introducing *Inventions* to the public, either for the *sales of* "*Patent Rights,*" or inventions. In *Europe,* particularly, we have the very best facilities for selling the inventions of our fellow-inventors of the United States, in such a way as to secure to the inventor an adequate reward for his inventions, if useful in Europe. This may be done entirely by correspondence, while the inventor remains at his home and his business. Believing some of them to be advantages not hitherto obtained, we invite inventors to avail themselves of the same, being satisfied of the solid and well-attested assurances we can give.

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EDITORS' INTRODUCTION.

FULLY aware of the weighty responsibility of the undertaking in which we have embarked, our best exertions to produce a work more conspicuous for its truth and brevity than its eloquence, will, we trust, be evident. Before proceeding farther, we have a duty to perform involving justice to others; and in this we refer to the fact, that, besides the Laws of Patents themselves, we are indebted for a large proportion of the facts, ideas, and information, in regard to Foreign States set forth in the succeeding pages, to the works of *Hindmarch*, *Carpmael*, and *Newton*, of England, *Urling*, of Belgium, and *Pespigna*, of France; and as all of these are authors of high character, we consider it more a merit to compile from such pens than to claim the merit of entire originality, not only of facts but ideas, a fault, we fear, too common in the literary world of the present time.

In commenting upon the Laws of Patents in this work, we have sought rather to do justice to one feature, than to glance merely at the many, and on this basis claim to have reduced the whole to an understandable position. In order to understand the Laws of Patents of either England or the United States, alone, leaving other countries out of the question, requires not only much study and long practical application under favorable circumstances, for it is considered somewhat doubtful whether a perfect knowledge may be ever obtained of all the points as yet unsettled in these Laws. Conscious of the before named facts, we have mostly confined our remarks to those portions of the Laws, which, in addition to their having been least treated on, are by far the most sought after by the mechanical public; or, that part of society

most interested in inventions. We refer to the practice used in all governments in procuring and granting Patents for inventions. We have, besides, other reasons for the course we have taken, and among the most prominent are the strong probabilities of hereafter making the other parts of the Laws the subjects of future works, for there is sufficient matter for many volumes involved in the Court practice upon Patent cases alone.

In regard to the procuring Patents we have endeavored to be special, and to give correct information in its most simple form, believing the more information the world has on this subject the greater are they benefitted for whose advantage these Laws profess to be exclusively made. As by such they will understand that it requires something more than a written parchment to make an instrument which the Courts will consider a valid and *bona fide Patent*, for an invention. Not that we wish to accuse inventors of negligence in respect to protecting their rights to a monopoly of their inventions, as secured to them by the Laws, but that they lack information of the forms and proceedings necessary and proper, in order to do so. This will appear more obvious in view of the facts, that little, comparatively, has been written or printed on these subjects, this being the first book ever undertaken, where all the Patent Laws now in force, of all governments of the world, have been presented in any single work. And it has not been accomplished at this time without much labor and research, to which may be added no inconsiderable expense. In arranging the Laws, we have taken care to give them uniformity and order, introducing proper titles, with marginal readings throughout, by which means every facility is given for rapid search.

However, the work is before the reader, and judgment on its merits we leave to his decision, with the hope that he will find in its pages the desired instruction and information, while the Laws will stand sponsors for themselves.

Take the Laws separately, and each will be found to contain many gross errors, with regard to the true nature of Patent privileges, and much that is positively wrong. Yet, if we were to select the good parts from all the several Patent Laws, a Law could be framed that would much improve the condition of the inventors of the world, render justice more easy to be obtained, save much time to our enlightened judiciary, and less frequently be the subject of almost endless controversy at the bar, and finally make it

much more simple to procure good and valid Patents. This last difficulty is becoming greater every year, as inventions and Patents multiply, a multiplication which does not seem likely to decrease during the present age.

Inventors will not be slow to perceive that there is one favorable feature found alike in the Patent Laws of every government. And that is protecting the inventions of foreigners, for the purpose of encouraging the introduction of new manufactures into them. Thus civilized nations, with one accord declare national boundaries extinct with respect to inventors, and *freely* acknowledge that the wide world is their field. A few inventors have taken advantage of this fact, by extending the field of their operations, and the result has been the acquisition of rapid fortunes. It needs but the information we have given in this book to enable all to judge of the propriety of reaping the rich reward thus held out.

ENGLAND.

THERE is no country or government among those that issue Patents for Invention, whose Laws for, and the proper proceedings in obtaining which, are more complex or difficult to understand than those of England, the pioneer in the issue of Patents, as well as in the acknowledgment of the right of the inventor to his property of discovery. Although the right to hold chattel property has been recognized from the earliest periods, and is founded on the laws of nature, it was far later that we can claim an acknowledgment of the like inherent right to the property of invention.

The right of the Crown to grant to the discoverer or *importer* of an invention the exclusive use for his own benefit, is derived rather from Common Law than from the Statutes. In England this prerogative is with the crown, as the supreme power of state, and to be exercised on behalf, and for the benefit of, the public.

By a reference to the "Statutes," it will be seen that although statutes for granting "monopolies" were in vogue as early as 1439, in the reign of Henry VI., and continued so, until the time of James I., in 1623, it was not until the repeal of those unjust and impolitic laws, that any especial protection is known to have been thought of, for the security of the property of invention or discovery in the arts or manufactures. At the latter time it was acknowledged to be an inherent right, and one which should be protected by the laws.

As to whom the sole use of an invention may be granted.—We shall see that the granting of an exclusive privilege by Patent may be considered in the light of a contract between the public and the grantee; the grant being made in consideration of a benefit conferred upon the public by the grantee. And the grant is good, because the inventor brings to the commonwealth a new manufacture by his invention, also at his own cost, and therefore should be rewarded by the privilege of exclusive benefit for a time, as a reward to encourage the production of new inventions and trades. Thus, the persons to be rewarded by Letters Patent are

they who invent, or import, new manufactures, and give the benefit thereof to the public; that is, the benefit of their discoveries as made; upon certain conditions to which they have agreed, in consideration as set forth in an instrument, in this country or realm, called Letters Patent. And it is clearly stated in the Law, that unless a person declares himself the *importer merely*, he must be the person who really and actually invented or discovered the subject for which he solicits a privilege. In England an inventor is defined as "one who discovers or finds out something new, a framer, a contriver, a deviser of what was before unknown," either in fact or in practice, to exist within the realm. It is also held in this country, and by its laws declared, that he shall be deemed the first inventor, of a new manufacture who shall first give, or contract by a Patent to give, a knowledge of it to the public. He who is the first to introduce such invention, is held to have *prima facie* evidence that he was the first discoverer. Again, it is held that if two or more shall apply simultaneously to the crown, it shall be decided in favor of him who first reduced the invention in question to practice; and that he who first obtains a grant is the first inventor, in the eyes of the law, even if it had been before discovered by some one who had neglected to give it to the public. But, on the contrary, if the invention is in any way known to the public, by publication or otherwise, before it is patented, then such grantee is not the first inventor, and the invention belongs to the public, and the public once in such possession cannot be deprived of it; nor can any subsequent Patent granted to the first inventor or other person be held valid, if the invention has in any way been made public previous to Patent; for, the public cannot be deprived of the right they had to use an invention which was public.

By the laws of this realm it will be seen that a Patent cannot be granted to all persons; for instance, the Queen could not grant a Patent to herself, nor can a corporation aggregate become the subject or grantee of a Patent, und it is also held that it would be illegal for a clergyman to become the grantee of a Patent privilege, as that would be held as trading within the meaning of the statute, and therefore prohibited by the laws. A Patent granted to a married woman is held as valid; but, the right, when acquired, would be vested in her husband. It is doubtful whether an infant could hold a grant for a privilege, as he could not buy, sell, or make, a legal contract to bind himself. An alien, it is believed,

and has been so adjudged, may hold a valid Patent in England It has been already stated that the crown alone has the power of granting a Patent; this power is, however, confined to certain acts and duties to be performed—as, for instance: The Queen cannot herself make a Patent, but by her command the Lord Chancellor, who is the sole Judge of that branch of the Court of Chancery where all the Letters Patent are made, affixes the Privy Seal, in which consists really the making of a Patent; as the Patent must be by record under the great seal; which must and shall always be accredited, and can never be denied. This, however, is again confined by the fact that the crown has not the power to command that to be done which is unlawful, while it is fully protected in that which is lawful. False suggestions in any of the proceedings destroys the validity of a Patent.

In order to prevent the issue of Patents of an improper character, that is, such as would be injurious to the general good, or to the interest of the Government, several examinations are had—and it must first pass the examination of the Attorney or Solicitor-General, next the Privy Council; this is followed by the Queen's command, when, if it is not objected to by the Lord Chancellor, it is sealed with the Great Seal, and is then a Patent. All this is done upon the title or name of the Patent, and without exposing the true invention to any person, unless it be opposed by some person who may apply for a similar Patent, by its title, in which case the inventions are both shown to the Attorney or Solicitor-General, who decides which, and if either or both may be the proper subjects for one or more Patents. Seven days only are allowed for opposing parties in their notices of opposition, which has rendered it always proper, if not invariably necessary, that any person who is an applicant for a Patent, should himself be within three days of London, or be represented by an attorney resident in London, in order that oppositions may be met at all times, as a caveat may be made to oppose a Patent in all the stages of its progress until it is complete. The expenses of an opposition are bourn by each party alike in the beginning, *i. e.* until a report has been made by the Attorney or Solicitor-General. Afterwards, any opposition must be at the expense of the person who brings it, subject to certain drawbacks, under peculiar circumstances.

Of the Proceedings and Practice in obtaining Patents in England. These matters are partly regulated by statute, but mostly by long

established practice. Patents for invention are most usually procured through the aid of gentlemen who practice as "Patent Agents," or "Patent Attorneys," which has become a profession of itself, entirely distinct from other law practice. Indeed, it has been fully proved to be necessary to employ such; as upon their fidelity and competency depends the important features of the Patent itself; involving all the legal as well as the mechanical experience that will enable him to determine whether the Patent he is engaged in making and procuring, will be an instrument in itself that will stand the test of the courts, and the scientific investigations it will have to undergo in case it may be contested by some person interested to defeat it. Besides, it has been always found more economical, as well as more safe and beneficial, to employ some such gentleman, even than for an applicant for a Patent to undertake to act for himself. Any gentleman considering himself competent, may become an Agent or solicit Patents in England, yet it is found that those who have practised longest, are by consequence the most experienced and successful—do much the largest business, and with more satisfactory results, which goes to show it a business peculiar in itself, requiring great skill and ingenuity, equal if not superior, to that of the inventor himself, in order to distinguish and describe *every* invention in such a way that it will render the Patent a valid instrument, and at the same time be able to separate this peculiar one, from all others. This will certainly appear plain, when we can assert, without fear of dispute, that in the several branches of the steam engine, thousands of improvements have been made, and more are being made daily, yet the new ones must steer clear of all these, and yet be novel, to be Patented legally.

Of Caveats.—There are two kinds of caveats; one is termed a general, and the other a special caveat. The first, (*See form* 1,) is a general caveat, and is calculated to oppose not merely a special or specific application for a Patent, but all applications for Patents, such as set forth in the caveat. But a caveat entered for the purpose of opposing a Patent at the bill, or any later stage of the proceedings, is called a specific caveat, because it is intended to apply only to that specific application for a Patent, which is named therein. A caveat is simply a request in writing that a Patent may not be granted without notice to the party who enters it, and may be done in any form, but the form referred to is a brief and

good one. The caveat may be in the name of the party applicant, or of his agent. A caveat, although generally used, is not always necessary; but, where experiments are necessary, and it is requisite to have workmen or other confidential persons to whom such experiments must be exposed, it becomes absolutely necessary to enter a caveat. Caveats must be entered at the offices of both the Attorney and Solicitor-General, in order to meet all possible chances of opposition; these should give merely the general title of the invention, as (*improvements in steam boilers, etc.*,) which is deemed a sufficient description at this stage of the case. Such general caveats are beneficial, only in so far as they enable the parties entering them to receive notice, before another person could surreptitiously obtain a Patent for the same invention, and entitles the caveator to notice for one year, in all cases of interference.—*(See form 2.)*

Of the title.—When an inventor wishes to apply for Letters Patent, he must first choose a title for his invention, and as this title is what he must abide by, he must clearly set forth the object of the invention. It is, therefore, of the utmost importance that a correct title should be selected, for many have lost their Patents even after their issue, in consequence of having chosen vague or improper titles to their petitions.

Of Petitions.—It is held in England, that an inventor is not entitled as of right to a Patent for his invention; but relies entirely on the grace of the Crown, acting on behalf of the public. Hence, the inventor must apply by petition to the crown, in which he must set forth his name and address, and state the grounds or circumstances upon which he founds his claim to a patent privilege, and whether he be the inventor or importer, and if the invention is new in the realm. The petition should also contain a prayer that her Majesty will be pleased to grant, etc.—*(See forms 3 & 4.)*—This petition should be preceded by an application for a Patent.

Of the Solemn Declaration.—The petition for Patent should be accompanied by a *solemn declaration*, which the petitioner makes in support of his petition, and this must contain the same allegations as those contained in the petition; and if it is the petitioner's intention to apply for Patents in Ireland and Scotland, this fact ought to be stated, in order to obtain *six* instead of *four* months to specify the invention. The declaration, if made in town, must be made before a Master in Chancery, but in the country, before a Master Extraordinary.—*(See forms 5 & 6.)*

The Petition and Declaration in an application, should be taken to the office of the Secretary of State for the Home Department, and there left for her Majesty's answer to the petition.

"It is the practice for the Secretary of State to answer the petition on behalf of the crown, by referring it to the Attorney or Solicitor-General, to consider and report thereon, in order that the Crown may be advised of the legality of the grant which the petitioner seeks to obtain, and the expediency of granting the prayer of the petition, after which it is stated in the reference, that her Majesty's further pleasure will be declared." The reference of the case to the law officers of the crown is always endorsed upon the petition and signed by the Secretary of State.—(*See form* 7.)

A petition being referred to the Attorney or Solicitor-General, should be left at their Chambers, and if on examination it is found to correspond with the caveats and otherwise correct, it is then examined by the clerks of the department as to whether this caveat of the petitioner interferes with any other caveat, and if so found, notice is served upon all the several parties who may have such opposing caveats; (*See forms* 8, 9 & 10.) and either or all such parties may enter an opposition any time within one week after receiving a notice from the Attorney or Solicitor-General that they appear to interfere, but the opposing party must pay the cost of hearing the opposition. This rule has been adopted in order to prevent unnecessary or improper delays to the applicant. The most convenient mode of entering an opposition, is to make a note of opposition setting forth the opposition, with the proper title of machine, or invention, and deposit it at the Chambers of the Attorney or Solicitor-General, and the opposition will be entered, which opposition stays all proceedings until the hearing. In order to dispose of an opposition, the applicant must obtain an appointment for a hearing, and a summons be served upon the opposing party, seven clear days before the day appointed for a hearing; rendering the summons by post is a sufficient notice, if properly addressed to the opponent. At the time appointed for a hearing, the applicant must attend the chambers of the officer with whom the petition has been lodged, and if no one appears to oppose, a report will be made in favor of the applicant as of course. If an opponent appears at the time of hearing, both parties are heard separately and in private, in order to prevent prejudice by what may have been disclosed to the officer of the Crown.

"After hearing the parties, the Attorney or Solicitor-General will determine whether the Queen ought to be advised to grant the prayer of the petitioner. If the inventions appear similar, a report cannot be made, in favor of one, to the prejudice of the other; but the two parties in such cases frequently join in obtaining the patent. If the inventions appear dissimilar, then the patent issues to the applicant. It is now a rule, that in all opposed cases the applicant shall, if he succeed in the hearing, deposit with the officer before whom the hearing is had, a description of the invention, as stated by him upon the hearing. Every applicant for a Patent should, therefore, before the hearing, prepare a proper statement, (with drawings, if necessary,) to lay before the Attorney or Solicitor-General; and to be deposited, if the opponent should fail to prevent the grant of a Patent. These should be signed by the officer before whom the hearing is had. If, on the hearing, the Attorney or Solicitor-General shall decide against the applicant, whether in favor of his opponent or not, no report is made. And if the title is too broad or indistinct, or may be improperly used, *he* may restrict it to suit *his* views, and the petition must be made to correspond with the alteration so ordered.

"All these matters being satisfactorily decided, the report is made to the Crown in favor of the grant of Letters Patent, as prayed for. The report sets forth the proceedings had, and the reference by virtue of which it is made, and finally sets forth that it is for the public good, in the opinion of the officer, "that her Majesty may, by her Letters Patent, grant unto the petitioner the sole use of his invention, if her Majesty shall be pleased so to do, with a proviso requiring a specification of the invention within a certain time after the date of the Letters Patent."—(*See form* 11, *for Attorney or Solicitor-General's report in favor of Patent.*) It will not be improper here to add, that in England the time usually recommended in which to specify is *sixty days*, yet it is sometimes extended to *four months*; but if Scotland and Ireland are included in the petition, *six months* are generally recommended, as much more time is required in the preparation of the documents for these governments than for England. Longer time is seldom granted than that above named. When the report is completed and signed by the officer by whom it is made, it should be delivered, with the Petition and Declaration, to the applicant or his agent, when all the documents must be taken to the office of the

Secretary of State for the Home Department, and left there to obtain the Queen's warrant. Again, notwithstanding the favourable report of the Attorney or Solicitor General, it is entirely discretionary with the Crown whether the grant shall be made, yet it is rarely refused after an officer of the Crown advises that it should.

Of the Queen's Warrant.—This instrument is prepared at the Home Office, after which it is to be signed by her Majesty, and countersigned by one of the principal Secretaries of State, and is usually signed by the Secretary of the Home Department. The warrant recites the petition and the Queen's willingness to encourage all arts and inventions, which may be for the public good, and directs a bill to be prepared for her Majesty's signature to pass the Great Seal, containing a grant to the petitioner of the sole use of his invention.—(*See form* 12.)

The warrant from the Crown for the preparation of a bill for a Patent, is directed to the Attorney or Solicitor-General, and it is the duty of such officer to see that the bill is prepared in accordance with the instructions set forth in the warrant. The bill is prepared by the clerk of the Patent Bill Office, who adheres to the established form. The bill for the intended Patent contains the whole of the instrument precisely as it is intended to be made. This bill is always written upon parchment, and at the bottom is written the word "examined," opposite to which the Attorney or Solicitor-General signs his name, which shows it to have been prepared under his authority. The bill is then docketed, which dockets sets forth that it has passed all the required examinations. The bill will next be taken to the Attorney or Solicitor-General for his signature, when if not opposed it receives the signature; on the contrary, it is marked "*opposed,*" and it will be left for the disposition of the opposition before further proceedings are had. If the Patent is to be granted, the applicant must deposit a description of his invention, unless the same has been done before on an opposition, and if a previous description is insufficient, he will be ordered to amend. The bill, being ready for delivery, may be obtained by the applicant, or his attorney, by whom it must be taken to the office of the Secretary of the Home Department. The bill will then be laid before her Majesty by the said Secretary for the sign manual, which is always affixed at the commencement of the instrument. The bill, when thus completed, becomes The

Queen's Bill; and is then returned to the Secretary of State's office, where an entry of it is made, when the instrument will be delivered to the applicant or his attorney, upon application to the Home Office.—(*See Queen's Bill, form* 17, *of Docket, form* 18.)—When the Queen's Bill has been obtained from the Home Office, it must be taken to the Signet Office to be passed. The signet is a Royal seal which is always in the custody of the Secretary of State, and he has clerks, called Clerks of the Signet, to whom are assigned the office of passing the Queen's Bills to the Privy Seal, which they are directed to do within eight days after the Queen's Bill is received at the Signet Office. The Queen's Bill is the warrant to the clerk of the Signet for preparing and issuing the *Signet Bill* to the Lord Privy Seal. The clerks of the Signet take the transcript of the bill transmitted from the Patent Bill Office, and after comparing it with the Queen's Bill, writes above it a command in the Queen's name to the Lord Privy Seal, to issue the Privy Seal Bill to the Lord Chancellor, commanding him to make the intended Patent.—(*See Signet Bill, form* 19.) When the Signet Bill is completed, it is taken to the Privy Seal Office, where the clerk of the Seal is to prepare the *Privy Seal Bill* within eight days. To this bill, when prepared, the clerk of the Privy Seal subscribes his name, and properly dockets the instrument. The documents to be sealed with the Privy Seal are folded so as to conceal the contents, and are addressed to the proper persons.

The Privy Seal Bill having been thus completed, is taken back to the office of Privy Seal, as the Lord Privy Seal's warrant for what he has done in pursuance of it.—(*See form* 21 *for form of Privy Seal Bill.*) The bill, or Writ of Privy Seal, is now delivered to the applicant or his attorney, upon application at the Privy Seal Office, to be taken into Chancery. The Privy Seal Bill is now taken to the Patent or Letters Patent Office, when the clerk prepares the Letters Patent.

The next proceedings are in Chancery, and relate to the delivery of the Great Seal which constitutes the Patent. The affixing the Great Seal is a judicial act, by which the Lord Chancellor, as sole Judge of the Court of Chancery, makes a record of the Queen's grant, in pursuance of her command.

The next proceeding is to *petition to have the Patent sealed*, praying that Letters Patent may be sealed in pursuance of the

writ of Privy Seal. The clerk of the Patents engrosses the Patent upon parchment, properly dockets it, and it is then sent to the Lord Chancellor for signature to both the recipe and the docket; it having received the signature of the Lord Chancellor, the Patent is sealed by the sigillator or sealer, to whom must be produced the docket bearing the Lord Chancellor's signature and warrant, and the engrossment. Upon seeing that these correspond, he will affix the *Great Seal* to the Patent. Thus the Patent having been sealed, all the documents are taken back to the Patent Office, where the Great Seal and Patent will be put into a case and delivered to the patentee, or his agent.—(*For docket to a Patent and the recital of Letters Patent, see forms* 25 & 26.)

Although the Patent is issued at this stage of the proceedings, there is yet much more to be done, and it now becomes necessary to use the greatest possible care, as upon a proper specification is the Patent itself to depend for its stability and usefulness; for more have been lost in court, through inaccurate specifications, than any other single cause. It will be recollected that we have before said, that a certain time was recommended and allowed after the sealing of the Patent, before the enrolment must take place. However, it should be also fully understood, that after receiving the Patent, issued as before stated, the grantee may make and use his invention in public without fear of injury or loss thereby.

We now arrive at the condition upon which the Patent has been granted, viz :—the depositing of a specification of the invention, with full directions and drawings necessary to enable others to make and use the invention; for, it will still be kept in mind, that the grant of the Patent is based upon the grantee's giving to the public the use of the patented invention after the expiration of his Patent, and this can only be done by the enrolment of specifications.

