THE

LAW AND PRACTICE

OF

PATENTS

FOR

INVENTIONS.

By WILLIAM HANDS, Gent.

ONE OF THE SOLICITORS OF THE COURT OF CHANCERY:

AUTHOR OF THE PRACTICAL TREATISE ON FINES AND RECOVERIES,

THE KING'S BENCH CROWN PRACTICE, &c.

LONDON:

Printed for W. Clarke and Sons, Law Booksellers,

Portugal Street, Lincoln's Inn.

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Rec June. 17, 1899.

C. Davidson, Printer
Old Bowell Court.

TO

SIR VICARY GIBBS, KNIGHT,

HIS MAJESTY'S

ATTORNEY GENERAL,

&c. &c. &c.

WITH HIS PERMISSION,

THIS TRACT IS INSCRIBED.

PREFACE.

THE Compiler, not having seen any detached professional tract on the Law and Practice of Patents for Inventions, he was induced to devote some of his leisure hours in arranging the following sketch of them, and should it be found to be of any use his end will be answered.

The particulars, contained in these pages, the Compiler conceived would be of use, not only to practisers, but also to the inventors themselves, as well as others who might have occasion to know something of the subject: he has, therefore, avoided technical expressions and contracted references, adapting the tract to the use of the general as well as professional reader.

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Lately published, in 8vo. Price 4s. in Boards,

A

SELECTION OF RULES

OCCURRING IN THE

PROSECUTION AND DEFENCE

OF

PERSONAL ACTIONS

IN THE COURT OF

KING'S BENCH,

WITH

NOTES ON EACH RULE

ILLUSTRATIVE OF THE

Practice of the Court.

By WILLIAM HANDS.

THE

LAW AND PRACTICE

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PATENTS FOR INVENTIONS.

FIRST PART.

The nature of letters patent.

THE King's grants are contained in charters or letters patent, that is, open letters, so called, because they are not sealed up, but exposed to open view, with the