Of the Specification and its Enrolment.—This is the most, in fact, the all-important instrument, with regard to the Patentee's privilege granted by the Patent, and the utmost care should be used in preparing it correctly. No legal instrument requires greater skill to be exercised than this; for, not only does it involve the usual law points, but a correct and well-studied practical idea of the invention itself, both as a matter of fact, and its application to the object intended, as well as to its novelty in all respects. So great is the cost of a Patent, that a Patentee is anxious to have his

specification completed at as little cost as possible; however, it has usually been the case, that some attorney is employed to transact the entire business, including the specification; for, although this increases the first cost, it is usually found more economical in the end. Besides, it does require an experienced person to manage an opposition successfully and safely, and the employment of such an one will render the Patent more secure, and probably save the cost of proving the sufficiency of the instrument in a suit at law. It may not be improper here to say, that poor indeed must be the invention that will not pay for a sound and well-issued Patent. The specification must be written on parchment, signed and sealed by the Patentee, acknowledged before a Master in Chancery, and may be then enrolled at either of these offices, viz: Enrolment Office, Petty Bag Office, and Rolls Chapel Office.—(*For forms of Specification, Enrolment, Acknowledgment and Certificate of Enrolment, see forms* 27, 28, 29, 30 & 31.

The Laws of England also make provisions for the alteration and amendment of patents and enrolments; also, for entering disclaimers and memorandums of alteration, as well as for the confirmation and prolongation of Patent privileges. However, as this work is designed more particularly for the United States; and these matters all require the personal presence of a competent Attorney, we do not deem the discussion of them here as strictly relevant to the regular procuring of a Patent, or this work.

Of Oppositions to Patents.—Oppositions to Patents may be entered at all the several stages of the Patent, even until the Great Seal is affixed; but, after that, a suit at law alone, can set aside a Patent, when it must prove in some way illegal, or to have been improperly obtained, to succeed in setting it aside. Oppositions are usually made by entering a Caveat, either general or special, and proceeding as has been already alluded to, and in forms as set forth in the following pages. Oppositions before the Report of the Attorney or Solicitor-General, are by general caveat, and may be carried on at the expense of a few pounds; but those brought after a *report* are entirely at the expense of the party bringing the opposition, who must deposit £30 before he can commence an opposition, when a Patent has reached this stage of progress towards completion. Oppositions are seldom brought after such

stage, except in cases of very great importance. In oppositions the applicant or his attorney must be present; and, therefore, details upon these points would be of small importance to this work. By a reference to the preceding pages and the forms, it is presumed by the Editors the matter of oppositions will appear sufficiently clear to be fully understood.—(*Forms* 1, 8, 9, 10, 13, 15, 16, 20, 22, 23, *each have bearing upon, and relate to, oppositions.*

Before closing our remarks in regard to Patents in England, we feel bound to state, that not only is it necessary to have Attorneys of the greatest experience and ability, but it is equally important that the English Attorney shall be able to correspond at all times with some persons of experience here, who can answer at once any questions that may arise in regard to construction or operation of the machine, its method of being used, and many other such like matters, which can be best done by properly preparing the specifications, drawings, etc., in this country, before taking any steps in England. Indeed, the first step should be always taken to forward the most perfect and complete detailed description possible. However, this can only be safely done when the Attorney abroad is known, as any person may Patent an invention in England, whether it is his own or not; therefore it requires the most scrupulous care in selecting, not to employ an attorney who will either pirate the invention himself, or communicate to another *who will pirate it*, for it is hinted that such things have been done. We cannot, therefore, do better than to recommend the employment of respectable and responsible Attorneys in the United States, who, having correspondence with persons of like qualifications abroad, and through such parties transact your business. The results cannot be other than they should be, in order to secure your interest. By adopting this course, the Attorney here communicates your invention in a manner that is intelligible to the Attorney abroad, and is always prepared to make known to him every thing proper in the progress of the case, and may frequently save the case if attacked, when in other circumstances it would be surely lost to the inventor himself forever.

The *cost of a Patent for England*, including Attorney's fees, will vary in proportion to the *number of oppositions*, extra fees, etc., as well as from the extent and complicate character of the invention, involving more or less description and drawings, from $600

to $1000, subject to an addition of about $400 or $500 if Scotland is to be added, and a further addition of from $800 to $900 if Ireland is to be added. Although these governments are under one general rule, still each has its separate Patent practice and fees, independent of the other. Either may be had separately and without the other. An invention must be Patented in all, before it is specified, i. e., made public, as an invention must be new in all the realm to be the subject of Patent.

It may be here added, that the full amount of fees set down are not required at one time, but in several instalments, viz :—On a Patent being commenced, the papers being prepared in the United States, may be proceeded with to the Report of the Attorney or Solicitor-General, for from $100 to $250, varying according to the nature of the invention in point of difficulty to draw and describe. After a report, oppositions are but seldom commenced, and it is by some considered tolerable safe to let it rest for a time; but there is no real safety until the seal is obtained; therefore, in about one month more $500 should be paid. After the Patent the English Attorney receives the specification and prepares for enrolment, and draws for such an amount as will cover the entire expense of the Patent for England, including the colonies. But if Ireland or Scotland are to be included, the amount for these countries must be remitted with the second payment—about three months intervening between the first payment and the last. But if the party wishes to go to Patent immediately, he may remit an amount sufficient, and the Patent or Patents can generally be sealed in from three to four weeks from the first application.

Patents in the Canadas and other British Colonies.—When the colonies are to be included, it must be so stated in the petition, and the additional cost about $20 extra. A separate colonial Patent will cost nearly as much as a Patent for England itself. The further proceedings to be had with respect to Canada, are a certified copy of the enrolled specification from the Home Offices. These are transmitted to the office of the Secretary of the Home Department for registration. After that a second registration takes place at the office of the Colonial Secretary. This done, the document becomes the law of the land. The fees charged for these colonial registrations, are five guineas for each office, besides the Attorney's fees. And these are also in addition to the fees required for procuring the certified copies from the Home Offices.

Registration of Designs and Articles of Utility.—As these Acts are of little or no use to the American inventor, we deem any detailed account of proceedings under them not required in this work. We, however, give a table of the fees, after the table of Patent fees; and refer, for further information, to the remarks of Newton, preceding the Acts themselves, as seen at page 88.

SCHEDULES referred to in Act Vic. 6 and 7.

SCHEDULE (A.)

An Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors, for a limited time.

An Act for continuing an Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors, for a limited time.

An Act for amending and making perpetual an Act for the encouragement of the arts of designing and printing linens, cottons, calicoes, and muslins, by vesting the properties thereof in the designers, printers, and proprietors, for a limited time.

An Act for extending the copy right of designs for calico printing to designs for printing other woven fabrics.

SCHEDULE (B.)

An Act to secure to proprietors of designs for articles of manufacture the copyright of such designs for a limited time.

SCHEDULE (C.)

An Act for encouraging the art of making new models and casts of busts and other things therein mentioned.

An Act to amend and render more effectual an Act for encouraging the art of making new models and casts of busts and other things therein-mentioned, and for giving further encouragement to such arts.

The following is the Table of Fees, as settled by the Commissioners of the Treasury, to be paid to Government by persons Registering under this Act:—

	STAMP. £	s.	d.	FEE. £	s.	d.	TOTAL. £	s.	d.
Registering Design	5	0	0	5	0	0	10	0	0
Certifying former Registration	5	0	0	1	0	0	6	0	0
Registering and Certifying Transfer	5	0	0	1	0	0	6	0	0
Cancellation or Substitution				1	0	0	1	0	0
Inspecting Index of Titles				0	1	0	0	1	0
Inspecting Designs (expired Copyrights), each vol.				0	1	0	0	1	0
Taking Copies of ditto, each Design				0	2	0	0	2	0
Inspecting Designs (unexpired Copyrights), each Design				0	5	0	0	5	0

To the expense of £10 for the stamp and fee, as above stated, the Agent's charge for making two copies of drawings of the design, and preparing a description thereof, should be added; this will depend somewhat upon the nature of the improvement; but, as a guide, we may state the whole cost of registering a design to vary between 12 and 15 guineas, according to the elaborateness of the drawing, and length of description requisite to set forth clearly its novelty and utility;—from 2 to 5 guineas being a sufficient remuneration for such matters.

TABLE OF FEES AND STAMPS.

I. Fees Payable by Persons soliciting Patents for Inventions.

	Ordinary Fees. £ s. d.	Extra Fees. £. s. d.
At the Attorney or Solicitor-general's Chambers.		
For entering a caveat (at each chambers) .	0 5 0	
At the Public Office.		
For taking a declaration	0 1 6	
At the Home Office.		
For reference of a petition by the Secretary of State to the Attorney or Solicitor-general .	2 2 6	
At the Attorney or Solicitor-general's Chambers.		
For a summons for a hearing upon an opposed petition	9 5 0	
For a hearing upon an application for a report upon an opposed petition	3 5 0	
For a report in favour of petitioner . .	4 4 0	
At the Home Office.		
For the Queen's warrant to the Attorney or Solicitor-general to prepare a bill for a patent	7 13 6	
If the patent is to be granted to more than one person, for each additional name .		1 7 6
If the patent is to extend to the Channel Islands and Colonies, or any of them .		1 7 6
At the Patent Bill Office.		
For preparing a bill and docket and procuring the Attorney or Solicitor-general's signature, and for two transcripts of the bill and stamps, and stamping the Queen's warrant .	15 16 0	
If the patent is to be granted to more than one person, then for each additional name		1 7 6
If the patent is to extend to the Channel Islands and Colonies, or any of them .		0 2 6
At the Secretary of State's Office.		
For procuring the sign manual to a bill .	7 13 6	
If the patent is to be granted to more than one person, then for each additional name		1 7 6
If the patent is to extend to the Channel Islands and Colonies, or any of them .		1 7 6
At the Signet Office.		
For signing, sealing, and passing a bill . .	4 7 0	
If the patent is to be granted to more than one person, then for each additional name		5 18 6
If the patent is to extend to the Channel Islands and Colonies, or any of them .		0 13 6
For expedition to pass the bill the same day the Queen's bill is brought into the office		1 11 6
At the Privy Seal Office.		
For signing, sealing and passing a bill . .	4 2 0	
If the patent is to be granted to more than one person, then for each additional name		5 18 6
If the patent is to extend to the Channel Islands and Colonies, or any of them .		0 13 6
For a private seal		2 0 0
For expedition		1 11 6

	Ordinary Fees. £ s. d.	Extra Fees. £ s. d.
At the Patent Office.		
For preparing the recepi and docket, engrossing, sealing, and enrolling the patent and entering the docket stamps and box . .	48 17 0	
If the patent is to be granted to more than one person, then for each additional name		2 13 4

II. Fees Payable by Persons opposing the Grant of Patents for Inventions.

At the Attorney or Solicitor-General's Chambers.		
For entering a caveat (at each chambers) .	0 5 0	
For hearing an opposition at the report .	3 5 0	
At the Patent Bill Office.		
For entering a caveat	1 1 0	
For hearing an opposition to the bill . .	3 5 0	
If the opposing party succeeds he must repay the petitioner the following fees.		
For the report		4 4 0
For the Queen's warrant		7 13 6
Or so much more as the fees for the warrant amount to.		
For the summons for the hearing . .		0 5 0
For the hearing the petitioner in support of his petition		3 5 0
For engrossing the bill		1 1 0
For agency fees		2 2 0
If the opposing party does not succeed he must repay the petitioner the following fees only.		
For the summons for the hearing . .		0 5 0
For the hearing the petitioner in support of his petition		3 5 0
At the Patent Office.		
For entering a caveat	0 10 0	

III. Fees Payable respecting Specifications, Enrolments, Office Copies, &c.

	Ordinary Fees.
At the Public Office.	
For taking the acknowledgment of a specification . . .	0 6 0
At the Rolls Chapel Office.	
For enrolling a specification, per folio of 90 words . . .	0 0 6
For a search and inspection	0 1 0
For a copy of a patent or specification, (besides drawing and stamps,) *per folio*	0 0 6
For authenticating any copy, per folio	0 0 6
At the Petty Bag Office.	
For enrolling a specification, for every skin of the enrolment (containing about 9 folios,) and for any portion of a skin more than half a skin	0 10 6
And for any portion of a skin not more than half a skin .	0 5 3
For a search	0 1 0
For an inspection	0 2 6
For an office copy of a patent or specification, (besides the stamps, 2*d.* per sheet for paper, 3*s.* 4*d.* certificate, and the search and inspection fee,) *per folio* of 90 words . .	0 0 8
At the Enrolment Office.	
For enrolling a specification, for every membrane or skin of the enrolment (containing about 10 folios)	0 10 0
And for any portion of a membrane less than the whole, for every 5 lines	0 0 6

	Ordinary Fees.		
For a search and inspection	0	1	0
For an office copy of a patent or specification, (besides the stamps, 2*d.* per sheet for the paper, 2*s.* for the certificate, and 1*s.* the search,) *per folio* of 90 words . . .	0	0	8

IV. Fees Payable respecting Disclaimers and Memorandums of Alteration.

At the Attorney or Solicitor-General's Chambers.			
For appointment and summons for hearing - . . .	0	5	0
For hearing a party or counsel in support of a petition . .	3	5	0
For a fiat	4	4	0
For entering a caveat by a party opposing (at each chambers)	0	5	0
For hearing opposition	3	5	0
At the Enrolment Office.			
For enrolling a disclaimer or alteration			
(The same fees as for enrolling a specification.)			
At the Patent Office.			
For filing	0	1	0
For entering, *per folio* of 90 words	0	0	10
If the length does not exceed 27 folios, the fee is . . .	0	9	0
Drawings are charged extra unless furnished to the office.			

V. Stamp Duties Payable upon Documents and Proceedings respecting Patents for Inventions.

Queen's warrant	1	10	0
Queen's bill	1	10	0
Signet bill	1	10	0
Privy Seal bill	1	10	0
Docket at Great Seal	0	2	0
Patent	30	0	0
Specification	5	0	0
If the specification contains 2,160 words, or upwards, then for every entire quantity of 1,080 words above the first 1,080 words, a further progressive duty	1	0	0
Disclaimer, or memorandum of alteration	1	0	0
If the disclaimer contains 2,160 words, or upwards, then for every entire quantity of 1,080 words above the first 1,080 words, a further progressive duty of	1	0	0

Tabular List of the Classes under which subjects embraced by the Act of 1842, *may be Registered, together with the duration of Copyright and Fees payable under each class.*

Duration of Copyright.	Fees paid to Registrar. £	*s.*	*d.*
Class 1.—*For 3 Years.* Articles of manufacture, composed wholly or chiefly of any metal or mixed metals - - - - - - -	3	0	0
The subjects intended to be protected under this Class, are ornamental designs for such articles as finger-plates, bell-pulls, fenders, candlesticks, pencil-cases, lamps, &c.			
Class 2. Articles of manufacture, composed wholly or chiefly of wood	1	0	0
Designs for chairs, tables, settees, globe-frames, and all articles of furniture or cabinet work composed of wood, are secured under this class.			
Class 3. Articles of manufacture, composed wholly or chiefly of glass	1	0	0
Chandeliers, wine-glasses, door-knobs, ink-stands, &c., are registered under this class.			
Class 4. Articles of manufacture, composed wholly or chiefly of			

	Ordinary Fees.		
earthenware	1	0	0
China or other jars, encaustic tiles, chimney jambs, basins, cups, and such like articles, are protected under this class; and when the pattern is intended to be applied to a range of articles, like a tea-service, they can all be included in one registration.			
Class 5. Paper-hangings	0	10	0
Class 6. Carpets and floor-cloths	1	0	0
Class 7.—*For 9 Mos.* Shawls, if the design be applied solely by printing, or by any other process by which colors are, or may hereafter be, produced upon tissue or textile fabrics	0	1	0
Class 8.—*For 3 Yrs.* Shawls, not comprised in Class 7	1	0	0
Class 9.—*For 9 Mos.* Yarn, thread, or warp, if the design be applied by printing, or by any other process by which colors are, or may hereafter be, produced	0	1	0
Class 10. Woven fabrics, composed of linen, cotton, wool, silk, or hair, or any two or more of such materials, if the design be applied by printing, or by any other process by which colors are, or may hereafter be, produced upon tissue or textile fabrics, excepting the articles included in Class 11	0	1	0
Gown-prints, waistcoat and trousers-pieces, printed fustians, &c., are protected by this class.			
Class 11.—*For 3 Yrs.* Woven fabrics, composed of linen, cotton, wool, silk, or hair, or any two or more of such materials, if the design be applied by printing, or by any other process by which colors are, or may hereafter be, produced upon tissue or textile fabrics; such woven fabrics being, or coming within the description technically called furnitures, and the repeat of the design whereof shall be more than 12 inches by 8 inches	0	5	0
Under this class, printed fabrics, used for curtains, are included; also moleskin and other printed or embossed table-cloths or covers, &c.			
Class 12.—*For 1 Yr.* Woven fabrics, not comprised in any preceding class	0	5	0
Designs for linen and woollen damask table-cloths, damask moreen curtains, tweeds, and all other woven fabrics, in which the pattern is produced by weaving; are registered under this class, excepting carpets (Class 6), shawls (Class 8), and lace (Class 13).			
Class 13.—Lace, and any article of manufacture or substance not comprised in any preceding class	0	5	0
Papier-maché articles, composition ornaments, paintings upon slate, horn buttons, gloves, &c., are included under this class.			
Fee payable on registering transfer of design from one person to another	1	0	0
On certifying a design when the original has been lost, a correct copy must be deposited, and the same fee paid as when the original registration was effected, except for Class 1, which will be	1	0	0
On making a search as to whether a design has been registered, and furnishing certificate of such search	0	2	6
Fee for inspecting designs, the copyright of which has expired (for each Class)	0	1	0

FORMS TO BE USED IN PROCEEDINGS

Respecting the Obtaining and Opposing of Patents, and the Specification of Patent Inventions.

(No. 1.) *General caveat against a patent at the Attorney or Solicitor-general's.*

Caveat against the grant of letters patent under the Great Seal to any person or persons for [*Here describe the nature of the invention in general terms, as for instance, "improvements in power looms;" "improvements in lace machinery;"*] without notice to me the undersigned [*Here insert the name and address of the party entering the caveat, as William Newton, of Chancery Lane, in the county of Middlesex, Civil Engineer.*] Dated this [*tenth*] day of [*December,*] 1845.

(Signed) [Wm. Newton.]

(No. 2.) *Notice of an Application for a Patent.*

[2, King's Bench Walk, Temple,
1st October, 1845.]

Sir,—I beg to inform you that [*James Johnson, of High Wycombe, in the county of Bucks,*] is applying for letters patent for an invention of [*an improved mode of sizing Paper*]. Should you consider that the grant of such a patent will interfere with your caveat, you may enter an opposition at the Chambers of the Attorney [*or* Solicitor] General here. And if no opposition is entered within seven days from the date hereof, the patent will be allowed to proceed.

I am, Sir, your obedient servant, [W. G. Bowyer.]

(No. 3.) *Petition by an actual Inventor for a Patent.*

To the Queen's most Excellent Majesty.

The humble Petition of [*James Gowland, of Leathersellers Buildings, in the city of London, Chronometer Maker.*]

Sheweth,—That your petitioner ["after much labour, study, application, trouble, and expense," *any of these words may be inserted if thought desirable*] hath invented ["*certain improvements in Chronometers and Time-keepers,*"] which invention he believes will be of great public utility.

That he is the true and first inventor thereof, and that the said invention hath not been practised or used by any person or persons whomsoever within this realm, to the best of your petitioner's knowledge and belief.

Your petitioner therefore humbly prays that your Majesty will be graciously pleased to grant unto him, his executors, administrators, and assigns, your Majesty's royal letters patent under the Great Seal of your Majesty's United Kingdom of Great Britain and Ireland, for the sole use, benefit, and advantage of his said invention, within that part of your Majesty's said United Kingdom of Great Britain and Ireland, called England, your dominion of Wales, and town of Berwick-upon-Tweed, [and also in your Majesty's Islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all your Majesty's Colonies and Plantations abroad,] for the term of fourteen years pursuant to the statutes in that case made and provided. And your petitioner will ever pray, &c.

London, 10th October, 1844. (Signed) [James Gowland.]

(No. 4.) *Petition for a Patent for an Imported Invention.*

To the Queen's most Excellent Majesty.

The humble Petition of [*Moses Poole, of Old Square, Lincoln's Inn, in the county of Middlesex, C. E. Patent Agent.*]

Sheweth,—That in consequence of a communication from a foreigner residing abroad, he is in possession of an invention of [*improvements in the construction of*

Locomotive Engines,] which invention he believes will be of great public utility.

That the said invention is new within this realm, and hath not been practised or used therein by any person or persons whomsoever, to the best of your petitioner's knowledge and belief.

Your petitioner therefore humbly prays that your Majesty, &c. (*the prayer is the same as in the last form, referring to the invention as,* "the said invention," *instead of* "his said invention.")

(No. 5.) *Solemn Declaration in support of a Petition by an actual Inventor for a Patent.*

I, [*John Coope Hadden, of No. Woburn Place, Russell Square, in the county of Middlesex, Civil Engineer,*] do solemnly and sincerely declare that ["after much, *or* great labour, study, application, trouble, and expense," *insert such (if any) of these words as may be contained in the petition,*] I have invented ["*improvements in the mode of manufacturing Papier Maché*"] which invention I believe will be of great public utility. That I am the true and first inventor thereof, and that the said invention hath not been practised or used by any person or persons whomsoever within this realm, to the best of my knowledge and belief. And I further declare that it is my intention to apply for letters patent for granting me the sole use of the said invention in Scotland and Ireland respectively, 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.'"

(Signed) [J. C. Hadden.]

Taken and declared at the Public Office, Southampton Buildings, in the county of Middlesex, this [*first*] day of [*October,*] one thousand eight hundred and forty [*three.*]

Before me,

(Signed) [Wm. Brougham.]

(No. 6.) *Solemn Declaration in support of a Petition for an Imported Invention.*

I, [*Alexander Prince, of No.* 14, *Lincoln's Inn Fields, in the county of Middlesex, Patent Agent,*] do solemnly declare that in consequence of a communication from a foreigner residing abroad, I am in possession of an invention of [*an improved Wheel for railway carriages,*] which invention I believe will be of great public utility. That the said invention is new in this realm, and hath not been practised or used therein by any person or persons whomsoever to the best of my knowledge and belief. And I further declare that it is my intention, &c. (*conclude as in the last form.*)

(No. 7.) *Reference of a Petition to the Attorney or Solicitor-general.*

Whitehall, [10 *September,* 1845.]

Her Majesty is pleased to refer this petition to Mr. Attorney or Solicitor-general to consider thereof and to report his opinion what may be properly done therein: wherefore her Majesty will declare her further pleasure.

(Signed) [J. R. G. Graham.]

(No. 8.) *Note of an Opposition at the Report.*

The application of [*William Burlinson, of Sunderland, in the county of Durham, Engineer,*] for a patent for an alleged invention of [*improvements in the construc-*

tion of Steam Engines,] is opposed by [*John Thompson, of Southwark, in the county of Surrey, Engineer.*] Dated this [*seventh*] day of [*May,*] 1845.

(Signed) [JOHN THOMPSON.]

[William Henry Rymer, Chancery Lane,
Solicitor for the said John Thompson.]

To the Attorney [*or* Solicitor] General's clerk.

(No. 9.) *Summons to attend a hearing upon an Opposition at the Report.*

ATTORNEY [*or* SOLICITOR] GENERAL'S CHAMBERS,
[*No. 2, King's Bench Walk, Temple.*]

To [MESSRS. NEWTON AND SONS.]—Her Majesty having referred to me the petition of [*Alfred Vincent Newton, of No.* 66, *Chancery Lane, in the county of Middlesex, Patent Agent,*] praying letters patent for an invention of [*an improved mode of refining Sugar,*] I appoint [*Tuesday*] the [22d] day of [*July instant*] at [*Seven*] o'clock in the [*Evening,*] at my Chambers in the Temple to consider thereof: of which let all parties concerned have notice.

Opposed by [*Messrs. Poole and Carpmael, of* 4, *Old Square, Lincoln's Inn, Patent Agents, and Mr. Alexander Prince, of No.* 44, *Lincoln's Inn Fields, Patent Agent.*] Dated the [*eleventh*] day of [*July,*] 1845.

By order of the Attorney [or Solicitor] General,

(Signed) [WM. GEORGE BOWER.]

The Attorney [or Solicitor] General expects to be immediately informed if the opposing parties do not intend to appear.

(No 10.) *Declaration of the service of a Summons upon a party who has entered an Opposition to a Patent at the Report.*

In the matter of the petition of [*James Gowland,*] for letters patent for an invention of ["*improvements in Time Keepers.*"]

I, [*Richard Wandless, of, &c.*] clerk to Robertson, of Agent [*or* Solicitor] for the above named [*James Gowland*] do solemnly and sincerely declare that I did on the [*first*] day of [*October,*] now instant, [personally] serve [*Edward Newton, of No.* 66, *Chancery Lane, in the county of Middlesex, Patent Agent,*] with a true copy of the summons hereunto annexed; [*or if the service was not personal, then omit the word* "personally," *and insert the following words,* "by leaving the same copy at the office of the said *Edward Newton,* in Chancery Lane aforesaid, with his clerk there;" *or, if the service was through the medium of the post office,*" "by sending the same copy, by post, addressed to the said E. N., at No. 66, Chancery Lane aforesaid,] and that the same copy, so addressed, was put into the post office before [*five*] of the clock of the said [*first* day of [*October,*] instant," and I make this declaration conscientiously, believing the same to be true, and by virtue, &c. [*conclude as in the form No.* 5.]

(Signed) ["R. WANDLESS."

Taken and declared at the Public Office, Southampton Buildings, in the county of Middlesex, this [*tenth*] day of [*October,*] one thousand eight hundred and forty [*five.*]

Before me,

(Signed) [A. H. LYNCH.]

(No. 11.) *Attorney or Solicitor-general's Report upon a Petition for a Patent.*

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty.—In humble obedience to your Majesty's commands signified to me by the Right Honourable Sir James Robert George Graham, Bart., one of your Majesty's principal Secretaries of State, referring to me the annexed petition of [*James Gowland, of Leathersellers Buildings, in the city of London, Chronometer Maker,*] to consider thereof and report my opinion what

may be properly done therein, which petition sets forth that the petitioner, (*the allegations of the petition are here set forth.*) The petitioner therefore humbly prays that your Majesty, (*the prayer of the petition is here to be stated.*) And I humbly beg leave to certify unto your Majesty, that in support of the allegations contained in the said petition, the solemn declaration of the said petition hath been laid before me, whereby he solemnly declares that [*here is to be stated the several allegations contained in the declaration.*] Upon consideration of all which, and as it is entirely at the hazard of the petitioner, whether the said invention is new or will have the desired success, and as it may be reasonable for your Majesty to encourage all arts and inventions which may be for the public good, I am humbly of opinion that your Majesty may, by your royal letters patent under the Great Seal of your United Kingdom, grant to the petitioner, his executors, administrators, and assigns, the sole use, benefit, and advantage of his said invention within England, Wales, and the town of Berwick upon Tweed, [and also in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all your Majesty's colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute in that case made and provided, if your Majesty shall be graciously pleased so to do with the usual proviso, requiring the petitioner within the space of [*six*] calender months, to be computed from the date of such letters patent, to cause a particular description of the nature of his said invention, and in what manner the same is to be performed by writing under his hand and seal, to be enrolled in your High Court of Chancery, otherwise the said letters patent to be void. All which is submitted to your royal wisdom,

(Signed) [FREDERICK THESIGER.]

(No. 12.) *Queen's Warrant for preparing the Bill.*

"VICTORIA R." Whereas [*James Gowland, of Leathersellers Buildings, in the parish of Allhallows in the Wall, within the city of London, Watch and Chronometer Maker,*] hath by his petition humbly represented unto us that he hath invented ["*a certain improvement or certain improvements in the mechanism of Timekeepers,*"] which the petitioner conceives will be of great public utility, that he is the true and first inventor thereof, and that the same hath not been practised or used before in this kingdom by any other person or persons to the best of his knowledge and belief, the petitioner therefore most humbly prays that we will be graciously pleased to grant unto him, his executors, administrators, and assigns, our royal letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, for the sole use, benefit, and advantage of his said invention within that part of our said United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and all our colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute, in that case made and provided.

We being willing to give encouragement to all arts and inventions which may be for the public good, are graciously pleased to condescend to the petitioner's request. Our will and pleasure therefore is, that you prepare a bill for our royal signature, to pass our Great Seal of our United Kingdom of Great Britain and Ireland, containing our grant unto him the said [*James Gowland,*] his executors, administrators, and assigns, of the sole use, benefit, and advantage of his said invention, within that part of Great Britain called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and all our colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute in that case made and provided: Provided that the petitioner does within the space of [*six*] calendar months, to be computed from the date of our said intended grant, cause a particular description of the nature of his said invention, and in what manner the same is to be performed, by writing, under his hand and seal to be enrolled in our High Court of Chancery, otherwise our said intended letters patent to be void: and you are to insert in the said bill all such clauses, prohibitions, and provisos as are usual and necessary in grants of the like nature and as you shall judge requisite; and for so doing this shall be your warrant. Given at our Court at

St. James's, the [*first*] day of [*October,*] 1845, in the [*ninth*] year of our reign.
By her Majesty's command,
To our Attorney or Solicitor-general. (Signed) [J. R. G. GRAHAM.]

(No. 13.) *Caveat at the Patent Bill Office.*

Caveat against a bill being signed for her Majesty's letters patent to [*Moses Poole, of No. 4, Old Square, Lincoln's Inn, in the county of Middlesex, Patent Agent,*] for an alleged invention of [*improvements in the manufacture of Carpets,*] without notice to [*J. C. Robertson and Company, of No.* 166, *Fleet Street, London, Patent Agents.*] Dated this [*tenth*] day of [*October,*] 1845.
(Signed) [J. C. ROBERTSON AND Co.]

(No. 14.) *Notice of a Bill for a Patent having been received for signature.*

ATTORNEY (OR SOLICITOR) GENERAL'S CHAMBERS,
(2, *Fig Tree Court, Temple,* 1 *October,* 1845.)

Sir.—I beg to inform you that the bill of (*Andrew Pritchard, of No.* 162, *Fleet Street, London,*) for letters patent for an invention of (*improvements in Telescopes,*) is now in this office, and that any opposition upon your caveat of the (*twenty-fourth*) day of (*August last,*) must be entered here within three days from the date hereof, otherwise the bill will be signed. Your obedient Servant,
To Mr. Moses Poole. (Signed) (T. SHANKS.)

(No. 15.) *Note of Opposition at the Bill.*

The application of (*William Edward Newton, of Chancery Lane, in the county of Middlesex, Patent Agent,*) for a bill for a patent for an alleged invention of (*improvements in Lace Machines,*) is opposed by (*Edward Ranson, of Loughborough, in the county of Leicester, Lace Manufacturer.*) Dated this (*twelfth*) day of (*October,*) 1845. (Signed) (EDWARD RANSON)
FOR (NEWTON & SON, Chancery Lane, Agents for the said Edward Ranson.)

(No. 16.) *Declaration of the service of a Summons to attend hearing.*

In the matter of the application of (*J. C. Robertson,*) for a bill for letters patent for an alleged invention of ("*improvements in the manufacture of Leather.*")
I, (*William Tomlinson, of the borough of Sunderland, in the county of Durham,*) clerk to (*Robert Smart, of the same place, Gentleman,*) solicitor (*or* agent) for the above named (*J. C. Robertson,*) do solemnly and sincerely declare that, &c. (*The form is the same as that given in No.* 10.)
(Signed) (WM. TOMLINSON.)

Taken and declared at (*the borough of Sunderland, in the county of Durham,*) this (*tenth*) day of (*October,*) one thousand eight hundred and forty-five,
Before me, A. J. MOORE, A Master Extraordinary in Chancery.

(No. 17.) *Bill for Letters Patent.*

VICTORIA R. Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these presents shall come greeting. Whereas (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) hath by his petition, &c. (*Here the body of the intended patent is set forth at full length, after which is added,*)
In witness, &c. Witness, &c. Examined, (T. WILDE.

(No. 18.) *Docket.*

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY.

This contains your Majesty's grant unto (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London,*) of the sole use, benefit, and advantage of his invention, of (*improvements in Chronometers and Time-keepers,*) to hold to

him, his executors, administrators, and assigns, within England, Wales, and the town of Berwick upon Tweed, (and also in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all your Majesty's colonies and plantations abroad,) for the term of fourteen years, pursuant to the statute in that case made and provided. Provided that he does within (*six*) calendar months from the date of the grant hereby intended, cause a particular description of the nature of his said invention and in what manner the same is to be performed by writing under his hand and seal, to be enrolled in your High Court of Chancery, otherwise your Majesty's said grant to be void. All such clauses, prohibitions, and provisos are therein inserted as are usual and necessary in grants of the like nature. And this bill is prepared.

By warrant under your Majesty's Sign Manual,
Countersigned by SIR JAMES ROBERT GRAHAM.,
(Signed) (F. THESIGER.)

(No. 19.) *Signet Bill.*

BY THE QUEEN.

Right (trusty and right entirely beloved cousin and councillor). We greet you well. And will and command that under our Privy Seal (remaining in your custody,) you cause these our letters to be directed to our Chancellor of that part of our United Kingdom of Great Britain and Ireland called Great Britain, commanding him that under our Great Seal of our said United Kingdom (in his custody being,) he cause these our letters to be made forth patent in form following.

Victoria, by the grace of God, &c. (*Here the body of the patent is set out at full length, precisely as in the Queen's bill* (No 7,) *with the conclusion of it abbreviated as before, thus,*) In witness, &c. Witness, &c. (*The bill then concludes as follows.*) And these our letters shall be your sufficient warrant and discharge in this behalf. Given under our Signet at our Palace of Westminster, the (*first*) day of (*October,*) in the (*ninth*) year of our reign. Examined (A. B.)

DIRECTION.—To (our right trusty and right entirely beloved cousin and councillor, Walter, Duke of Buccleuch,) Keeper of our Privy Seal.

(No. 20.) *Caveat at the Privy Seal Office.*

Caveat against affixing the Privy Seal to a bill for a patent to (*Alexander Prince, of Lincoln's Inn Fields, in the county of Middlesex, C. E., Patent Agent,*) for an alleged invention of (*an improved mode of constructing Piano-fortes,*) without notice to (*William Ranyard, of South Square, Gray's Inn, in the county of Middlesex, Gentleman.*) Dated this (*twentieth*) day of (*October,*) 1845.

(Signed) (WM. RANYARD.)

(No. 21.) *Privy Seal Bill.*

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to our right trusty and well beloved cousin and councillor (*John Singleton Baron Lyndhurst, of Lyndhurst, in the county of Southampton,*) our Chancellor of that part of our said United Kingdom called Great Britain, greeting. We will and command that under our Great Seal of our said United Kingdom remaining in your custody, you cause these our letters to be made forth patent in the following form.

Victoria, by the grace of God, &c. (*The intended patent is here set forth at length as in the Queen's bill,* (No. 7), *concluding with,* "In witness, &c." *and underneath is written,*)

Given under our Privy Seal at our Palace at Westminster, the (*first*) day of (*November,*) in the year of our Lord one thousand eight hundred and forty (*five,*) in the (*ninth*) year of our reign. Examined, [R. EDEN.]

(*The Privy Seal Bill or writ of Privy Seal is then folded up and sealed with the Privy Seal, and a label is attached to it upon which is written a direction to the Lord Chancellor, as follows.*)

To our right trusty and well beloved cousin and councillor (*John Singleton,*

Baron Lyndhurst,) our Chancellor of that part of our United Kingdom of Great Britain and Ireland, called Great Britain.

(No. 22.) *Caveat at the Great Seal.*

Caveat against affixing the Great Seal of the United Kingdom to letters patent for granting to (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) the sole use, benefit, or advantage of an alleged invention of ("*improvements in the construction of Chronometers,*") without notice to (*William Henry Rymer, of Chancery Lane, in the county of Middlesex, Gentleman, Solicitor for Jacob Boaz, of Cornhill, in the city of London, Chronometer Maker.*)

Dated this (*fourth*) day of (*November,*) 1845. (Signed) [W. H. Rymer.]

(No. 23.) *Note of an Opposition at the Great Seal.*

The application of (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) for letters patent for an alleged invention of ("*improvements in the construction of Time Keepers,*") is opposed by (*Jacob Boaz, of Cornhill, in the city of London, Chronometer Maker.*) Dated this (*sixth*) day of (*November,*) 1845. (Signed) [W. H. Rymer.]

(Chancery Lane,) Solicitor for the above named [*Jacob Boaz.*]

To the Clerk of the letters patent.

(No. 24.) *Recepi.*

Received the (*tenth*) day of (*November,*) 1845.

(Signed) [Lyndhurst,] C.

(No. 25.) *Docket for a Patent at the Patent Office.*

A grant unto (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Watch and Chronometer Maker,*) for the sole use of his invention of ("*improvements in Time Keepers,*") to hold to him, his executors, administrators, and assigns, within England, Wales, and the town of Berwick upon Tweed, (the islands of Guernsey, Jersey, Alderney, Sark, and Man, and in all her Majesty's colonies and plantations abroad,) for the term of fourteen years, pursuant to the statute in that case made and provided, with a clause to enrol a specification of the same within (*six*) calendar months from the date thereof.

Witness her Majesty at Westminster, the (*tenth*) day of (*November,*) 1845, in the (*ninth*) year of her reign. By writ of Privy Seal, (Signed) L. C.

[Edmunds.]

(No. 26.) *Letters Patent.—Recital.*

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these presents shall come greeting. WHEREAS [*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Watch and Chronometer Maker,*] hath by his petition humbly represented unto us that he hath invented ["*a certain improvement or certain improvements in the mechanism of Time Keepers,*"] which the petitioner conceives will be of great public utility, that he is the first and true inventor thereof, and that the same hath not been practised or used before in this kingdom by any other person or persons to the best of his knowledge and belief, the petitioner therefore most humbly prayed that we would be graciously pleased to grant unto him, his executors, administrators, and assigns, our royal letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, for the sole use, benefit, and advantage of his said invention within that part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and all our colonies and plantations abroad,] for the term of fourteen years, pursuant to the statute in that case made and provided, and we being willing to give encouragement to all arts and

inventions which may be for the public good, are graciously pleased to condescend to the petitioner's request. KNOW YE THEREFORE, that we of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents for us, our heirs, and successors, do give and grant unto the said [*James Gowland,*] his executors, administrators, and assigns, our *especial license, full power, sole privilege and authority*, that he the said [*James Gowland,*] his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy and deputies, servants or agents, or such others as he the said [*James Gowland,*] his executors, administrators, and assigns, shall at any time agree with and no others, from time to time, and at all times hereafter during the term of years herein expressed, shall and lawfully may make, use, exercise, and vend, his said invention within that part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, [and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad,) in such manner as to him the said (*James Gowland,*) his executors, administrators, and assigns, or any of them, shall in his or their discretions seem meet. And that he the said (*James Gowland,*) his executors, administrators, and assigns, shall and lawfully may have and enjoy the whole profit, benefit, and advantage from time to time coming, growing, accruing, and arising by reason of the said invention, for and during the term of years herein mentioned. TO HAVE, HOLD, exercise, and enjoy the said licenses, powers, privileges, and advantages herein before granted or mentioned to be granted unto the said (*James Gowland,*) his executors, administrators, and assigns, for and during and unto the full end and term of fourteen years from the date of these presents next and immediately ensuing, and fully to be complete and ended according to the statute in such case made and provided. AND to the end that the said (*James Gowland,*) his executors, administrators, and assigns, and every of them, may have and enjoy the full benefit and the sole use and exercise of the said invention according to our gracious intention herein before declared, we do by these presents for us, our heirs, and successors, require and strictly command all and every person and persons, bodies politic and corporate, and all other our subjects whatsoever, of what estate, quality, degree, name or condition soever they be, within the said part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad,) that neither they nor any of them at any time during the continuance of the said term of fourteen years hereby granted, either directly or indirectly, do make use or put in practice the said invention, or any part of the same so attained by the said (*James Gowland,*) as aforesaid, nor in any wise counterfeit, imitate, or resemble the same, nor shall make or cause to be made any addition thereunto or subtraction from the same, whereby to pretend himself or themselves, the inventor or inventors, deviser or devisers thereof, without the consent, license, or agreement of the said (*James Gowland,*) his executors, administrators, or assigns, in writing under his or their hands and seals first had and obtained in that behalf, upon such pains and penalties as can or may be justly inflicted on such offenders for the contempt of this our royal command; and further be answerable to the said (*James Gowland,*) his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned. AND MOREOVER, we do by these presents for us, our heirs and successors, will and command all and singular the justices of the peace, mayors, sheriffs, bailiffs, constables, head-boroughs, and all other officers and ministers whatsoever of us, our heirs and successors for the time being, they or any of them do not nor shall at any time hereafter during the said term hereby granted, in any wise molest, trouble, or hinder the said (*James Gowland,*) his executors, administrators, or assigns, or any of them, or his or their deputies, servants, or agents, in or about the due and lawful use or exercise of the said invention or any thing relating thereto. PROVIDED ALWAYS, and these our letters patent are and shall be upon this condition, that if at any time during the said term hereby granted it shall be made to appear to us, our heirs, or successors, or any six or more of our or their Privy Council, that this our grant is contrary to law, or prejudicial, or inconvenient to our subjects in general, or that the said invention is not a new

invention as to the public use and exercise thereof, in that said part of our United Kingdom of Great Britain and Ireland called England, our dominion of Wales, and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad aforesaid,) or not invented and found out by the said (*James Gowland,*) as aforesaid; then upon signification or declaration thereof to be made by us, our heirs, or successors under our or their signet or Privy Seal, or by the Lords and others of our or their Privy Council, or any six or more of them under their hands, these our letters patent shall forthwith cease, determine, and be utterly void to all intents and purposes, any thing herein before contained to the contrary thereof in anywise notwithstanding: PROVIDED ALSO, that these our letters patent or any thing herein contained, shall not extend or be construed to extend to give privilege unto the said (*James Gowland,*) his executors, administrators, or assigns, or any of them, to use or imitate any invention or work whatsoever, which hath heretofore been invented or found out by any other of our subjects whatsoever, and publicly used or exercised in that said part of our United Kingdom of Great Britain and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad aforesaid,) unto whom our like letters patent or privileges have been already granted for the sole use, exercise, and benefit thereof; it being our will and pleasure that the said (*James Gowland,*) his executors, administrators, and assigns, and all and every other person and persons to whom like letters patent or privileges have been already granted as aforesaid, shall distinctly use and practise their several inventions by them invented and found out according to the true intent and meaning of the same respective letters patent and of these presents: PROVIDED LIKEWISE nevertheless, and these our letters patent are upon this express condition, that if at any time heretofore these our letters patent, or the liberties and privileges hereby by us granted, shall become vested in or in trust for more than the number of twelve persons, or their representatives at any one time as partners dividing or entitled to divide the benefits or profits obtained by reason of these our letters patent, (reckoning executors and administrators as and for the single person whom they represent as to such interest as they shall be entitled to in right of such their testator or intestate,) that then these our letters patent and all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary in anywise notwithstanding: *Provided* that nothing herein contained shall prevent the granting of licenses in such manner and for such consideration as they may by law be granted: AND ALSO if the said (*James Gowland*) shall not particularly describe and ascertain the nature of his said invention, and in what manner the same is to be performed by an instrument in writing under his hand and seal, and cause the same to be enrolled in our High Court of Chancery within (*six*) calendar months next, and immediately after the date of these our letters patent: AND ALSO if the said (*James Gowland,*) his executors, administrators, or assigns, shall not supply, or cause to be supplied for our service, all such articles of the said invention as he or they shall be required to supply by the officers or commissioners administering the department of our service for the use of which the same shall be required, in such manner, at such times, and at and upon such reasonable prices and terms as shall be settled for that purpose by the said officers or commissioners requiring the same, that then and in any of the said cases these our letters patent, and all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void, anything hereinbefore contained to the contrary thereof in anywise notwithstanding. AND LASTLY, *we do by these presents for us, our heirs, and successors, grant* unto the said (*James Gowland,*) his executors, administrators, and assigns, that these our letters patent, or the enrolment, or exemplification thereof, shall be in and by all things good, firm, valid, sufficient, and effectual in the law according to the true intent and meaning thereof, and shall be taken, construed, and adjudged in the most favorable and beneficial sense for the best advantage of the said (*James Gowland,*) his executors, administrators, and assigns, as well in all our Courts of record as elsewhere, and by all and singular the officers and ministers whatsoever of us, our heirs, and successors, in that part of our said United Kingdom of Great Britain

and Ireland, called England, our dominion of Wales, and town of Berwick upon Tweed, (and also in our islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all our colonies and plantations abroad aforesaid,) and amongst all and every the subjects of us, our heirs, and successors whatsoever and wheresoever, notwithstanding the not, full, and certain describing the nature or quality of the said invention, or of the materials thereunto conducting and belonging. IN WITNESS whereof we have caused these our letters to be made patent. WITNESS ourself at Westminster, this (*tenth*) day of (*November,*) in the ninth year of our reign. By writ of Privy Seal, [EDMUNDS.]

(No. 27.) *Enrolment of Patent.*

Patents of the (*ninth*) year of the reign of Queen Victoria. Roll (*twenty-four.*)

["JAMES GOWLAND,] Invention." "VICTORIA, by the grace of God, &c. To all to whom these presents shall come greeting. Whereas, *James Gowland, of, &c.*" (*Here the whole of the patent is copied verbatim, except the conclusion, which is abbreviated thus.*) "In witness, &c. witness, &c. the (*tenth*) day of (*November.*")

"By writ of Privy Seal."

(No. 28.) *Specification to be enrolled in pursuance of the proviso in a Patent.*

TO ALL TO WHOM THESE PRESENTS SHALL COME, I, (*James Gowland, of Leathersellers Buildings, London Wall, in the city of London, Chronometer Maker,*) send greeting. WHEREAS, her most excellent Majesty, Queen Victoria, by her letters patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the (*first*) day of (*January,*) in the (*eighth*) year of her reign, did give and grant unto me the said (*James Gowland,*) my executors, administrators, and assigns, her especial license, full power, sole privilege, and authority, that I the said (*James Gowland,*) my executors, administrators, and assigns, and such others as I the said (*James Gowland,*) my executors, administrators, or assigns should at any time agree with, and no others from time to time and at all times thereafter during the term of years therein mentioned, should and lawfully might make, use, exercise, and vend within that part of the United Kingdom of Great Britain and Ireland, called England, her dominion of Wales, and town of Berwick upon Tweed, (and also in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and in all her colonies and plantations abroad,) my invention of ("*improvements in the construction of Chronometers and other Time-keepers.*") In which said letters patent there is contained a proviso requiring that I the said (*James Gowland,*) shall particularly describe and ascertain the nature of my said invention and in what manner the same is to be performed, by an instrument in writing under my hand and seal, to be enrolled in her said Majesty's High Court of Chancery within (*six*) calendar months next, and immediately after the date of the said in part recited letters patent, as reference being thereunto had will more fully and at large appear. NOW KNOW YE, that in compliance with the said proviso, I the said (*James Gowland,*) do hereby declare the nature of my invention, and the manner in which the same is to be performed is particularly described and ascertained in and by this present instrument in writing as follows (that is to say,) My said invention consists, &c. (*Here describe the nature of the invention, &c., so as to comply with the terms of the proviso in the letters patent. If, however, drawings are necessary, the form should be varied, thus,*) are particularly described and ascertained in and by this present instrument in writing, reference being had to the drawing (*or,* several drawings) hereunto annexed (*or,* in the margin of these presents,) and in which said drawing (*or,* several drawings,) similar parts are marked and referred to by similar letters or figures, (that is to say,) My said invention consists, &c. [*Here describe the invention, referring to the drawings so as to explain the description.*]

IN WITNESS whereof, I, the said [*James Gowland,*] have hereunto set my hand and seal the [*first*] day of [*January,*] in the year of our Lord one thousand eight hundred and forty [*four.*] (Signed) [JAMES GOWLAND,] L. S.

Signed and sealed in the presence of *John Jones.*

(No. 29.) *Acknowledgment of Specification before a Master in Chancery.*

Taken and acknowledged by the within (*or* above) named (*James Gowland,*) at (*the Public Office, Southampton Buildings, in the county of Middlesex,*) this (*second*) day of (*January,*) in the year of our Lord one thousand eight hundred and forty (*four,*)

Before me,
(Signed) [A. H. LYNCH.]

(No. 30.) *Form of Enrolment of a Specification.*

Making Cables, &c. Improvements in [Smith's] Specification.

TO ALL TO WHOM THESE PRESENTS SHALL COME. I, [*Andrew Smith,*] of [*Princes Street, Leicester Square, in the county of Middlesex, Engineer,*] send greeting, &c. [*Here the whole of the specification is set out, including the signature and seal at the end, after which comes the following entry if the specification has been acknowledged.*]

Record of Acknowledgment.

AND BE IT REMEMBERED that on the [*twentieth*] day of [*September,*] in the [*third*] year of the reign of her Majesty, Queen Victoria, the said [*Andrew Smith*] came before our said Lady the Queen in her Chancery, and acknowledged the instrument aforesaid, and all and every thing contained and specified in form above written: AND the instrument aforesaid was stamped according to the tenor of the statute made in the fifty-fifth year of the reign of his late Majesty King George the Third.

Enrolled the [*twentieth*] day of [*September,*] one thousand eight hundred and thirty [*nine.*]

(No. 31.) *Certificate of Enrolment.*

Enrolled in [the office of the Rolls Chapel, *or* the office of the Petty Bag,] in her Majesty's High Court of Chancery, the [*first*] day of [*July,*] in the year of our Lord one thousand eight hundred and forty [*five,*] being first duly stamped according to the tenor of the statute made for that purpose.

(Signed) [A. B.]

Form of transfer, and authority to register, referred to in Section 6 of the Act Vict. 5 and 6.

'I, *A. B.*, author [*or* proprietor] of design, No. having transferred my 'right thereto, [*or, if such transfer be partial,*] so far as regards the ornamenting 'of [*describe the articles of manufacture or substances, or the 'locality with respect to which the right is transferred,*] to *B. C.*, of do 'hereby authorize you to insert his name on the register of designs accordingly.'

Forms of Request to Register referred to in the same Section of the before-mentioned Act.

'I, *B. C.*, the person mentioned in the above transfer, do request you to register 'my name and property in the said design as entitled [*if to the entire use,*] to the 'entire use of such design, [*or, if to the partial use,*] to the partial use of such 'design, so far as regards the application thereof [*describe the articles of manufac-'ture, or the locality in relation to which the right is transferred*].

But if such request to register be made by any person to whom any such design shall devolve, otherwise than by transfer, such request may be in the following form:

'I, *C. D.*, in whom is vested by [*state bankruptcy or otherwise*] the design, No. '[*or if such devolution be of a partial right,*] so far as regards the application 'thereof to [*describe the articles of manufacture or substance, or the locality in rela-'tion to which the right has devolved*].

Forms of Information and Conviction referred to in Section 8 of Act 5 and 6 Vict., c. 100.

FORM OF INFORMATION.

'Be it remembered, That on the at in the 'County of *A. B.*, of in the County of '[*or C. D.*, of in the County of at the instance and 'on the behalf of *A. B.*, of in the County] cometh 'before us and Two of Her Majesty's 'Justices of the Peace in and for the County of , and giveth us to 'understand that the said *A. B.*, before and at the time when the offence herein-'after mentioned was committed, was the proprietor of a new and original de-'sign for [*here describe the design*], and that within Twelve Calendar Months last 'past, to wit, on the at in the County 'of did [*here describe the offence,*] contrary to the form of the Act 'passed in the Year of the Reign of Her present Majesty, intituled '*An Act to consolidate and amend the laws relating to the copyright of designs for 'ornamenting articles of manufacture.*'

FORM OF CONVICTION.

'Be it remembered, That on the day of in the year of 'our Lord at in the County of *E. F.*, 'of in the County aforesaid, is convicted before us 'and Two of Her Majesty's Justices of the Peace for the 'said County, for that he the said *E. F.*, on the day of in 'the year at in the County of did '[*here describe the offence,*] contrary to the form of the statute in that case made 'and provided; and we the said justices do adjudge that the said *E. F.* for his 'offence aforesaid hath forfeited the sum of to the said *A. B.*'

OTHER FOREIGN COUNTRIES,

BEING,

FRANCE, BELGIUM, HOLLAND, DUTCH WEST INDIES, AUSTRIA, PRUSSIA, RUSSIA, BAVARIA, SAXONY, WURTEMBURG, SARDINIA, ROMAN STATES, PORTUGAL, SWEDEN, SPAIN, AND CUBA,

Each require that the documents shall be made in the language of the nation, as adopted; therefore, to give the forms for procuring such in English, would be calculated to mislead rather than to aid in transacting the business of obtaining Patents in these several countries. The Governments of *France* and *Belgium* will not issue Patents to importers or other persons than the original inventors, unless such importers produce powers of attorney from the inventors themselves, authorising them to do so. And these are generally necessary for the other European States. It is presumed that this is sufficient reason why we advise all parties to employ

"Patent Agents" equally known for their competency, responsibility, and integrity. Although this business *may* be effected, by personal attendance in the countries themselves, as well as by correspondence; it is, however, the best plan to employ persons in the United States, who are themselves responsible, having correspondents already well known as suitable persons to act in such cases, and for whom they can vouch. In doing this, there is less risk, and but small doubt of success; the Agent in the United States can prepare the proper papers for the inventor in a suitable manner, and the drawings, which are most generally required to be in geometric elevation, and drawn to the legal measure, or scale, used in the country. The description is then correctly translated, and the measures introduced are made to correspond with the scale, and the whole set forth in such clear and detailed manner, as to enable a mechanician to construct each and every part of the machine or manufacture, and put the same into practical operation and public use. To fail in any of these particulars, renders the Patent liable to forfeiture, on the ground of attempting to deceive the Government, which has been asked to contract for a patent for something which is asserted to be new, and for which such Government takes the inventor's word until the proper contract is completed between them; when, if the inventor acts in good faith, he is protected so long as he keeps good the contract. This protection may be said to be far more complete in these countries, than in either England, or the United States. After the completion of the drawings and translations, a proper power of attorney should be sent to the "Foreign Patent Agent," who, being thus authorised, proceeds to issue in his own name the proper forms, and takes out a Patent. He then transfers the patent to the inventor, or such other person as the inventor may order; the whole being finished, and all fees properly paid, the inventor gets his full reward for his invention, so far as a patent can give it. In these remarks the reader will see that there is a regular system of procuring Patents; the whole having been reduced to as complete a business as any of the more simple transactions in trade. To attempt to secure Patents through any other channels may involve much trouble, if not increased expense, and possibly end in a total *piracy of the invention.* If an inventor intends to patent abroad, it is unquestionably safer for him to patent through an American Agent, than to try to go in person to Europe for such purpose;

for, be it particularly understood, that any published description of his invention, from whatever source, that may reach any foreign country, will invalidate his patent in such country, for it is after that held to belong to the public, and you cannot take from the public what it is already the possessor of.

We will here state that the attorney's fees, on both sides of the water, will generally be from two to three hundred dollars, although in machines of a very complicate character, and consequently requiring much drawing and long description, will cost much more than this, for each of the several countries, over and above the Government fees. We may be better understood by saying that the work of describing, etc., will cost, including translation, about one hundred dollars, while the "Foreign Agent" will require for his services for passing the Patent and correspondence, about the same amount, each subject to variations as before stated.

In order to be perfectly understood, we give the following synopsis of these several countries, setting forth the *subjects patentable, time of Patent's duration, Government rules and fees,* each country under its proper head. This will be found in the pages immediately following, viz: from page 40, to page 48; and with the statutes in the subsequent part of this work, render the whole intelligible to those who may have the required information and ability to obtain Patents in these several countries.

FRANCE.

French patents are granted for 5, 10, and 15 years; but if it be for an invention imported from a foreign country, the duration of the French patent can never exceed that of the original one. The priority of the patent dates from the date of the demand.

The government charges for patents are—for 5 years, 500 francs, or $100; for 10 years, 1000 francs, or $200; and for 15 years, 1500 francs, or $300; to be paid in annual instalments of 100 francs, or $20 dollars. Great care must be taken to make these payments regularly, as a neglect therein would cause the nullification of the patent.

It is necessary, on applying to the French Government for a patent, to send in two sets of drawings, and two copies of the specification. The agent must, besides, be provided with a power of attorney from the party in whose name the patent is to be demanded. This power may be prepared at a small expense by the agent, who must be provided with the date of the original patent of which it may be an importation; the title and name of the party in whose name it may be granted, and number of years of duration. One set of drawings, and one rough specification, will suffice for the agent.

No other than the original patentee can obtain a patent of addition within one year from the date of the first patent; but any one in possession of an improvement may deposit a demand for such patent, which will remain sealed until the expiration of such 12 months, when it may be granted, provided the original patentee has not in the mean time demanded a patent for a similar improvement.

The patent must be in activity in two years from the date of the grant, by the actual use or manufacture of the object thereof in France. It is necessary that great attention be paid to this.

Patents may be granted to any party, and afterwards transferred to others, by an act passed at the Secretariat's of the town where the patent was first demanded.

A patent is usually issued in about three months; but once granted, the term of its duration cannot be prolonged, save by an express law for that purpose.

N. B.—The object of the patent must be new, and not have been published in any printed work.

BELGIUM.

A Belgian patent may be granted for 5, 10, or 15 years, at the option of the petitioners, whether of invention or importation; but if the latter, it must always expire with the patent of which it is an importation; so that if the foreign patent had but 10 years to run, and a Belgian patent were taken for 15, the last 5 years paid for would be all loss; it should therefore have been taken for only 10 years. A patentee, however, should always demand a patent for the longest term he is likely to require, as the government very rarely prolong the term for which it is granted in the first instance.

The charges for Belgian patents are—for a 5 years' patent, $65; for a patent of 10 years, $130; and for 15 years, $260, or nearly that. Of this sum, only $5 or $10 is required to be paid on the delivery of the patent, and the remainder within the term of 2 years; and even a further prolongation might be granted, if the petitioner were really unable to pay the money: should, however, the money not be paid, the patent would be declared public property. And although the agent signs an obligation to pay the money at a certain period, he is in no way personally responsible, and has only to submit to the annulling of the patent.

The documents required to take proceedings for the purpose of obtaining a Belgian patent are one drawing and one specification, in any language; but if the parties choose to furnish all the documents themselves, then two translations in French are required properly arranged, one drawing on stout drawing paper, and one on tracing paper; further, a power of attorney to enable their agent to act, which may be made on a Belgian stamp at little expense. It is likewise necessary that (if it be a patent of importation) the agent be furnished with the name of the foreign patentee, the exact date, the title, and number of years for which it has been granted in the country from whence it is imported.

Patents of addition can be obtained in Belgium without any difficulty, and without any charge on the part of the government, being always given gratis; but, to obtain them, exactly the same process must be gone through as for obtaining a new patent, &c., and the government stamps must be paid also.

Patents in Belgium, of whatsoever kind they may be, must be put into activity within two years of the grant, unless a prolougation be applied for and obtained, which is not difficult when sufficient causes exist; but as the government sometimes refuses such demands, it is always better to get the object of the patent into activity as early as possible, and a delay always depreciates its value in the estimation of the public.

Patents in Belgium can be granted to any one, and, generally speaking, for any object; and although they have lately refused patents for objects applicable to railroads, it is difficult to suppose that they will long persist, as it is as unfair as it is ridiculous: they may be also transferred to any one, but only by a transfer made before a notary in the Kingdom of Belgium, and all expense incurred in England for that purpose is money thrown away.

N. B.—The object of the patent must be new, and never have been published in any printed work.

After you have taken a patent in Belgium, you may not take a patent in another country in your own name, under penalty of losing your Belgian patent, so that in such cases another name should be used for any other patents you may wish to secure.

About one month after the application for a patent it is generally granted.

DUTCH GOVERNMENT.

Dutch patents, like the Belgian, are granted for 5, 10, or 15 years, at the option of the petitioner; but as they are seldom prolonged, it is advisable to demand at once for the longest term; and as, like the Belgian patents of importation, they always expire with the foreign patent, care should be taken not to throw away money, by demanding them for a longer term than the original patent has to run of which it may be an importation.

The charge for Dutch patents is, for 5 years, $65; 10 years, $130; and for 15 years, $260. The agent has to enter into an engagement to pay for the patent in 3 months after the grant; but there is only an imperative obligation in the month of January in the second year, so that there is always from 14 months to 2 years to pay for these patents: the non-payment only entails the nullification of the patent.

The documents required for a Dutch patent are double sets of drawings or tracings, and descriptions; and if it be one of importation, the date of the foreign patent, its title, and number of years for which it has been granted. If the parties wish the drawings, &c. done by the agent, one single copy of the drawings and description will suffice.

A patent of addition can always be obtained for Holland; and though the government require the payment of the dues exactly the same as with the first patent, still, as the money is always returned in a few days, it may be considered as granted gratis. Such patents are always made to bear the same date as the original, so that they expire together.

The term allowed for putting Dutch patents into activity is 2 years; but were this neglected, it would not immediately cause the nullification of the patent.—If any party, however, should apply to the government, it would then require the patentee to put the object thereof into activity, or submit to its nullification.

Patents may be granted in Holland to any one: they can likewise be trans-

ferred, but only by following the rules laid down by the law, and all expense incurred in any foreign country for that purpose is money thrown away.

N. B.—The object of the patent must be new, and never have been published in any printed work.

After a patent has been taken in Holland, the patentee is not allowed to take a patent in any other country, under the penalty of losing his Dutch patent.—Patents are issued in Holland generally in about 6 weeks after the demand, but sometimes the delay is much greater.

DUTCH WEST INDIES.

By a new law of the 4th July, 1844, patents are now granted in the Dutch West Indian Colonies, for 5, 10, or 15 years, at the option of the applicant; which term may be prolonged, if a very strong case be made out; but as this would be attended with some difficulty, it is always desirable to demand at once the longest term, provided such term does not expire later than the foreign patent of which it may be an importation.

The charges for these patents are, for 5 years, $70; for 10 years, $140; and for 15 years, $260; but if a patent be previously granted in the mother country, then payment in the colony will be dispensed with, and the stamps and local charges alone will have to be paid; three months only are allowed for the payment, to date from the day on which the parties receive notice of the grant from the government. If the demand be made at the Hague, the colonial government may be requested to give the notice there.

The documents required are two sets of drawings and specification, the former may be tracings; as the specification requires a certain arrangement, a rough one only may be sent to the agent for translation, with the date of the patent of which it may be an importation, accurate title, and name of the original patentee.

A patent of addition can be obtained for any improvement of an object already patented; but for this all the forms must be gone through which were necessary on demanding the first patent, and the like fees must be paid; on a proper application, however, they will be returned.

The object of the patent must be in activity in the colony within the term of 2 years, unless reasons to the contrary can be given to the satisfaction of the government, and a document must be in due course deposited, certifying that the object of the patent has been made use of within such term of 2 years.

After having obtained a patent in the Dutch West Indian Colonies, no patent for the same object may be applied for and obtained in any other country by the same party, under penalty of nullification of the former. Transfers may be made to any one by following the directions laid down in the law. Patents are generally issued within 6 weeks from the deposit of the documents with the Indian government.

N. B.—The object of the patent must be new, and never have been published in any printed work.

A new law is preparing for the Dutch East Indies, which will be shortly made public. In the mean time, an application may be made to the home government.

AUSTRIA.

Patents in Austria are granted for from 1 to 15 years, at the option of the petitioner. He may, if he likes, demand one for two years, or even one year, and prolong it as he may think proper; but as the prolongation must be made on the back of the original patent, it must be returned to Vienna for that purpose at considerable expense; I should therefore advise attention to this.

Patents are granted for and at the following periods and rates respectively, viz. for 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 years, at 25, 35, 45, 55, 65, 80, 100, 125, 155, 190, 230, 275, 325, 380, 440 florins of Austria, of which 10 are of the value of about $6, and these payments must be made in full at the time of soliciting the patent, according to a recent alteration in the law; and there is, further, a small annual tax to be paid in respect thereof, of from $4 to $5 per annum.

One set of drawings and one specification are all that are wanted, and these should be accompanied by a power of attorney, which must be legalized by the Austrian ambassador or consul; but before providing this last, it will be well to consult the agent, as much expense may be saved.

A patent of addition cannot be granted; and should any improvement be made on an invention already patented, a new patent must be demanded, and all the formalities, &c. gone through again.

A patent should be put into activity within the current year; but in the event of such being neglected, nullification will not immediately follow if the small annual payments be regularly made.

Patents are granted in Austria to all applicants, and are usually issued in about 5 months; the priority dates from the demand. The Austrian government assumes the demand to be made with the consent of the original inventor; so that if an original patentee demands the abrogation of a patent of importation, he will succeed, provided he can bring sufficient proofs of his being the original inventor.

PRUSSIA.

Prussian patents are usually granted for 5, 6, or 8 years, at the option of the government; and although in the petition a longer term may be solicited, the government seldom pays any attention to it, nor can this term be prolonged but under very unusual circumstances; they are, however, generally granted for 8 years.

The charges for such patents are from $2,50 to about $7,50; but the most usual is, 3 dollars and 18 silver groschens, or $5; the sum being so small, a prolongation for the payment is never demanded, but 6 weeks generally given for the payment of the money, and the appointment of a resident in Prussia in whose name the patent must be placed.

The agent should be supplied with one set of drawings and one copy of the specification. No power of attorney is required, but a resident in Prussia must be appointed, in whose name the patent must be granted; the date of the English patent, the name of the person in whose name it has been granted, and the title, will be required. The patent agent generally provides such nominee when required. The patent may first be demanded, and the native or resident in Prussia afterwards appointed.

The charge of an original patent being so trifling, patents of addition are never demanded, but always a new patent, which is never refused when for a real improvement on the former one.

The government, on granting the patent, fixes the term within which the object thereof must be put into activity, which is usually 6 months; but if the government is assured that a commencement is made to put it into activity, and that there is an evident desire on the part of the patentee to put it into activity, they are exceedingly indulgent: nevertheless, I recommend every assiduity to put it to work in the shortest time possible. A document must be forwarded to the minister of finance, proving the same, as I have known patents lost for want of attention to this.

Patents must always be granted in the name of a person resident in Prussia; and if transferred, it must also be to a native or resident, and information must be given to the minister of such transfer.

Prussia is the principal member of the custom league, or Zollverein, and all patents are subject to the laws thereto belonging.

N. B.—The object of the patent must be new, and never have been published in any printed work.

RUSSIA.

The Russian government grants patents of invention for 10 years; but those of importation, for from 1 to 6 years, at the option of the applicant; and as prolongations are seldom or ever granted, it is advisable at once to demand patents for the longest term.

The charges are as follows:—

For 1 year 200 roubles, or $50; 2 years 400 roubles, or $100; 3 years 600 do., or $145; 4 years 800 do., or $195; 5 years 1000 do., or $240; 6 years 1400 do.. or $290.

The documents required on demanding a Russian patent are, one drawing on strong drawing, and one on tracing paper, and one specification.

No patent of addition will be granted; so that if a further improvement be made, a further patent must be demanded.

The term allowed by the Russian government for putting a patent into activity, is 6 months.

Patents in Russia are granted to any person making the demand; but the government always exercises its own discretion in granting or refusing.

BAVARIA.

A Bavarian patent can be obtained for from 2 to 15 years, and prolonged at pleasure. By this mode little money is required at the commencement; and if it should be found inexpedient to make use thereof, it can always be thrown up without much loss.

The charges will depend a good deal on circumstances, but may generally be calculated at about $10 per annum for the number of years for which a patent is taken.

It is necessary to provide your agent with one copy of specification, one set of drawings, and a legalized copy of the original patent of which it is an importation, when patents are to be demanded at the same time in several foreign

countries. Legalization for Bavaria is easily procured from one of those governments, though to prevent delay the original may be sent to the government of Munich for inspection, and will be immediately returned.

Patents of addition are not granted; for an improvement on the original patent, a new one must be demanded, and paid for by an annual contribution of $10.

The patent must be put into activity within two years from the date of the grant.

Patents in Bavaria will be granted to any applicant, whether residing in the kingdom or not; and after having obtained a patent in Bavaria, the same party may apply for and obtain a foreign patent without prejudice to his Bavarian patent. The delay in obtaining a Bavarian patent is usually from two to three months.

Bavaria is a member of the custom league, or Zollverein, and all patents are consequently subject to the laws of that union relating thereto.

B.—The object of a patent must be new, and never have been described in any printed publication.

SAXONY.

The government exercises its own discretion in limiting the term for which a patent shall be granted. Nevertheless it is advisable to state the term for which it is desired, as 8, 10, or 12 years; and in support of the petition, to state the advantages which will accrue to trade and manufactures from its introduction.

The amount to be paid to the government varies from 5 to 50 Prussian dollars, or from $5 to $50. The amount must be paid directly the patent is granted, and no indulgence for such payment can be obtained. In some cases the charge of e government may exceed $50, but this is rarely the case.

he documents required from one demanding a patent in Saxony are one specification and one drawing. The petition must likewise set forth the exact title of the foreign patent of which it may be an importation, with the date and number of years for which such patent has been granted. If possible, samples of the new object to be manufactured should be forwarded with the petition, but this will of course depend on the object to be patented.

atents of addition will not be granted; but any improvement on the original may be secured by an entire new patent, on paying certain charges to be fixed by the government.

The object of the patent should be put into activity within one year from the date of the grant.

It is generally required that a resident in Saxony should be provided, in whose name the patent should be granted; but it may be demanded without this preliminary, and afterwards transferred to one.

Saxony being a member of the Zollverein, all patents taken there are subject to the laws of that confederation.

N. B.—The object of a patent must be new, and never have been described in any printed publication.

WURTEMBURG.

The Wurtemburg government does not grant patents of importation for a longer term than 10 years; but the legislature may, and sometimes does. One may be demanded for any term short of 10 years, and afterwards prolonged; but the application for a prolongation must be made 6 months before the expiration of the term for which it was first granted.

The amount to be paid for a patent will be from 50 to 200 florins, in annual instalments of from 5 to 20 florins; the first to be made on the delivery of the patent; say from $5 to $20 per annum.

The documents wanted by the patent agent are simply a description and a tracing, with the date, name of grantee, title, and number of years, of the foreign patent (of which it may be an importation).

A patent of addition may be demanded, and is generally granted without additional charges; but this is always at the discretion of the government.

The patent must be put into activity within 2 years from the date of the grant; and may not remain at any one time for the term of 2 years unemployed, under penalty of nullification, unless reason can be alleged to the satisfaction of the government.

Patents are granted in Wurtemburg to all persons, whether natives or foreigners.

N. B.—It is necessary that the object of the patent should be new, and never before described in any printed publication.

SARDINIA.

The Sardinian government exercises its own discretion in limiting the number of years for which it will grant a patent, or it may arrange with the patentee for throwing the improvement open to the public. The term for which patents are generally granted is 6, 8, or 10 years.

The charge for patents is not limited, but is generally very moderate; $50 will cover the expenses of stamps and other dues.

It is necessary to deliver drawings and descriptions on paper to the Minister of Interior, at Turin.

Patents of addition cannot be obtained; but as the charges are so low, a new patent can be easily taken.

When the patent is granted, the government will fix the period within which it shall be put into activity, and every year proof of its being in activity must be presented to the Consul of Turin, and to the chamber of commerce of the district where the patentee resides.

Patents may be granted to any applicant.

N. B.—It is necessary that the object of the patent be new in Sardinia, and never before described in any printed publication.

ROME.

Patents are granted by the government for from 5 to 15 years, if already patented in the country whence they are imported, and may never exceed the original in length. If the object be not patented elsewhere, it can only be granted in the Roman States for 5 years; the government of its own discretion

limiting the extent of the grant. The term may afterwards be prolonged, if the patentee can show that he has not received sufficient remuneration, or if he can prove advantages to the state by its prolongation.

The charges for patents of importation are 15 écus of Rome, or about $20 per annum, half to be paid on demanding the patent, and the remainder when it is granted, or at the expiration of 12 months thereafter.

The petition should be accompanied by double sets of drawings and descriptions, and the priority of claim is immediately established on the delivery of the documents.

Patents of addition cannot be obtained; if an improvement be made on the original, a new patent must be demanded.

The patent must be put into activity within 12 months of the grant, and may not be suspended at any time for 12 months. Prolongations may be applied for, but are attended with difficulty.

Patents may be demanded by any one, whether a citizen of the Roman States or elsewhere, and may be transferred.

If no opposition to the patent be made within 6 months of the grant, none can afterwards be admitted, on the ground of the want of priority in itself or novelty of the object.

PORTUGAL.

Portuguese patents are procured with great facility; they may be demanded for from 1 to 15 years, at the option of the petitioner; the term, however, may not exceed that which the original patent of which it is an importation has to run, under penalty of nullification. No prolongation of a patent will be granted.

The amount to be paid for a patent is about $5 per annum; but a kind of caveat, which secures a priority of claim, may be taken, by depositing a description of the invention, at very little expense; and has this advantage, that it prevents the necessity of putting the invention so immediately into activity.

In the event of an application for a caveat, a sketch of the drawing and short descriptive sketch of the invention only is required; but when a patent is desired, a perfect specification and drawing on paper are required; the agent should likewise be provided with the title, the date, name of the patentee, and number of years for which the original patent was granted, if it be a patent of importation.

In the event of an improvement being made on the primitive patent, a new patent is always demanded, the charge being so trifling for a patent; one of addition, free of the government charges, is never demanded.

When a patent is finally secured, it must be put into activity within the term of half its length of duration; for instance, if the patent be granted for 6 years, it must be put into activity within the space of 3 years from its date, which term can never be prolonged.

A patent in Portugal may be granted to any applicant, whether a native or foreigner, and it may be transferred to any one by act passed before a notary.

SWEDEN.

The Swedish government grants patents of 15 years for inventions; for an

improvement on an invention, 10 years; but for a patent of importation, only 5 years: this latter term may, however, be prolonged, when sufficient cause can be shown, as the importance of the object, expenses incurred on its introduction, and deficiency of remuneration.

The Swedish government does not charge for the patent, but they require the publication of the specifications in the government papers at full length three different times.

The only documents required to enable an agent to solicit a patent of importation are, a specification and drawing, title, date, name of original patentee, and length of term for which the original has been granted.

A patent of addition can only be obtained by going through the same routine as for procuring a first patent; and the advertisements must be published in the same way.

Within two years of the date of the patent, a certificate must be delivered in, to prove that the object thereof is in activity. If the object of the patent is of such a nature, that a longer term than two years is requisite for that purpose, a longer period should be solicited on petitioning for the patent. After the expiration of the term limited for putting the improvement into activity, a certificate must be delivered in once every year, and the patentee can be called upon at any time to establish the fact of its being continued in activity.

A Swedish patent will be granted to any one; but if he be a foreigner, it will be necessary, within 12 months of the grant of the patent, to appoint some respectable resident, in whose name it may be placed.

Within 60 days of the grant of the patent, the specification must be published at full length, three different times, in the government papers indicated for that purpose. If within 6 months from the date of the third publication no one opposes the patent, the priority is established, and no later opposition will avail.

On transferring a patent, it is necessary first to obtain the approbation of the Royal College of Arts, Sciences, and Industry.

N. B.—The object of the patent must be new, and not have been published in any printed work previous to demanding the patent.

SPAIN.

Patents in Spain are granted for 5, 10, or 15 years, at the choice of the petitioner. One of 5 years in the first instance may be prolonged to 10 years, if sufficient cause be shown; but if the original patent be for 10 years, it cannot be prolonged.

The government charges for patents in Spain are, for 5 years, 1000 reals; for 10 years, 3000 reals; and for 15 years, 6000 reals, if of invention; but if of importation, the charge is 3000 reals for a patent of 5 years only, or about $150.

The documents necessary to obtain a patent in Spain are, a specification, a set of drawings on paper, or models, if requisite to render the object more clear.

There is no article of the law as to patents of *addition*; but if any party should desire one, a petition may be presented soliciting a diminution of the usual charges.

A patent in Spain must be put into activity within one year and a day from the date of the patent; and a patent may not remain unemployed, at any one time, for a year and one day, under penalty of the nullification thereof.

Any person applying for a patent in Spain may obtain one, whether he be a foreigner or native.

N. B.—It is necessary that the money be paid and the patent claimed before the expiration of 3 months from the date of the petition.

CUBA.

On taking patents for Spain, Cuba may be included at some increased expense. However, if a patent is to be obtained in Cuba only, regardless of Spain, the government requires for 5 years, $250; 10 years, $500; 15 years, $750. No particular forms are necessary except a "Power of Attorney" to some resident of Cuba, who petitions the Captain General, who grants a patent subject to the "Decrees" of Spain.—EDITORS.

UNITED STATES.

THE laws of the United States relative to patents are in many respects peculiar to themselves, as will be seen by a comparison of them with those of other countries. A different idea pervades the public of this country respecting the nature of patent privileges, and in fact the Laws themselves seem to be rather a mass of ideas crudely put together, at least in some places, than a well digested system. That they are so, is evident on their face, as section after section is jumbled up in the most mystifying manner; as parts that should be under one head are found mixed up with those of a totally different character. Thus, if a foreigner should read the Law to ascertain what must be done by him to get a Patent, he would see under Section 6, that *any person can take a patent for his invention*, and in Section 8, strange enough, he will see something more; and in Section 9, something more; and if he would know when he must put his invention into activity, (as nearly all European countries have covenants in that respect,) he would most likely look in vain; and yet the Law does declare something of the sort—but where is it? Why, jammed into the middle of Section 15, relating to defendants in an action at law,—which, after you have read, you will be about as wise as you were before.

The Law of 1836 was an experiment. It annulled all previous Laws, and is totally unlike them. Incongruous as it undoubtedly is, it has yet done good service to the cause of invention; and aided as it has been by the Judiciary, has placed the species of property it is designed to protect, on a firmer basis than ever before. Notwithstanding all this it comes very far short of the wants of inventors; and Congress has for several years been urgently petitioned to repeal it, and enact a new one in its stead, or amend this in many particulars. That it will be very consider-

ably altered by this, or the next Congress, seems very probable.—But our ousiness being with the Law as it is, we shall give such information respecting it as will best serve the inquiries of those interested in these matters.

Of the Practice of Procuring Patents.—The existing Laws are the Acts of July 4, 1836, March 3, 1837, March 3, 1839, and August 29, 1842. Under the Laws previous to July 4, 1836, which latter Law repealed all former acts, the Patent Office was merely a place of registry; one patent was issued on top of another of the same kind, as fast as inventors chose to claim them, leaving to the Courts to decide priority of invention. The Law only declared that the inventor should give a description of his invention, but did not specify precisely how. Thus, the old patents were all sorts of things, and whether the invention was novel or not, ten chances to one if it was not lost in an action at law. The perfect ease with which infringers could kill old patents, caused them to be held in very light esteem; but under the present Law things are widely different, and the stringent action of the Courts, in awarding damages in several cases, has gone far to arrest this bold piracy upon inventions.

As the Patent Office is organised under the present Law, an examination as to novelty must be had upon each invention before the Commissioner can grant a patent, and if the decision is not favorable, *i. e.*, if the invention can be shown to be old, the application is *rejected.*

As the business of the Office progressed, the Commissioners have found it necessary to establish, from time to time, various rules relating thereto, until at length the whole has grown into a systematic practice, at once complicate and difficult to pursue; much more difficult and laborious in fact, than the English practice of procuring patents. The consequence of this is, that inventors now find it convenient to seek the aid of scientific gentlemen, who are professional Patent Agents. Although many have attempted this business, the great bulk of it, as is the case in England, is confined to a very few, whose education and experience fit them for a profession where mediocrity of talent will not answer.

The proceedings required of an inventor, in order to constitute him an applicant for Letters Patent, are a model if for a machine, or samples of ingredients if for a composition of matter, two sets

of drawings "where the same admits of representation by drawings," a specification, petition, oath, or affirmation, and the Government fee. An acknowledgment from the Commissioner of Patents that all these things have been duly deposited in the Patent Office, causes the invention to be classified and enrolled on the lists of the examiners, from which moment it is entitled to the full protection of the Law.

Of Models.—These things are frequently the cause of trouble and vexation to the inventor in various ways; the first of which respects the size the model shall be confined to, and the second is the amount of parts necessary to form a "distinct representation." Now, of the first, it may be said that the name conveys the idea of a *miniature representation* of the invention, but to what *scale* of reduction there seems to be no rule, so there is none by *Law* or by the *rules* of the Patent Office. The Law declares that he, "the inventor," shall furnish a model of his invention in all cases which admit of a representation by model, of a *convenient size* to exhibit advantageously its several parts, (*See Sec.* 6, *July* 4, 1836). And the *rule* of the Patent Office is, "that the model should be neatly made, and as small as a distinct representation of the machine or improvement and its characteristic properties will admit." It moreover declares, "that the name of the inventor should be printed or engraved upon, or affixed to it, in a durable manner." Here we have all that is declared upon the subject. As models, in many cases, form no inconsiderable part of the expense of applications for Patents, a *rejection* of a model is no light affair, and we know that to many inventors, the replacing of a model would be almost an impossibility. It is true, that by reason of a lenient administration of the Patent Office, everything is done to make this burden as light as possible, and everything is received that can be; yet, if everything about the model does not come up to the *standard of examination*, it is rejected—and when that is the case, a model which cost a thousand dollars would be as soon refused as the model that cost a single dollar. One difficulty arises from not knowing what number of *old* parts of a machine are to be represented with the *new*. In hundreds of inventions the novelty consists perhaps merely in the introduction and combination of a *simple lever*, cam, or some such part, which, in its peculiar position, is a valid invention; and this class of inventions are most commonly made upon very large and complicate machines, such as spinning

and weaving machines, locomotives, &c. Now the question is asked, must we. make the whole of this machine in model, which would cost twice as much as the machine itself in full size, merely to show this cam'or connection? The Patent Office and Law say certainly not, you are to give us a "distinct representation of your invention only, in as small a model as you can conveniently."—Then comes a greater difficulty. At what wheel must we stop—must they all move—must all the wheels geer—or will dumb ones do, &c. We commonly give the advice experience teaches, and to do that, we will state the faults of many inventors. These go headlong as it were to build their models, without even making the first inquiry of their Attorneys respecting it, or without obtaining the least advice from him as to the probable *novelty* of the enterprise they have engaged in. And thus it is that two-thirds of the time the first sight such person gets of an invention is the "monster model" itself, in all its hideous array of pine sticks and leather, dumped on his office floor, or else the tiny and costly brass and steel affair cautiously unrolled from the suspicious bandanna. Now the first of these is sure to be rejected, and the latter is ten times as expensive as need be. From what we have said, inventors will see that there is no certain rule to go by, and they must rely for success on what can be obtained by good judgment, practice, and experience. We can therefore only give here the advice we give personally to our clients, and that is, send to your agent such rough sketches and descriptions as will enable him to ascertain the nature of your invention, (as patent agents are necessarily engineers, with such mechanical knowledge as enables them to comprehend at once the principles of every possible machine,) and if you cannot "draw," send the cheapest model you can; by this he will readily instruct you as to the best way to build your model for the Patent Office.

Of Drawings.—These, in the practice of the Patent Office, are in some respects, subject to like treatment with models, though in a different degree and manner. Drawings are a very important feature of a patent, much more so than the model, for the first is always brought into Court in contested cases, while the latter is not. The importance of having correct drawings appended to the patent are two-fold; the first is that having such lodged in the Patent Office is a great guard against the possibility of the issue of another Patent on top of it, for some part of the same thing

claimed therein; in the second place, it is of the greatest possible importance to the validity of the Patent itself, as it is by *it* that the contested parts in a suit for infringement can be shown and maintained, and it becomes therefore the exponent of the Patent itself. With respect to the execution of this part of a Patent the Law is very brief. It declares that "he (the inventor) shall accompany the whole, *i. e.*, specification, petition, &c., with a drawing or drawings, and written references." And the rules of the Patent Office are, that they "should in general be in *perspective* and neatly executed," with sections, details, &c., if *necessary*. It will be seen that the inventor is left as much in the dark with respect to the precise character of the drawings, as in the case of models. It is not always the handsomest and most gaudily painted drawings that meet the requirements of the Patent Office, any more than "pen scratches" will, and they are consequently as liable to be refused. The difficulty arises from a great many causes; among the most common are the insufficiency of the *things themselves* as drawings—the want of agreement between these and the model, or the claims, details, &c. To avoid these mishaps, we know of but one remedy, and that is to employ persons who are acquainted with procuring Patents.

Two sets of drawings must accompany the papers on application for a Patent; one of these is retained in all cases, and one is stitched in with the parchment leaves of the Patent, and becomes part of the instrument. If the invention cannot be shown in one figure, they must be increased in number until all parts are fully delineated, and to these must be added sections of interiors and details, more or less elaborate as the nature of the invention may require, and all their various parts must be described by figures and letters of reference. It is not necessary to put *signatures* on the drawings, or names of witnesses, as these properly belong to the end of the specification. Where, however, the whole specification is engrossed upon the sheet of drawing (a thing never done by any one who has the slightest knowledge of these matters,) then the signatures of the inventor and attesting witnesses must be put thereon. To do this in any case is to run the risk of losing the drawings, as if the drawings should prove sufficient and the specification *not*, then the necessity of amending the latter would cause the loss of the former. The folly of inscribing the specification on the drawing sheet then becomes obvious.

Inventors will see from the above generally the nature of the drawings required; and they will save themselves much trouble by being careful in this matter at first, as we *all know the favorable effect produced by a good first impression*, and such *may* sometimes save an applicant for a Patent from *rejection*, a thing to be desired by every real inventor; but if he allow his papers to go to the Patent Office badly prepared, and the consequence should be a rejection, who is to blame but himself?

Of the Petition.—This is a short instrument addressed to the Commissioners of Patents, and contains a brief description of the invention wherein the petitioner asserts himself to be the first inventor or discoverer of the invention declared therein, and prays that a Patent may issue to him according to the Laws in such case provided. He also asserts the payment of the duty required, the whole concluding with the signature of the inventor. *For the Form of Petition, see Form* 1, *page* 198.

Of the Oath or Affirmation.—This may be in any proper form provided the same allegations are contained in it, that are set forth in the petition; and these must be that he, (the inventor,) believes himself to be the original and first inventor of the matter therein specified, and that he is ignorant as to any prior knowledge or use of the same, and that he is a citizen of the United States.

In place of the oath, affirmation is allowed, or solemn declaration, as accords with the conscientious scruples of each. *See Form* 4, *page* 199.

The proper persons before whom the oath must be administered are any person having general authority, such as Magistrates, Commissioners of Deeds, Clerks of Record Courts, &c., and to inventors residing abroad, (whether Americans or foreigners,) Ministers Plenipotentiary, Charge d'Affaires, Consuls, or Commercial Agents holding commission under the Government of the United States, or before any notary public of the foreign country in which such applicant may be, are authorized to administer these oaths. The inventor himself must subscribe to the petition and take the oath; and this power cannot be delegated to any *one else*, either by power of attorney or any other instrument in writing. Thus there is no such thing as communicating or importing an invention from abroad, as the Law clearly protects foreign inventors against the piracy of their inventions.

There are, however, cases in which a Patent can be obtained

without the signature of the inventor; and these are, in case he should die before he has made his application. The law provides that where any person "hath made any new invention, discovery, &c.," in which a Patent would have been granted by "virtue of this Act, and such person shall die before any patent shall be granted therefor, the right of applying for and obtaining such Patent shall devolve upon the executor or administrator of such person, in trust for the heirs-at-law of the deceased, &c," and the invention may be willed away, in like manner as other property, for the Law speaks of executors, or administrators, by will, and then goes on to provide in case he dies "intestate, but if otherwise," then, in trust for his "devisees, in as full and ample manner" as if he had lived. The oath or affirmation being changed to suit the particulars of the case, (*Sec.* 10, 1836.)

In this section we find a scrap of Law about *the rights of women* to take Patents, and it is the only place in the Law, with the exception of a like scrap in Sec. 3, 1842, where anything is said on the subject. The clause is this, "as the same was held, or might have been claimed or enjoyed by such person, (alluding to the deceased inventor) in *his* or *her* lifetime."

Of the Specification.—We now come to speak of that part of a Patent, the importance of which cannot be over-estimated, the specification; as upon its strength and sufficiency does the value of a Patent depend more than on any other. It is the back-bone of the document; break or mutilate it, and your Patent is worthless, or if it can be made to exist afterwards, by means of disclaimers, &c., it remains at best but a hump-backed affair. Now, to get a proper specification to a Patent is the question. As we intend to go boldly into the investigation of this matter, let us not be misunderstood if we make some assertions which may seem to hit hard upon inventors themselves: and we now say, that we have seen the most lamentable ignorance pervading a large mass of inventors, respecting the nature of Patent privileges, and this often appears among inventors of intelligence and education, those who on every other subject are reasonably informed. It seems, with most, that their desire is to get *a Patent*, not caring whether it is worth a cent or not, apparently thinking that the *Seal of the Patent Office* is a perfect cover, and all in all. But it frequently happens that when such an instrument is obtained, it is then that trouble commences, and, although the Law, seeing the inconceivable mischief

inventors are constantly falling into by their ignorance, or carelessness in these matters, has endeavored to help them by allowing "surrender and re-issues, by means of memorandums of alteration, disclaimers, &c." These are, however, mere crutches for "lame ducks," and, when done, makes but patch-work at best. The *original bad* document can never be killed, it is always on record, and notwithstanding the amended papers, may be handled with considerable effect against them. If any one doubts what we have said, let him examine the ridiculous affairs, called Patents, issued under the old Law, where anything could be recorded, and he will see what inventors do for themselves, in the way of procuring Patents when left alone. Of these old Patents it is notorious that not one in twenty was ever sustained by judge or jury. By reason of which, Patent property was brought into the most complete contempt. And this is also the case with a very large number issued under the present Laws, which have been made to meet the requirements of the Office, but would be very far from meeting the requirements of the Law, as administered upon the bench. The new Laws, however, restrict these matters to *something like* what they should be, consequently. every document sent to the Patent Office does not *come out a Patent*, especially the old fashioned ones. This state of things has brought inventors to a point of doubt, albeit in the end, very much to their own benefit, for they have been thereby made to look into this matter, and to study the nature of Patent privileges, which has resulted generally in proving to themselves that they are unfit for the business they were about to take in hand, and this we hope to show more clearly, when we shall analyze the nature of this document, and exhibit some of the qualities requisite in the person who attempts to make it. The fact is, the inventor has *always* talent and *genius* to originate the invention, but from that circumstance the *consequence* can by no means be drawn that he has the "*talent* and *genius*" to make the instrument for a Patent. The *superiority*, therefore, of the Patents of the present day, arise from the fact that the inventor has been necessarily obliged to call to his aid the *latter* qualifications, in order to secure his property of invention, and we may add that the existence of the latter talent is far the most rare of the two.

The relation a Patent bears to an invention, is the same as a deed bears to a piece of land. It describes the boundaries thereof, and sets forth the ownership. If the deed is defective, so is the

ownership of the land it claims to describe rendered insecure thereby. If a deed specify land by false land-marks, and thus enclose part of that which did not belong to it, might not by reason of that be invalidated or prove an irremediable defect, as the true boundary could be arrived at by new surveys; and the remedying of these defects has been known to be obtained only after costly litigation; and so with a Patent, if the specifications and claims should trench upon the property of others, it might not vitiate the whole Patent, but remedying the defect has been frequently obtained only at the expense, as in the former cases, of costly litigation. But landed property is very much more tangible than Patent. property, yet the latter, to be valuable, ought to be as distinctive as the former. The great endeavor at the present day is to make it so. Invention has illimitable scope, abounding in the most subtle principles, and there is no idea, however wild, that the inventor does not seek to render thus tangible. This tangibility, if he would have property appear in it, must be contained in Letters Patent.

The Law declares that "before any inventor shall receive a Patent for any such new invention or discovery, he shall deliver a written description of his invention or discovery, and of the manner and process of making, constructing, using, and compounding the same, in such full, clear, and exact terms, avoiding unnecessary prolixity, as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character by which it may be distinguished from other inventions; and shall particularly specify and point out the part, improvement, or combination which he claims as his own invention or discovery." Here we have all the instructions given us in the Law respecting the specification. On looking into it closely it will be found to contain a good many points.

In drawing a specification, all these must be observed with the greatest accuracy, to render the Patent to which it is attached capable of sustaining the searching scrutiny and criticism of the gentlemen of the Bar, the Judiciary, and Jury. For although the Commissioner of Patents has full authority to decide the sufficiency of the specification in these several particulars so far as

relates to his requirements, it by no means follows that this decision will be backed up by the Courts, and the facts maintain this assertion; many Patents being annually lost from their inability to meet the requirements of this very section of the Law.

We will see now for a moment how many ways a Patent may be attacked under the first part of Sec. 6, 1836, which is the clause before quoted. In the first place, the Patent will be scrutinized with respect to the fact, whether the inventor has deceived the public either by holding back some part of the secret of his discovery, or by not giving that ample description which the Law says "*shall* be in *full*, *clear*, and in *exact* terms, so that the whole process may be made by any one *skilled* in the *art* to which it appertains; and if there can be no one found practising the precise art, it must be so clear as to enable *any* in an art most *nearly connected*." Thus it will be seen that while it must be "full, clear, and exact," it must not, on the other hand, transgress those bounds, for, although he may show that he has given the *whole* of his invention, yet he may have done so in a document of such extraordinary length as to hide the major points by long descriptions of the minor ones, and thus mystify his invention. Here it could be attacked by that point in the law which says he must avoid unnecessary prolixity. In short, the document to be safe, must be comprehensive and brief. The latter failing, extraordinary length, no inventor will permit if he can help it, when he comes to reflect that every unnecessary word will be seized upon, and wrested, if possible, of its meaning. When the invention is for a machine, the Patent may be attacked on the ground of not exhibiting the "principles," or that the principles given to it are false, and not sustained by the facts; or he may have avoided describing all the several modes in which he has contemplated the "application of that principle;" and above all these, it must be clearly distinguished "from other inventions." We are of the opinion that the failure to comply with that clause of the Law, which says an inventor shall state *all* the several modes he intends to apply the principle of his discovery, is the cause of more litigation than any other.—After all, if the Law has been carefully complied with, in respect to the descriptive part of the specification, there is one more thing to be done, and which we may safely say is of all others perhaps the most difficult to accomplish, and that is the *claims*. The Law declares that he "shall particularly specify and point out the part,

improvement, or combination which he claims as his own invention or discovery."

To set forth in a brief, simple, and comprehensive way the *novel parts* of many inventions, such as their shapes, combinations, arrangements of parts, principles, &c., is frequently a matter which taxes the powers of the mind to the utmost. In fact, to do this well in such cases, requires a mind possessed of clear and comprehensive judgment, excellent power of analysis, the power of language, together with extensive experience; and indeed may be called a talent of itself. This may be readily seen when we recollect that many surprising and valuable inventions are of an exceedingly simple character, the parts of which, when dissected and separated, containing not one single novel feature, yet in their combination and effect very plainly do so. To *find* this novelty is the difficulty. We have seen specifications drawn up by inventors for their own inventions, which were faultless except in the claims, and these have claimed only old and well-known parts, leaving entirely untouched every novel feature they possessed; nay, more, we have seen the novel features, those only on which a Patent could be granted, *disclaimed!* thus, of course, throwing away their inventions, and *compelling* the Patent Office to reject the cases.

It is needless to multiply examples further. Enough we trust we have said on this head to call inventors to a more minute and practical investigation of the Law itself; and if, after these hints, they are enabled to escape the difficulties which beset them on their way to success, our aim will have been accomplished.

Of Interfering Applications.—In making an application for a Patent, it not unfrequently happens that there are found others pending the action of the Office, either precisely the same, or very considerably interfering with each other. In such cases the Commissioner notifies the respective parties of the fact; and if neither party will withdraw, the Commissioner issues a commission to take testimony according to Sec. 8, 1836, in order that the parties may prove title, by priority of time, in producing the invention. As the Law does not set forth the mode in which this shall be done, the Commissioner has established certain rules relating thereto, which will be found among the forms.

The taking of this testimony, together with all the other proceedings had under the Law and *rules of the Patent Office*, involves

legal and scientific knowledge of the requisite order; and of course an inventor, when in this position, will at once call competent Attorneys to his aid. Further description on this head will be useless. We mention it here incidentally because it occurs in the practice of procuring Patents.

In addition to interferences with pending applications they may also be declared where the same occur with already issued patents. When this latter is the case, the application is not declared by the Commissioner to *interfere*, but the case is *rejected*, with a reference for reason, to the issued Patent, that having priority as of course. But if an inventor is satisfied that he is prior to the *issued patent, he can set it aside* on proving his *priority* of invention, proper proceedings of course being first had. We call the attention of inventors to this fact, so that if they have cause to think that they have priority as to time, they need not give up their invention because they have been refused a Patent on the ground of a previously issued one.

Of Caveats.—This is an instrument, the *use* and *value* of which appears to be very little understood by inventors, and what is more singular, what they do generally understand of it is precisely what *it* in reality *is not, in any sense whatever.* To explode the cherished idea at once, we say that a caveat is not a short and cheap, though imperfect Patent. It has not the least resemblance to a Patent, nor is it intended that it should have; it does not afford the *slightest protection whatever.* How this delusion got abroad we do not see, as there is not a vestige of any such idea in the Law; and he who looks to the filing of this instrument in the Patent Office for protection, will do so in vain.

There are a very few instances in which a caveat is useful, and those are where the Law contemplates its use, viz: in cases where the invention is still undergoing experiment, and these experiments have to be more or less public, so as to risk imparting the *ideas* entertained, to the ingenuity of others. The caveat, if otherwise applied, will only land you fairly in a *combat* with some one else for priority of *title*, and this contest can be just as well carried on *after* your antagonist has got his Patent as *before.* (*See preceding section on interfering applications.*)

There is one further use however of a caveat, and that is as a record of date; even in respect to this feature there are few inventors who cannot go behind his caveat as to time, by producing living evidence anterior to it, which is all the caveat can do.

Many inventors file caveats for inventions which are already complete, supposing they thereby derive full protection for one year, at a less cost than the Patent. To such we say this is a useless procedure, and is not the proper use of the caveat. When an inventor has completed his invention the Law supposes him ready for his Patent. If a Patent once obtained could not be superseded, there would then be a very great use of a caveat, as is the case in England. But, for aught we can see, it is in almost any case a useless instrument. Those who would see precisely what a caveat is in the United States Patent Law, will refer to Sec. 12, 1836, and then compare it with those clauses respecting interferences, &c., and we think he will arrive at the same decision we have.

Of the sale or public use of an invention prior to application for Letters Patent therefor.—An inventor has a perfect right to expose his invention to the public without any abandonment of the same; and also to sell the machines, or other articles invented, for the space of two years. We are proud to say that this admirable feature exists in the American Law; yet inventors should be cautious how they act under it, for although they can, by means of sufficient evidence oust an opponent, this can be done only at much expense and vexation, and he may, too, prove unsuccessful, although right, for we all know the uncertainties of decisions in Law. At any rate, why tempt rivalry by an unnecessary exposure of your invention, especially if it is likely to prove valuable. *Your success* makes *reality* of a hundred productions precisely the same as yours, but which as yet lodge only in as many different craniums. You have established a fact for them; they at once ascertain whether you have a Patent—if discovering that you have not—of course they arrive at the conclusion that *you* got the *idea* from some of them; and the consequence is, you have a costly contest for priority; whereas, had you gone quietly on and got your Patent first, you would have *first* established your right to your invention, and enjoyed its emoluments without rivalry. There is another idea which belongs to this clause in the Law, and that is, where inventors are poor, the intention is to afford them an opportunity to sell so much of their invention as will enable them to get their Patent secured. It was never designed that the Law should give sixteen years to the Patent; that is, allow an inventor to bring into extensive use his invention for two years, and then grant him fourteen years more. Although this sometimes is and can be done

without infraction of the *letter of the Law*, it is entirely against its spirit, and we are very much of the opinion that where this can be proved to have been the case, the Patent might be attacked on the ground of abandonment to the public. There is another way in which it would be dangerous to expose an invention too much; and that is, where an inventor has made a discovery of some machine or apparatus for the rapid production of some article in demand in the market, and which *single* machine, or a very *few* of them, would manufacture the full supply requisite. Now, as any one person, or any corporation who could get a knowledge of the invention, and should put it into operation before the inventor applies for a Patent, he could use the same without "liability ttherefor to the inventors" under his Patent; he will, at once perceive that the value of his monopoly or "exclusive privilege" would be very much reduced, if not wholly destroyed, as the other machine or machines previously built are not under his control, and of course the *competition* in the article would reduce its value to the common level of other like things.

The safest way for an inventor to do, when he is obliged to resort to the aid of capitalists, is to make a fair arrangement with one for a part ownership. He can, under the Law, make full or partial assignments, which, when properly recorded in the Patent Office, gives as full title to property in the invention as if done after the issue of the Patent. This way we recommend above all others respecting public introduction into the market.

Of Appeals from the Decision of the Commissioner of Patents—Of the Surrendering Defective Patents and their Re-issue under Amended Specifications—Of Disclaimers—Of Memorandums of Additions and Alterations—Of the Recovery of Money paid into the Patent Office by mistake—Of Extension of Patents beyond fourteen years—Of Extension of Patents by Congress—Of Injunctions and Action for Infringement—Of Special Assignments, &c., we do not treat in this work.

STATUTES OF ENGLAND

RELATING TO LETTERS PATENT*.

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18 Hen. VI. c. 1. [A. D. 1439.]

"Whereas, by suit made to the King by divers persons, it hath been desired by their petitions to have offices, farms, and other things of the gift and grant of the King by his gracious letters patents thereof to them to be made, desiring by the same petitions the same letters patents of the King to bear date at a certain day limited in the same, the which day is often long before the King's grant to them made upon their said petitions, whereby the King's letters patent to them thereupon made have borne the same date, by reason whereof divers of the King's liege people having such offices, farms, and other things of the gift or grant of the King by his gracious letters patents thereof to them long time before duly made, by such subtle imagination of such ante dates desired by such petitions of such offices, farms, and other things, often have been put out, removed, and expelled against right, good conscience, and reason." Our said Lord, the King, willing to put out such imaginations, by the advice and assent of the Lords spiritual and temporal aforesaid, and at the special request of the said Commons, hath ordained, by authority of the same Parliament, that of every warrant hereafter sent by the same, our Lord the King, or his heirs, to the Chancellor of England for the time being, the day of the delivery of the same to the Chancellor shall be entered of record in the Chancery. And that the Chancellor do cause letters patents to be made upon the same warrant bearing date the day of the said delivery in the Chancery, and not before in anywise. And if any letters patent be from henceforth made to the contrary, they shall be void, frustrate, and holden for none.

* Note.—The Statute of 1623 repealed all previous laws in regard to Patents, and then provided a new code for especial purposes inclusive of Patents for inventions and discoveries in the arts and manufactures. Nevertheless, we have given the earlier statutes in order to show the origin of Patents, on all subjects, and in all countries.—Eds.

27 Hen. VIII. c. 11. [A. D. 1535.]

An Act concerning Clerks of the Signet and Privy Seal.

"Whereas the King's clerks of his Grace's Signet and Privy Seal, giving their daily attendance for the passing and writing of his Majesty's great and weighty affairs, and the causes of this his realm, having for their entertainment and their clerks no fees, nor wages certain for those offices other than such fees as cometh and groweth of the said Signet and Privy Seal, to the intent that from henceforth they should not by any manner of means be defeated of any part or portion of the same, their fees:" be it therefore ordained, established, and enacted, by the consent and assent of the Lords spiritual and temporal, and the Commons in this present Parliament assembled, and by authority of the same, that all and every gift, grant, and other writing, which shall be made or given in writing by the King's Highness, or any of his most noble posterity, to any person or persons signed with his Grace's sign, or the sign or signs manual of any of them, to be passed under any his Grace's great seals of England, Ireland, Duchy of Lancaster, or any of his Highness's counties, palatines, or principality of Wales, or by other process, out of the Exchequer after the fifteenth day of April, in the twenty-seventh year of his most noble reign, and that all and every gifts, grants, and other writings of what name or names, quality or qualities soever, the same may be or hereafter shall be named, deemed, or called, which the master of the King's wards, or general surveyors of the King's lands for the time being, or any other officer or officers that now be or hereafter shall be made, shall by virtue of an Act of Parliament, or any of the King's grants to them, or any of them made or hereafter to be made in that behalf, give, grant, or make after the aforesaid fifteenth day of April, to any person or persons in the King's name to be passed under any of his Majesty's seals, be in anywise first and before the same grant, or any of them, be passed under any the King's said seals or other process made of the same, brought and delivered to the King's principal secretary, or to one of the King's clerks of his Grace's signet for the time being, to be at the said office of the signet passed accordingly.

The King's grants shall be brought to the secretary or to a clerk of the signet.

2. And be it also ordained and enacted by the authority aforesaid, that one of the clerks of the said signet to whom any of the said writings, signed with the King's most gracious hand, or the hand of any other aforesaid, or any of them fortune to be delivered, may and shall, by warrant of the same bills, and every of them within the space of eight days next after he shall have received the same, unless he have knowledge by the said secretary or otherwise of the King's pleasure to the contrary, make or cause to be made in the King's name, letters of warrant subscribed with the hand of the same clerk, and sealed with the King's signet, to the Lord keeper of the King's Privy Seal for further process to be

A warrant by the clerk of the signet to the Lord keeper of the Privy Seal.

had in that behalf: and that one of the King's clerks of the said Privy Seal upon due examination had by the said Lord keeper of the said Privy Seal, of the said warrant to him addressed from the office of the said signet as afore, may and shall, within the space of eight days next after he shall have received the same, unless the Lord keeper of the Privy Seal do give them commandment to the contrary, make or cause to be made by warrant of the aforesaid warrant to the said Lord keeper of the Privy Seal address from the office of the signet aforesaid, other letters of like warranty subscribed with the name of the same clerk of the Privy Seal to the Lord Chancellor of England, Lord keeper of the Great Seal, Chancellor of the Duchy of Lancaster, Chancellor of the King's land of Ireland, treasurer and chamberlains of the Exchequer, and chamberlains of any of his counties palatines, or principality of Wales, or other officer, and to every of them, for the writing and ensealing with such seals as remain in their custody of letters patent, or closed, or other process making due and requisite to be had, or made, upon any the said grants, according to the tenor of the warrant to them or any of them directed, from the officer of the Privy Seal, as is afore specified.

Warrant from the Privy Seal to the Lord Chancellor.

3. And also be it enacted by the authority aforesaid, that no manner of clerk or clerks, or other person or persons, do write or make any manner of writing, warrant or warrants, upon any manner of gift or grant made by the King's Highness, or by any other his Grace's officers as aforesaid, or procure the same or any of the same to be passed under the seals aforesaid after any other sort, manner, or fashion, or by any other warrant or warrants than as before is specified and delivered, upon pain to forfeit for every bill, warrant or writing, passed contrary to the order before limited and prescribed, the sum of 10*l.* sterling, the one half thereof to be to our Sovereign Lord the King, and the other half to him that shall first sue for the same by action of debt, writ, bill, plaint, or information, in any of the King's Courts; in which action or suit, no essoin, protection, privilege, nor wager of law shall be admitted; any manner, act, statute, provision, proclamation, or other ordinance heretofore had or made contrary to this present Act, or any article of the same in anywise notwithstanding.

Penalty for altering the course aforesaid.

4. And nevertheless be it also enacted, that every of the said clerks or other person which shall pass in writing, or procure to be passed in writing, any grant or grants by immediate warrant, wherefore fees be paid at the Great Seal, shall of the parties receive for the offices of the said signet and Privy Seal, as well such fees as in this Act is taxed for writing of any such grant or other writings, as also the fees for the seal of the same; which fees and every part and portion thereof the same clerk or clerks by whom any grant shall pass in writing by immediate warrant, shall upon a bill of the hand of one of the said clerks of the said signet or Privy Seal, deliver unto one of the same clerks of the signet or Privy Seal, within the space of three months next and immediately

Fees for writings which pass by immediate warrant.

ensuing after the passing and sealing of any of the said grant or grants, by immediate warrant, upon pain of 10*l.* sterling, to be by every such of the said clerks or other person as shall offend, forfeited, to be levied in form aforesaid, as often as he or they shall offend contrary to the meaning of this act.

This Act not to prejudice the Lord Treasurer's warrants to the Lord Chancellor.

5. Provided also, that this Act or any thing contained in the same, be not in anywise prejudicial to the Lord Treasurer of England for the time being, concerning such warrants or precepts as he, by virtue of his office, shall and may direct immediately to the Lord Chancellor of England, or to any other person or persons for making out of the King's grants or letters patents to any person or persons of any offices, farms, of lands, or tenements, or of any other thing belonging to his nomination or disposition; but that as well he may direct his said warrants or precepts for the causes above said, as also his clerk or clerks, or other person, may procure the same to be sealed under any of the seals aforesaid without any warrant to be before or after sued or obtained under the King's signet or Privy Seal for the same in as large and ample manner, and after such sort or fashion, as he or they might have done at any time before the making of this Act; any thing in the same Act mentioned to the contrary notwithstanding.

6. (This section provides that the Act shall not extend to leases granted under the seals of the Duchy of Lancaster, or the county palatine of Lancaster.)

7. (This section provides that the Act shall not extend to grants under the Duchy or county palatine seal of Lancaster of any offices the yearly fees of which do not exceed two-pence per diem.)

Lord Chancellor may pass instruments without payment of fees.

9. Provided also, that the Lord Chancellor of England for the time being, shall and may at all times use his discretion in passing and speeding any thing by the Great Seal, and delivering the same without paying any fees for the Great Seal signet and Privy Seal, as the case of necessity shall require, and as hath been accustomed; and that the clerks for writing or procuring such writings and patents by his commandment, shall be discharged of all penalties expressed before in this Act for not receiving and paying fees to the signet and Privy Seal; any thing in this Act contained to the contrary hereof notwithstanding.

10, 11, and 12. [These sections of the Act do not apply to patents such as are the subject of this work.]

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3 & 4 Ed. VI. c. 4. [A. D. 1549.]

An Act concerning Grants and Gifts made by Patentees out of Letters Patent.

Explained and amended by 13 Eliz. c. 6, *post.*

Where the right noble and famous King of full worthy memory, King Henry the Eighth, father to our most dread and now natural

Sovereign Liege Lord, sithence the fourth day of February, in the xxvij. year of his late reign, and also the King's most excellent Majesty by their several letters patents, have given, granted, bargained, sold, and exchanged to and with divers and sundry the subjects of this realm, bodies politic and corporate, in fee-simple, and fee-tail for term of life or years, divers honors, castles, manors, lands, tenements and other hereditaments and offices; after and since which grants, bargains, sales, and exchanges, divers of the said patentees, their heirs, successors or assigns, have bargained, sold, given, exchanged or demised divers particular parts, parcels or portions of the said honors, castles, manors, lands, tenements, hereditaments and offices, or other things thereunto appertaining, or belonging to other person or persons, bodies politic and corporate; that is to say, to some of them in fee-simple, to some others in fee-tail, for term of life or years, or otherwise; and after the same patentees, for considerations them moving, have surrendered and given up their said letters patents to the Chancery, or otherwise the same letters patents have been forfeited by attainder, lost, cancelled, imbessed, or by other ways or means have come to the hands of the King's Majesty his late father; And thereupon ofttimes the enrolment of the same hath been made void and frustrate, sometime in part, and sometime in the whole, by reason whereof such persons, bodies politic or corporate, as have had interest or title in or to the same castles, manors, or particular portions or parcels of the same so to them given and granted, have been in time past, and in time to come are like to be disherited, or in danger or loss of their interest in or to the same, to their no little hindrance and peril.

Grants made by patentees out of patents

2. For remedy whereof be it ordained, established and enacted by the authority of this present Parliament, that all and every person or persons, bodies politic or corporate, which lawfully shall or may claim by force of any patent or patents made sithence the said fourth day of February, or hereafter to be made by the King's Majesty, his heirs or successors, Kings of this realm, or by any of them; and all other that now have or hereafter shall happen to have any good or lawful estate, right, title, rent, profit, interest or possession, of, in, to, or out of any honors, manors, lands, tenements, hereditaments or offices, or of other things to any of the premises appertaining or belonging, or to any part, parcel or member of them or any of them, by, from or under any such patentee or patentees, or any of them, or by, from or under the heirs, successors or assigns, of them or any of them, or by, from or under the estate of any others which had, have or hereafter shall have the estate, title or interest of any such patentee or patentees, or by any other means under the date of such letters patents, shall and may at all times hereafter, in any of the King's Courts, his heirs or successors, and elsewhere, by virtue of this present Act, make and convey unto himself title by way of declaration, plaint, avowry, title, bar, or otherwise as well against the King's High-

An exemplification of letters patent under the great seal shall be of the like force as if the letters patent were showed.

ness, his heirs and successors, and every of them, as against any other person or persons unto the said honours, castles, manors, lands, tenements, offices, and other the premises, or any part or parcel of the same, unto them or any their predecessors or ancestors, or others whose estate they have in the same, by, from or under the said patentees or any of them, or the heirs, ancestors or assigns of any of them, or otherwise under the date of the said letters patents comprised and contained in any exemplification or constat thereof made or to be made, by the showing forth of the said exemplification or constat of the Roll, or of so much thereof as shall serve for the matter in variance, under the Great Seal of England: And the same exemplification or constat of the said enrolment so as is aforesaid pleaded and showed, shall be of like and the same force and effect, to all intents and constructions in the law, as the said first letters patents were and should be of, if the same were or should be pleaded or showed.

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13 Eliz. c. 6. [A. D. 1570.]

An Act that the Exemplification or Constat of Letters Patents shall be as good and available as the Letters Patents themselves.

A supply of the statute of 3 & 4 Edw. VI. c. 4.

"For the avoiding of all such doubts, questions and ambiguities as heretofore have risen and been moved, and of such as hereafter might rise and be moved, in and upon the statute made in the Parliament begun and holden at Westminster, the fourth day of November, in the third year of the reign of our late Sovereign Lord King Edward the Sixth, intituled 'An Act concerning Grants and Gifts made by Patentees out of Letters Patents, and for a due and full Supply of all such Wants as may be thought to be therein.'"

An exemplification of letters patent to be of the same force as the letters patent themselves.

2. Be it enacted and declared by the authority of this present Parliament, that all and every patentee and patentees, their heirs, successors, executors and assigns, and all and every other person and persons having by or from them or any of them, or under their title, any estate or interest of, in, or to any lands, tenements, or hereditaments, *or any other thing whatsoever*, to such patentee or patentees heretofore granted, by any letters patents either of the most famous Princes King Henry the Eighth, King Edward the Sixth, Queen Mary, King Philip and Queen Mary, or by any of them, or by the Queen's most excellent Majesty that now is, at any time sithence the fourth day of February, in the twenty-seventh year of the reign of the said late King Henry the Eighth, or else by the Queen's Majesty that now is, her heirs or successors at any time hereafter to be granted, shall and may at all times hereafter in any of the Queen's Highness's Courts, her heirs and successors, or elsewhere by the authority of this present Act, make and convey, and be allowed and suffered to make and convey to and for him, them, and every of themselves, such claim or title by

way of declaration, plaint, avowry, bar, replication, or other pleading whatsoever, as well against the Queen's Highness, her heirs and successors, and every of them, as against all and every other person and persons whatsoever for or concerning the lands, tenements, hereditaments, or other things whatsoever specified or contained in any such letters patents, or of, for, or concerning any part or parcel thereof, by showing forth an *exemplification* or *constat* under the Great Seal of England, of the enrolment of the same letters patents, or of so much thereof as shall and may serve to or for such title, claim or matter, (the same letters patents *then* being and remaining in force, not lawfully surrendered nor cancelled,) for or concerning so much and such part and parcel of such lands, tenements, hereditaments or other thing whereunto such title or claim shall be made, as if the same letters patents self were pleaded and showed forth; any law, usage or other thing whatsoever to the contrary notwithstanding.

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31 Eliz. c. 5, s. 5. [A. D. 1589.]

Limiting the time within which Penal Actions may be commenced.

Within what times suits upon penal statutes shall be pursued.

5. And be it further enacted by the authority aforesaid, that all actions, suits, bills, indictments or informations, which after twenty days next after the end of this session of Parliament shall be had, brought, sued or exhibited, for any forfeiture upon any statute penal made or to be made, whereby the forfeiture is or shall be limited to the Queen, her heirs or successors only, shall be had, brought, sued or exhibited within two years next after the offence committed or to be committed against such Act penal, and not after two years. And that all actions, suits, bills or informations which after the said twenty days shall be had, brought, sued or commenced for any forfeiture upon any penal statute made or to be made, (except the statute of tillage,) the benefit and suit whereof is or shall be by the said statute limited to the Queen, her heirs or successors, and to any other which shall prosecute in that behalf, shall be had, brought, sued or commenced by any person that may lawfully pursue for the same as aforesaid, within one year next after the offence committed or to be committed against the said statute. And in default of such pursuit, that then the same shall be had, sued, exhibited or brought for the Queen's Majesty, her heirs or successors, at any time within two years after that year ended. And if any action, suit, bill, indictment or information for any offence against any penal statute made or to be made, (except the statute of tillage,) shall be brought after the time in that behalf before limited, that then the same shall be void and of none effect, any Act or statute made to the contrary notwithstanding.

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

An Act concerning Monopolies and Dispensations of Penal Laws, and the Forfeitures thereof.

All monopolies, &c. shall be void.

"Forasmuch as your most excellent Majesty, in your royal judgment, and of your blessed disposition to the weal and quiet of your subjects, did in the year of our Lord God one thousand six hundred and ten, publish in print to the whole realm, and to all posterity, that all grants of monopolies, and of the benefit of any penal laws, or of power to dispense with the law, or to compound for the forfeiture, are contrary to your Majesty's laws, which your Majesty's declaration is truly consonant and agreeable to the ancient and fundamental laws of this your realm: And whereas your Majesty was further graciously pleased expressly to command, that no suitor should presume to move your Majesty for matters of that nature; yet nevertheless upon *misinformations* and *untrue pretences of public good*, many such grants have been unduly obtained, and unlawfully put in execution, to the great grievance and inconvenience of your Majesty's subjects, contrary to the laws of this your realm, and contrary to your Majesty's most royal and blessed intention, so published as aforesaid:" For avoiding whereof, and preventing of the like in time to come, may it please your excellent Majesty, at the humble suit of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, That it may be declared and enacted: and be it declared and enacted by authority of this present Parliament, That all monopolies, and all commissions, grants, licences, charters, and letters patents heretofore made or granted, or hereafter to be made or granted, to any person or persons, bodies politic or corporate whatsoever, of or for the sole buying, selling, making, working, or using of any thing within this realm, or the dominion of *Wales*, or of any other monopolies, or of power, liberty, or faculty, to dispense with any others, or to give license or toleration to do, use, or exercise any thing against the tenor or purport of any law or statute: or to give or make any warrant for any such dispensation, licence, or toleration to be had or made; or to agree or compound with any others for any penalty or forfeitures limited by any statute; or of any grant or promise of the benefit, profit, or commodity of any forfeiture, penalty, or sum of money, that is or shall be due by any statute, before judgment thereupon had: and all proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things whatsoever, any way tending to the instituting, erecting, strengthening, furthering, or countenancing of the same or any of them; *are altogether contrary to the laws of this realm, and so are and shall be utterly void and of none effect, and in no wise to be put in ure or execution.*

Monopolies, &c. shall be

2. And be it further declared and enacted by the authority aforesaid, That all monopolies, and all such commissions, grants, licences,

charters, letters patents, proclamations, inhibitions, restraints, warrants of assistance, and all other matters and things tending as aforesaid, and the force and validity of them, and of every of them, ought to be and shall be for ever hereafter examined, heard, tried, and determined, by and according to the common laws of this realm, and not otherwise.

tried by the common laws of this realm.

3. And be it further enacted by the authority aforesaid, That all person and persons, bodies politic and corporate whatsoever, which now are or hereafter shall be, shall stand and be disabled and uncapable to have, use, exercise, or put in ure any monopoly, or any such commission, grant, licence, charter, letters patents, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, or any liberty, power, or faculty, grounded or pretended to be grounded upon them, or any of them.

All persons disabled to use monopolies, &c.

4. And be it further enacted by the authority aforesaid, That if any person or persons at any time after the end of forty days next after the end of this present session of Parliament, shall be hindered, grieved, disturbed, or disquieted, or his or their goods or chattels any way seized, attached, distrained, taken, carried away or detained, by occasion or pretext of any monopoly, or of any such commission, grant, licence, power, liberty, faculty, letters patents, proclamation, inhibition, restraint, warrant of assistance, or other matter or thing tending as aforesaid, and will sue to be relieved in or for any of the premises; that then and in every such case, the same person and persons shall and may have his and their remedy for the same at the common law, by any action or actions to be grounded upon this statute; the same action and actions to be heard and determined in the Courts of King's Bench, Common Pleas, and Exchequer, or in any of them, against him or them by whom he or they shall be so hindered, grieved, disturbed, or disquieted, or against him or them by whom his or their goods or chattels shall be so seized, attached, distrained, taken, carried away, or detained; wherein all and every such person and persons which shall be so hindered, grieved, disturbed, or disquieted, or whose goods or chattels shall be so seized, attached, distrained, taken, carried away, or detained, shall recover three times so much as the damages which he or they sustained by means or occasion of being so hindered, grieved, disturbed, or disquieted, or by means of having his or their goods or chattels seized, attached, distrained, taken, carried away, or detained, and double costs; and in such suits, or for the staying or delaying thereof, no essoin, protection, wager of law, aid-prayer, privilege, injunction, or order of restraint, shall be in any wise prayed, granted, admitted, or allowed, nor any more than one imparlance: And if any person or persons shall, after notice given, that the action depending is grounded upon this statute, cause or procure any action at the common law, grounded upon this statute, to be stayed or delayed before judgment, by color or means of any order, warrant, power, or authority, save only of

The party grieved by pretext of a monopoly, &c. shall recover treble damages and double costs.

He that delayeth an action grounded upon this statute incurs a *præmunire*.

the court wherein such action as aforesaid shall be brought and depending, or after judgment had upon such action, shall cause or procure the execution of or upon any such judgment to be stayed or delayed by color or means of any order, warrant, power, or authority, save only by writ of error or attaint; that then the said person and persons so offending shall incur and sustain the pains, penalties and forfeitures, ordained and provided by the Statute of Provision and *Præmunire* made in the sixteenth year of the reign of King Richard the Second.

16 Rich. II. c. 5.

Letters patents to use new manufactures, saved.

5. Provided nevertheless, and be it declared and enacted, That any declaration before mentioned shall not extend to any letters patents and grants of privilege for the term of one and twenty years or under, *heretofore* made, of the sole working or making of any manner of new manufacture within this realm, to the first and true inventor or inventors of such manufactures, which others at the time of the making of such letters patents and grants did not use, so they be not contrary to the law, nor mischievous to the state, by raising of the prices of commodities at home, or hurt of trade, or generally inconvenient, but that the same shall be of such force as they were or should be, if this Act had not been made, and of none other: and if the same were made for more than one and twenty years, that then the same for the term of one and twenty years only, to be accounted from the date of the first letters patents and grants thereof made, shall be of such force as they were, or should have been, if the same had been made but for term of one and twenty years only, and as if this Act had never been had or made, and of none other.

Exception of future letters patent.

6. Provided also, and be it declared and enacted, That any declaration before mentioned shall not extend to any letters patents and *grants of privilege* for the term of fourteen years or under, hereafter to be made, *of the sole working or making of any manner of new manufactures within this realm, to the true and first inventor and inventors of such manufactures, which others at the time of making such letters patents and grants shall not use*, so as also they be not contrary to the law, nor mischievous to the state, by raising prices of commodities at home, or hurt of trade, or generally inconvenient: the said fourteen years to be accounted from the date of the first letters patents, or grant of such privilege hereafter to be made, but that the same shall be of such force as they should be, if this Act had never been made, and of none other.

7. Provided also, and it is hereby further intended, declared, and enacted by authority aforesaid, That this Act or any thing therein contained shall not in any wise extend, or be prejudicial to any grant or privilege, power, or authority whatsoever heretofore made, granted, allowed, or confirmed by any Act of Parliament now in force, so long as the same shall so continue in force.

Warrants granted to justices saved.

8. Provided also, That this Act shall not extend to any warrant or privy seal, made or directed, or to be made or directed by his Majesty, his heirs or successors, to the Justices of the Courts of

the King's Bench or Common Pleas, and barons of the Exchequer, justices of assize, justices of *oyer* and *terminer* and gaol delivery, justices of the peace, and other justices for the time being, having power to hear and determine offences done against any penal statute, to compound for the forfeitures of any penal statute, depending in suit and question before them, or any of them respectively, after plea pleaded by the party defendant.

Charters granted to corporations, saved.

9. Provided also, and it is hereby further intended, declared and enacted, That this Act or any thing therein contained shall not in any wise extend or be prejudicial unto the city of *London*, or to any city, borough, or town corporate within this realm, for or concerning any grants, charters, or letters patents, to them or any of them made or granted, or for or concerning any custom or customs used by or within them or any of them; or unto any corporations, companies or fellowships of any art, trade, occupation or mystery, or to any companies or societies of merchants within this realm, erected for the maintenance, enlargement, or ordering of any trade of merchandize; but that the same charters, customs, corporations, companies, fellowships and societies, and their liberties, privileges, powers, and immunities, shall be 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 contained to the contrary in any wise notwithstanding.

Letters patent that concern printing, saltpetre, gunpowder, great ordnance, shot, or offices, saved.

10. Provided also, and be it enacted, That this Act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before mentioned, shall not extend to any letters patents or grants of privilege heretofore made, or hereafter to be made, of, for, or concerning printing, nor to any commission, grant or letters 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 ordnance, or shot for ordnance, nor to any grant or letters patents heretofore made, or hereafter to be made, of any office or offices heretofore erected, made or ordained, and now in being, and put in execution, other than such offices as have been decried by any his Majesty's proclamation or proclamations; but that all and every the same grants, commissions, and letters patents, and all other matters and things tending to the maintaining, strengthening, and furtherance of the same, or any of them, shall be and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this Act had never been had nor made, and not otherwise.

This Act shall not extend to commissions for alum mines.

11. Provided also, and be it enacted, That this Act, or any declaration, provision, disablement, penalty, forfeiture, or other thing before mentioned, shall not extend to any commission, grant, letters patents or privilege heretofore made, or hereafter to be made, of, for, or concerning the digging, compounding, or making of alum or alum mines, but that all and every the same commissions, grants, letters patents and privileges, shall be and remain of

the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this Act had never been had or made, and not otherwise.

12. [Nor to the liberties of Newcastle-upon-Tyne, nor to licences of keeping taverns.]

13. [Nor to letters patents granted to Sir Robert Mansel, Knt., or to James Maxwell, Esq.]

14. [Nor to those granted to Abraham Baker, or Lord Dudley.]

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21 Jac. I. c. 4, s. 4. [A. D. 1623.]

Giving the Defendant in a Penal Action the Privilege of Pleading the General Issue, and giving the Special Matter in Issue.

The defendant in an information upon a penal statute may plead the general issue.

4. And be it also enacted by the authority aforesaid, That if any information, suit, or action shall be brought or exhibited against any person or persons for any offence committed or to be committed against the form of any penal law either by or on the behalf of the King or by any other, or on the behalf of the King and any other, it shall be lawful for such defendants to plead the general issue that they are not guilty, or that they owe nothing, and to give such special matter in evidence to the jury that shall try the same, which matter being pleaded had been a good and sufficient matter in law to have discharged the said defendant or defendants against the said information, suit, or action, and the said matters shall be then as available to him or them to all intents and purposes as if he or they had sufficiently pleaded, set forth, or alleged the same matter in bar or discharge of such information, suit or action.

Statute 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.

11. 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.

Declaration to be in the form prescribed in the schedule.

20. And be it further enacted, That in all cases where a declaration in lieu of an oath shall have been substituted by this Act, or by virtue of any power or authority hereby given, or where a declaration is directed or authorised to be made and subscribed under the authority of this Act, or of any power hereby given, although the same be not substituted in lieu of an oath heretofore legally taken, such declaration, unless otherwise directed under the powers hereby given, shall be in the form prescribed in the schedule hereunto annexed.

Person making a false declaration guilty of a misdemeanor.

21. And be it further enacted, That in any case where a declaration is substituted for an oath under the authority of this Act, or by virtue of any power or authority hereby given, or is directed and authorised to be made and subscribed under the authority of this Act, or by virtue of any power hereby given, any person who shall wilfully and corruptly make and subscribe any such declaration, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor.

Commencement of Act.

22. And be it enacted, That this Act shall commence and take effect from and after the first day of October in this present year, the year of our Lord one thousand eight hundred and thirty-five.

Statute 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 here-

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.

after 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 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 memorandum 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.

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 patentee is proved not to be the real inventor, though he believed himself to be so.

2. 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.

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 favor, to receive treble costs.

3. 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 favor 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.

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

Amended by 2 & 3 Vict. c. 67.

4. 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 authorised 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.

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

5. And be it enacted, That in any action brought against any person for infringing any 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 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.

As to costs in actions for infringing letters patent.

6. 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 had, 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 the counts in the declaration, and without regard to the general result of the trial.

Penalty for using unauthorised the name of a patentee, &c.

7. 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 license 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, 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.

Statute 2 & 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.]

Recital of stat. 5 & 6 Will. IV c. 83, s. 4.

"Whereas by an Act passed in the fifth and sixth years of the reign of his Majesty, King William the Fourth, intituled 'an Act to amend the Law touching Letters Patent for Inventions,' it is amongst other things enacted, that if any person having obtained any letters patent as therein mentioned, shall give notice as thereby required of his intention 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 be first 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 inquiry of the whole matter, the Judicial Committee may report to his Majesty that a further extension of the term in the said letters patent shall be granted not exceeding seven years. And his Majesty is thereby authorised 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 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: And whereas it has happened since the passing of the said Act, and

may again happen, that parties desirous of obtaining an extension of the term granted in letters patent of which they are possessed, and who may have presented a petition for such purposes in manner by the said recited Act directed before the expiration of the said term, may nevertheless be prevented by causes over which they have no control from prosecuting with effect their application before the Judicial Committee of the Privy Council; and it is expedient therefore that the said Judicial Committee should have power when under the circumstances of the case they shall see fit, to entertain such application, and to report thereon, according to the provisions of the said recited Act, notwithstanding that before the hearing of the case before them the terms of the letters patent sought to be renewed or extended may have expired:" 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 so much of the said recited Act as provides that no extension of the term of letters patent shall be granted as therein mentioned, if the application by petition for such extension be not prosecuted with effect before the expiration of the term originally granted in such letters patent, shall be, and the same is hereby repealed.

Repeals so much of recited Act as requires petition to be prosecuted with effect before expiration of the term of the patent.

2. 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 may be extended although it has expired before the hearing, if petitioner has not committed any default.

After Nov. 30, 1839, petitions to be presented six calendar months before expiration of term.

3. And be it further enacted, That this Act may be altered, amended, or repealed by any Act to be passed in the present Session.

Statute 3 & 4 Vict. c. 24, ss. 1 and 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, 3d July, 1840.]

Recites statutes 43 Eliz. c. 6, and 22 & 23 Car. II. c. 9.

"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 nothwithstanding doth still prevail and increase, and it is expedient to make further provisions 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.

Recited Act in part repealed

Plaintiff not to recover costs in any action of trespass or trespass on the case if he recovers less than 40*s.* damages, unless the judge certifies, &c.

2. And be it enacted, That if the plaintiff in any action of trespass or 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 more 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.

3. [*This section does not relate to the subject of this work.*]

Statute 5 & 6 Vict. c. 97, ss. 2 & 6.

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.]

"Whereas divers Acts of Parliament, public, local, and personal, contain enactments or provisions relating to the recovery of double, treble, or other costs in certain cases, and to the pleading of the general issue, and the giving any special matter in evidence at any trial to be had for any matter done in pursuance of or under the authority of the said Acts, and to the giving of notice of action before any action shall be commenced:" And whereas it is expedient that the law should be altered in such respects; Be it therefore enacted, &c.

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

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

Sect. 2.—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 expenses 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.

Sects. 3, 4 and 5.—[*These sections do not relate to the subject of this work.*]

Not to affect actions brought before passing of Act.

Sect. 6.—Provided always and be it enacted, That nothing herein contained shall extend or be construed to extend to any action, bill, plaint or information, or any legal proceeding of any kind whatsoever commenced before the passing of this Act, but such proceedings may be thereupon had and taken in all respects as if this Act had not passed.

Statute 6 & 7 Vict. c. 85.

An Act for improving the Law of Evidence.

[Royal Assent, 22 August, 1843.]

"Whereas the enquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are

appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony :" Now therefore 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 no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence either in person or by disposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any Court, or before any judge, jury, sheriff, coroner, magistrate, officer, or person having, by law or by consent of parties, authority to hear, receive and examine evidence; but that every person so offered, may and shall be admitted to give evidence on oath, or solemn affirmation, in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or injury, or of the suit, action or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided that this Act shall not render competent any party to any suit, action or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises, sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in a certain Act passed in the session of Parliament holden in the seventh year of the reign of his late Majesty, and in the first year of the reign of her present Majesty, intituled "*An Act for the Amendment of the laws with respect to Wills :*" Provided that in Courts of Equity, any defendant to any cause pending in any such Court, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matters, or any of the matters in question, in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting, or tending to affect, the credit of such defendant as a witness.

No witness to be excluded from giving evidence by incapacity from crime or interest.

Party to a suit, &c. not to be competent.

Not to repeal any provision in 7 Will. IV. and 1 Vict. c. 26.

In Court of Equity defendant may be examined on behalf of the plaintiff or a co-defendant, &c.

2. And be it enacted, That wherever in any legal proceedings whatever legal proceedings may be set out, it shall not be necessary to specify that any particular persons who acted as jurors had made affirmation instead of oath, but it may be stated that they served as jurymen in the same manner as if no Act had passed for enabling persons to serve as jurymen without oath.

Not necessary to state that jurors had made affirmation.

Not to affect previous suits.

3. And be it enacted, That nothing in this Act shall apply to, or affect any suit, action, or proceeding brought or commenced before the passing of this Act.

Not to extend to Scotland.

4. And be it enacted, That nothing in this Act shall extend to *Scotland*.

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7 & 8 Vict. c. 69, ss. 2, 3, 4, 5, 6, 7 and 8.

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.]

"Whereas the Act passed 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 dispatch 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 authorised to provide for the admission of appeals from other courts of justice within such colonies or possessions:" Be it therefore enacted, &c.

[*The first section does not relate to the subject of this work.*]

If extension of a patent term may be granted for 14 years in certain cases

2. "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 expense 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 expense and labor 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 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.

Less term than prayed may be granted.

3. 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.

Extensions of patent terms may be granted to assignees.

4. "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 authorised by the said Act and by this Act, either to an assignee or assignees, and original patentee or patentees conjointly.

Disclaimers and memorandums of alteration under 5 & 6 Will. IV. c. 83, s. 1, may be entered by assignees.

5. 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 favor 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.

Disclaimers and memorandums of alterations by assignees before passing of Act as valid.

6. 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.

New patents granted under

7. And be it enacted, That any new letters patent which before the passing of this Act may have been granted, under the provi-

5 & 6 Vict. c. 83, s. 4, to assignees before passing of Act to be valid.

sions 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.

Not to affect existing *scire facias*, or suit in equity.

Judicial Committee may appoint a clerk to take formal proofs.

8. 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.(*a*)

STATUTES RELATING TO

ORNAMENTAL DESIGNS.

Act 5 & 6 Vict., c. 100.

The Act of 1842, for consolidating and amending the laws relating to the copyright of designs for ornamenting articles of manufacture, came into operation on the first of September, in the same year. The subjects protected by this Act, are divided into thirteen classes, and the duration of the copyright, and the fees for registration, are defined according to the classes to which the various subjects belong. The fees of registration vary from 1*s.* to £3, and the term of protection from nine months to three years. It should be borne in mind, that in no case will *construction* be secured under this Act, as it is merely intended for the protection of *ornamental devices* and patterns, such as calico-prints, gown-pieces, shawls, paper-hangings, floor-cloths, carpets, and other similar fabrics; together with articles made of metal, wood, glass, and earthenware, such as fenders, candlesticks, and plated articles;

(*a*) The remainder of this statute is inapplicable to the subject of the present work.

chairs, tables, settees, globe frames, and all articles of furniture or cabinet work composed of wood; chandeliers, wine-glasses, ink-stands, and other glass articles; china and other jars, encaustic tiles, cups, saucers, and tea-pots, and such like articles.

After enumerating the various classes under which different articles may be protected, the Act proceeds to set forth the penalty attached to imitating or counterfeiting any registered design, and the proceedings to be adopted by an injured party to protect his rights. In order to protect any design by registration under the authority of this Act, two copies of it must be furnished to the Registrar; and if the design is of such a nature as will not admit of the article itself being pasted in the books of the office, then two drawings must be made; one copy of the design, or of the drawing of the same, is retained by the Registrar for deposit, and the other is returned to the proprietor with a certificate stating that the design, of which that is a copy, has been duly registered. This certificate is accompanied by an official mark or stamp, which the proprietor of the design is required to place or mark on all articles made according to the design, and if this condition is not strictly complied with, the proprietor of the design exposes himself to the risk of losing his copyright. Any person counterfeiting a registration mark, and applying the same to any article of manufacture which has not been duly registered, for the purpose of inducing the public to believe that such article has been registered under this Act, will be liable to a fine, recoverable by any person who may give information of the same, and obtain a conviction before two magistrates. A design may be registered under this Act in respect of one or more of the classes, according as it is intended to be employed in one or more branches of manufacture; but two separate sets of the pattern or design must be furnished, and a separate fee paid on account of each class, and all such registrations, to be valid, must be effected at the same time. Every design that comes within the meaning of the Act will be accepted by the Registrar, and duly registered upon payment of the proper fees, without reference to its novelty or originality, which is entirely at the risk of the proprietor of the design.

If a design be executed by the author on behalf of another person, for a valuable consideration, the latter is entitled to be registered as the proprietor thereof; and any person purchasing either the exclusive or partial right to use the design, is in the same way

equally entitled to be registered; and for the purpose of facilitating such transfers, a short form is given in the remarks relating to England.

In case of the transfer of a registered design, a copy must be transmitted to the Registrar, together with the forms properly filled up and signed; the transfer will then be registered, and the copy returned with a certificate annexed.

All designs of which the copyright has expired may be inspected, on payment of the proper fee; but no design, the copyright of which is existing, is, in general, permitted to be seen. Any person, however, may, on producing the registration mark of any particular design, be furnished with a Certificate of Search, stating whether the copyright be in existence, and in respect to which article of manufacture it exists; also, the term of such copyright and the date of registration, and the name and address of the registered proprietor. Any party may also, on the production of a piece of the manufactured article with the pattern thereon, together with the registration mark, be informed whether such pattern, supposed to be registered, be really so or not.

We subjoin an abstract of the Act of 1842, (see subjoined pages,) containing a list of the various classes of articles, the time for which a copyright may be obtained, and the fees payable on each class; together with the different forms required for transfers or assignments, and informations or convictions under this Act. NEWTON.

Certain former Acts repealed.

I. "WHEREAS, by the several Acts mentioned in the schedule (A.) to this Act, there was granted, in respect of the woven fabrics therein-mentioned, the sole right to use any new and original pattern for printing the same during the period of three calendar months: And whereas by the Act mentioned in the schedule (B.) to this Act there was granted, in respect of all articles, except lace, and except the articles within the meaning of the Acts hereinbefore referred to, the sole right of using any new and original design, for certain purposes, during the respective periods thereinmentioned: but forasmuch as the protection afforded by the said Acts, in respect of the application of designs to certain articles of manufacture, is insufficient, it is expedient to extend the same, but upon the conditions hereinafter expressed; now, for that purpose, and for the purpose of consolidating the provisions of the said Acts, 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 this Act shall come into operation

on the first day of *September*, one thousand eight hundred and forty-two, and that thereupon all the said Acts mentioned in the said schedules (A.) and (B.) to this Act, shall be and they are hereby repealed.

Copyrights under the old Acts, to continue in force until expiration

II. Provided always, and be it enacted, That notwithstanding such repeal of the said Acts, every Copyright in force under the same shall continue in force till the expiration of such Copyright; and with regard to all offences or injuries committed against any such Copyright before this Act shall come into operation, every penalty imposed, and every remedy given by the said Acts, in relation to any such offence or injury, shall be applicable as if such Acts had not been repealed; but with regard to such offences or injuries committed against any such Copyright after this Act shall come into operation, every penalty imposed and every remedy given by this Act in relation to any such offence or injury, shall be applicable as if such Copyright had been conferred by this Act.

What kind of articles protected, and how produced.

III. And with regard to any new and original design (except for sculpture and other things within the provisions of the several Acts mentioned in the schedule (C.) to this Act,) whether such design be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial and partly natural, and that whether such design be so applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means such design may be so applicable, whether by printing, or by painting, or by embroidery, or by weaving, or by sewing, or by modelling, or by casting, or by embossing, or by engraving, or by staining, or by any other means whatsoever, manual, mechanical, or chemical, separate or combined; be it enacted, That the proprietor of every such design, not previously published either within the United Kingdom of *Great Britain* and *Ireland*, or elsewhere, shall have the sole right to apply the same to any articles of manufacture, or to any such substances as aforesaid, provided the same be done within the United Kingdom of *Great Britain* and *Ireland*, for the respective terms hereinafter mentioned, such respective terms to be computed from the time of such design being registered according to this Act; (that is to say,)

In respect of the application of any such design to ornamenting any article of manufacture contained in the first, second, third, fourth, fifth, sixth, eighth, or eleventh of the Classes following, for the Term of Three Years:

In respect of the application of any such design to ornamenting any article of manufacture contained in the seventh, ninth, or tenth of the Classes following, for the term of nine calendar months:

In respect of the application of any such design to ornamenting any article of manufacture or substance contained in the twelfth or thirteenth of the Classes following, for the term of twelve calendar months:

Articles registered to be marked—other rules to be observed on pain of forfeiture.

IV. Provided always, and be it enacted, That no person shall be entitled to the benefit of this Act, with regard to any design in respect of the application thereof to ornamenting any article of manufacture, or any such substance, unless such design have before publication thereof been registered according to this Act; and unless at the time of such registration such design have been registered in respect of the application thereof to some or one of the articles of manufacture or substances comprised in the above-mentioned classes, by specifying the number of the class in respect of which such registration is made; and unless the name of such person shall be registered according to this Act as a proprietor of such design; and unless after publication of such design every such article of manufacture, or such substance to which the same shall be so applied, published by him, hath thereon, if the article of manufacture be a woven fabric for printing, at one end thereof, or, if of any other kind or such substance as aforesaid, at the end or edge thereof, or other convenient place thereon, the letters "R^{d}," together with such number or letter, or number and letter, and in such form as shall correspond with the date of the registration of such design according to the registry of designs in that behalf; and such marks may be put on any such article of manufacture or such substance, either by making the same in or on the material itself of which such article or such substance shall consist, or by attaching thereto a label containing such marks.

The design to belong to him at whose expense the same was produced and not to the author. Right also acquired by purchase.

V. And be it enacted, That the author of any such new and original design shall be considered the proprietor thereof, unless he has executed the work on behalf of another person for a good or a valuable consideration, in which case such person shall be considered the proprietor, and shall be entitled to be registered in the place of the author; and every person acquiring, for a good or a valuable consideration, a new and original design, or the right to apply the same to ornamenting any one or more articles of manufacture, or any one or more such substances as aforesaid, either exclusively of any other person or otherwise, and also every person upon whom the property in such design or such right to the application thereof shall devolve, shall be considered the proprietor of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise.

Transfers either in whole or in part to be registered.

VI. And be it enacted, That every person purchasing or otherwise acquiring the right to the entire or partial use of any such design may enter his title in the register hereby provided, and any writing purporting to be a transfer of such design, and signed by

the proprietor thereof, shall operate as an effectual transfer; and the Registrar shall, on request, and the production of such writing, or in the case of acquiring such right by any other mode than that of purchase, on the production of any evidence to the satisfaction of the Registrar, insert the name of the new proprietor in the register.

To prevent piracy and imitation.

VII. And, for preventing the piracy of registered designs, be it enacted, That, during the existence of any such right to the entire or partial use of any such design, no person shall either do or cause to be done any of the following Acts with regard to any articles of manufacture, or substances, in respect of which the copyright of such design shall be in force, without the license or consent in writing of the registered proprietor thereof; (that is to say,)

No person shall apply any such design, or any fraudulent imitation thereof, for the purpose of sale, to the ornamenting of any article of manufacture, or any substance, artificial or natural, or partly artificial and partly natural:

No person shall publish, sell, or expose for sale any article of manufacture, or any substance, to which such design, or any fraudulent imitation thereof, shall have been so applied, after having received, either verbally or in writing, or otherwise from any source other than the proprietor of such design, knowledge that his consent has not been given to such application, or after having been served with or had left at his premises a written notice signed by such proprietor or his agent to the same effect.

Penalty for infringing.

VIII. And be it enacted, That if any person commit any such act, he shall for every offence forfeit a sum not less than Five Pounds and not exceeding Thirty Pounds to the proprietor of the design in respect of whose right such offence has been committed; and such proprietor may recover such penalty as follows:

What proceedings must be had in England, to prosecute.

In *England*, either by an action of debt or on the case against the party offending, or by summary proceedings before two justices having jurisdiction where the party offending resides: and if such proprietor proceed by such summary proceeding, any justice of the peace acting for the County, Riding, Division, City, or Borough, where the party offending resides, and not being concerned either in the sale or manufacture of the article of manufacture, or in the design to which such summary proceeding relates, may issue a summons requiring such party to appear on a day and at a time and place to be named in such summons, such time not being less than Eight Days from the date thereof; and every such summons shall be served on the party offending, either in person or at his usual place of abode; and either upon the appearance or upon the default to appear of the party offending, any two or more of such justices may proceed to the hearing of the complaint, and upon proof of the offence, either by the confession of the party offending, or upon the oath or affirmation of one or more credible witnesses, which such justices are hereby authorised to administer, may convict the

offender in a penalty of not less than Five Pounds or more than Thirty Pounds, as aforesaid, for each offence, as to such justices doth seem fit; but the aggregate amount of penalties for offences in respect of any one design committed by any one person, up to the time at which any of the proceedings herein-mentioned shall be instituted, shall not exceed the sum of One Hundred Pounds; and if the amount of such penalty or of such penalties, and the costs attending the conviction, so assessed by such justices, be not forthwith paid, the amount of the penalty or of the penalties, and of the costs, together with the costs of the distress and sale, shall be levied by distress and sale of the goods and chattels of the offender, wherever the same happen to be in *England;* and the justices before whom the party has been convicted, or, on proof of the conviction, any two justices acting for any County, Riding, Division, City, or Borough in *England*, where goods and chattels of the person offending happen to be, may grant a warrant for such distress and sale; and the overplus, if any, shall be returned to the owner of the goods and chattels, on demand: and every information and conviction which shall be respectively laid or made in such summary proceeding before two justices under this Act, may be drawn or made out in the Forms respectively, or to the effect thereof, *mutatis mutandis*, as the case may require.

What proceedings must be had in Scotland, to prosecute.

In *Scotland*, by action before the Court of Session in ordinary form, or by summary action before the Sheriff of the County where the offence may be committed or the offender resides, who, upon proof of the offence or offences, either by confession of the party offending or by the oath or affirmation of one or more credible witnesses, shall convict the offender, and find him liable in the penalty or penalties aforesaid, as also in expenses; and it shall be lawful for the Sheriff, in pronouncing such judgment for the penalty or penalties and costs, to insert in such judgment a warrant, in the event of such penalty or penalties and costs not being paid, to levy and recover the amount of the same by poinding: Provided always, that it shall be lawful to the Sheriff in the event of his dismissing the action and assoilzieing the defender, to find the complainer liable in expenses; and any judgment so to be pronounced by the Sheriff in such summary application shall be final and conclusive, and not subject to review by advocation, suspension, reduction, or otherwise:

To prosecute in Ireland.

In *Ireland*, either by action in a superior Court of Law, at Dublin, or by civil bill in the Civil Bill Court of the county or place where the offence was committed.

May bring action for damages.

IX. Provided always, and be it enacted, That, notwithstanding the remedies hereby given for the recovery of any such penalty as aforesaid, it shall be lawful for the proprietor in respect of whose right such penalty shall have been incurred (if he shall elect to do so) to bring such action as he may be entitled to for the recovery of any damages which he shall have sustained, either by the appli-

cation of any such design, or of a fraudulent imitation thereof, for the purpose of sale, to any articles of manufacture or substances, or by the publication, sale, or exposure to sale, as aforesaid, by any person, of any article or substance to which such design, or any fraudulent imitation thereof, shall have been so applied, such person knowing that the proprietor of such design had not given his consent to such application.

If design be fraudulently registered, judge may annul, or order the transfer to rightful owner, as in the case of transfers.

X. And be it enacted, That in any Suit in Equity which may be instituted by the proprietor of any design, or the person lawfully entitled thereto, relative to such design, if it shall appear to the satisfaction of the judge having cognizance of such suit that the design has been registered in the name of a person not being the proprietor or lawfully entitled thereto, it shall be competent for such judge, in his discretion, by a decree or order in such suit to direct either that such registration be cancelled (in which case the same shall thenceforth be wholly void,) or that the name of the proprietor of such design, or other person lawfully entitled thereto, be substituted in the register for the name of such wrongful proprietor or claimant, in like manner as is herein-before directed in case of the transfer of a design, and to make such order respecting the costs of such cancellation or substitution, and of all proceedings to procure and effect the same, as he shall think fit; and the Registrar is hereby authorised and required, upon being served with an official copy of such decree or order, and upon payment of the proper fee, to comply with the tenor of such decree or order, and either cancel such registration or substitute such new name, as the case may be.

Penalty for omitting to mark the register mark upon designs, and also for continuing to do so after expiration of term.

XI. And be it enacted, That unless a design applied to ornamenting any article of manufacture, or any such substance as aforesaid, be so registered as aforesaid, and unless such design so registered shall have been applied to the ornamenting such article or substance within the United Kingdom of *Great Britain* and *Ireland*, and also after the copyright of such design in relation to such article or substance shall have expired, it shall be unlawful to put on any such article or such substance, in the manner herein-before required with respect to articles or substances whereto shall be applied a registered design, the marks herein-before required to be so applied, or any marks corresponding therewith or similar thereto; and if any person shall so unlawfully apply any such marks, or shall publish, sell, or expose for sale any article of manufacture or any substance with any such marks so unlawfully applied, knowing that any such marks have been unlawfully applied, he shall forfeit for every such offence a sum not exceeding Five Pounds, which may be recovered by any person proceeding for the same by any of the ways herein-before directed with respect to penalties for pirating any such design.

No actions can be brought after twelve months.

XII. And be it enacted, That no action or other proceeding for any offence or injury under this Act shall be brought after the expiration of Twelve Calendar Months from the commission of the offence; and in every such action or other proceeding the party who shall prevail shall recover his full costs of suit or of such other proceeding.

Of payment of costs.

XIII. And be it enacted, That in the case of any summary proceeding before any two justices in *England*, such justices are hereby authorised to award payment of costs to the party prevailing, and to grant a warrant for enforcing payment thereof against the summoning party, if unsuccessful, in the like manner as is herein-before provided for recovering any penalty with costs against any offender under this Act.

Of Registrar, Clerks, &c.

XIV. And for the purpose of registering designs for articles of manufacture, in order to obtain the protection of this Act, be it enacted, That the Lords of the Committee of Privy Council for the consideration of all matters of Trade and Plantations may appoint a person to be a Registrar of designs for ornamenting articles of manufacture, and, if the Lords of the said Committee see fit, a Deputy Registrar, clerks, and other necessary officers and servants; and such Registrar, Deputy Registrar, clerks, officers, and servants, shall hold their offices during the pleasure of the Lords of the said Committee; and the Commissioners of the Treasury may from time to time fix the salary or remuneration of such Registrar, Deputy Registrar, clerks, officers, and servants; and, subject to the provisions of this Act, the Lords of the said Committee may make rules for regulating the execution of the duties of the office of the said Registrar; and such Registrar shall have a seal of office.

Regulations to be observed in registering.

XV. And be it enacted, That the said Registrar shall not register any design, in respect of any application thereof to ornamenting any articles of manufacture or substances, unless he be furnished, in respect of each such application, with two copies, drawings, or prints of such design, accompanied with the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and the number of the class in respect of which such registration is made; and the Registrar shall register all such copies, drawings, or prints, from time to time successively, as they are received by him for that purpose; and on every such copy, drawing, or print, he shall affix a number, corresponding to such succession; and he shall retain one copy, drawing, or print, which he shall file in his office; and the other he shall return to the person by whom the same has been forwarded to him; and in order to give ready access to the copies of designs so registered, he shall class such copies of designs, and keep a proper index of each class.

Of certificate of registration and transfers.

XVI. And be it enacted, That upon every copy, drawing, or print of an original design so returned to the person registering as aforesaid, or attached thereto, and upon every copy, drawing, or print thereof received for the purpose of such registration, or of the transfer of such design being certified thereon or attached thereto, the Registrar shall certify under his hand that the design has been so registered, the date of such registration, and the name of the registered proprietor, or the style or title of the firm under which such proprietor may be trading, with his place of abode or place of carrying on his business, or other place of address, and also the number of such design, together with such number or letter, or number and letter, and in such form as shall be employed by him to denote or correspond with the date of such registration; and such certificate made on every such original design, or on such copy thereof, and purporting to be signed by the Registrar or Deputy Registrar, and purporting to have the seal of office of such Registrar affixed thereto, shall, in the absence of evidence to the contrary, be sufficient proof, as follows,

Of the design, and of the name of the proprietor therein-mentioned, having been duly registered; and

Of the commencement of the period of registry; and

Of the person named therein as proprietor being the proprietor; and

Of the originality of the design; and

Of the provisions of this Act, and of any rule under which the certificate appears to be made, having been complied with:

And any such writing purporting to be such certificate shall, in the absence of evidence to the contrary, be received as evidence, without proof of the hand-writing of the signature thereto, or of the seal of office affixed thereto, or of the person signing the same being the Registrar or Deputy Registrar.

Designs whose terms have expired to be open to public inspection, those still in force secret except under special regulations.

XVII. And be it enacted, That every person shall be at liberty to inspect any design whereof the copyright shall have expired, paying only such fee as shall be appointed by virtue of this Act in that behalf; but with regard to designs whereof the copyright shall not have expired, no such design shall be open to inspection, except by a proprietor of such design, or by any person authorised by him in writing, or by any person specially authorised by the Registrar, and then only in the presence of such Registrar, or in the presence of some person holding an appointment under this Act, and not so as to take a copy of any such design or of any part thereof, nor without paying for every such inspection such fee as aforesaid: Provided always, that it shall be lawful for the

said Registrar to give to any person applying to him, and producing a particular design, together with the registration mark thereof, or producing such registration mark only, a certificate stating whether of such design there be any copyright existing, and if there be, in respect to what particular article of manufacture or substance such copyright exists, and the term of such copyright, and the date of registration, and also the name and address of the registered proprietor thereof.

Of various fees to be paid.

XVIII. And be it enacted, That the Commissioners of the Treasury shall from time to time fix fees to be paid for the services to be performed by the Registrar, as they shall deem requisite, to defray the expenses of the said office, and the salaries or other remuneration of the said Registrar, and of any other persons employed under him, with the sanction of the Commissioners of the Treasury, in the execution of this Act; and the balance, if any, shall be carried to the consolidated fund of the United Kingdom, and be paid accordingly into the receipt of Her Majesty's Exchequer at *Westminster;* and the Commissioners of the Treasury may regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for, and they may also remit or dispense with the payment of such fees in any cases where they may think it expedient so to do: Provided always, that the fee for registering a design to be applied to any woven fabric, mentioned or comprised in classes 7, 9, or 10, shall not exceed the sum of One Shilling; that the fee for registering a design to be applied to a paper-hanging shall not exceed the sum of Ten Shillings; and that the fee to be received by the Registrar for giving a certificate relative to the existence or expiration of any copyright in any design printed on any woven fabric, yarn, thread, or warp, or printed, embossed, or worked on any paper-hanging, to any person exhibiting a piece end of a registered pattern, with the registration mark thereon, shall not exceed the sum of Two Shillings and Sixpence.

Penalty for receiving illegal fees, or bribes.

XIX. And be it enacted, That if either the Registrar or any person employed under him either demand or receive any gratuity or reward, whether in money or otherwise, except the salary or remuneration authorised by the Commissioners of the Treasury, he shall forfeit for every such offence Fifty Pounds to any person suing for the same by action of debt in the Court of Exchequer at *Westminster;* and he shall also be liable to be either suspended or dismissed from his office, and rendered incapable of holding any situation in the said office, as the Commissioners of the Treasury see fit.

To explain certain expressions in the foregoing Acts.

XX. And for the interpretation of this Act, be it enacted, That the following terms and expressions, so far as they are not repugnant to the context of this Act, shall be construed as follows:

(that is to say,) the expression "Commissioners of the Treasury" shall mean the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number; and the masculine gender shall include the feminine gender as well as the masculine gender.

DESIGNS OFFICE,
9th September, 1843.

"As the Act of 6 & 7 Vic., c. 65, applies only to the *shape or configuration* of articles of utility, and not to any *mechanical action, principle, contrivance, or application* (except in so far as these may be dependent upon, and inseparable from, the shape or configuration,) NO Design will be registered, the description of which shall contain *a claim* for any such mechanical action, principle, contrivance, or application.

"With this exception, *all* Designs, the drawings and descriptions of which are properly prepared and made out, will be registered, *without reference to the nature or extent of the Copyright sought to be thereby acquired; which considerations must be left entirely* TO THE JUDGMENT AND DISCRETION OF THE PROPRIETOR OF THE DESIGN."

The mere fact of registering an article under this Act is not by any means a guarantee that it is a legal subject for registration, or that it is in any way protected thereby. This question is left entirely to the judgment of the inventor, and all designs that are properly drawn and described will be received by the Registrar, but at the risk of the inventor as to the question of legality.—Every person, after having registered a design under this Act, is required to stamp or mark on the article to which the design is applied, the word "Registered," and the date of registration; in default of which the proprietor of the design will be deprived of the benefit of the Act; and if any person shall put on any article the word registered, or advertise the same for sale as a registered article, without its having been duly registered under one of the above-mentioned Acts, he renders himself liable to a fine of five pounds, which amount may be recovered in any of the ways pointed out in the former Act 5 & 6 Vic., c. 100. In registering under the

present Act, two geometrical drawings of the design are required to be deposited with the Registrar, accompanied by a description or specification, in which the peculiar features of novelty must be clearly distinguished from the old parts; and, provided the drawings and description are drawn and prepared in conformity to the rules of the office, the design will be duly registered, and one of the drawings, when stamped and certified, will be returned to the proprietor. The registered design bears date the day following that on which the papers were deposited; but the certified copy is not delivered until the third day. When the design is refused from any informality in the preparation of the papers, the registration will bear date, in like manner, from the deposit of the corrected papers.

An index of the titles and proprietors of all the registered designs for articles of utility is kept at the office for inspection, and may be extracted from if required.

All designs, the copyrights of which have expired, may be seen and copied at the office; and any design, the copyright of which is unexpired, may also be inspected; but no copies or extracts therefrom are allowed to be made until three years after the date of the registration. NEWTON.

ABSTRACT OF THE NEW ACT.

Act to amend former Acts.

WHEREAS by an Act passed in the fifth and sixth years of the reign of her present Majesty, intituled *An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture*, there was granted to the proprietor of any new and original design, with the exceptions therein-mentioned, the sole right to apply the same to the ornamenting of any article of manufacture or any such substance as therein described, during the respective periods therein-mentioned: and whereas it is expedient to extend the protection afforded by the said Act to such designs hereinafter mentioned, not being of an ornamental character, as are not included therein: 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 this Act shall come into operation on the first day of *September*, One thousand eight hundred and forty-three.

Registration of articles of

II. And with regard to any new or original design, for any article of manufacture having reference to some purpose of utility,

so far as such design shall be for the shape or configuration of such article, and that, whether it be for the whole of such shape or configuration or only for a part thereof, be it enacted, That the proprietor of such design, not previously published within the United Kingdom of *Great Britain* and *Ireland*, or elsewhere, shall have the sole right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being registered according to this Act: Provided always, that this enactment shall not extend to such designs as are within the provisions of the said Act, or of two other Acts passed respectively in the thirty-eighth and fifty-fourth years of the Reign of his late Majesty King *George* the Third, and intituled respectively *An Act for encouraging the Art of making new Models and Casts of Busts, and other things therein mentioned*, and *An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts, and other things therein-mentioned.*

utility, for shape or configuration and term.

III. Provided always, and be it enacted, That no person shall be entitled to the benefit of this Act unless such design have, before publication thereof, been registered according to this Act, and unless the name of such person shall be registered according to this Act as a proprietor of such design, and unless, after publication of such design, every article of manufacture made by him according to such design, or on which such design is used, hath thereon the word 'registered,' with the date of registration.

Design must be registered before publication, name inscribed thereon, articles must have the registration printed or marked on the same.

IV. And be it enacted, That unless a design applied to any article of manufacture be registered, either as aforesaid or according to the provisions of the said first-mentioned Act, and also after the copyright of such design shall have expired, it shall be unlawful to put on any such article the word 'registered,' or to advertise the same for sale as a registered article; and if any person shall so unlawfully publish, sell, or expose or advertise for sale any such article of manufacture, he shall forfeit for every such offence a sum not exceeding Five Pounds nor less than One Pound, which may be recovered by any person proceeding for the same by any of the remedies hereby given for the recovery of penalties for pirating any such design.

After expiration of design, the word registered, must be omitted under penalty.

V. And be it enacted, That all such articles of manufacture as are commonly known by the name of floor-cloths, or oil-cloths, shall henceforth be considered as included in Class 6, in the said first-mentioned Act in that behalf mentioned, and be registered accordingly.

Floor oil cloth included in class 6.

VI. And be it enacted, That all and every the clauses and provisions contained in the said first-mentioned Act, so far as they are not repugnant to the provisions contained in this Act relating respectively to the explanation of the term Proprietor, to the

Penalties of former Acts to be enforced in the same manner.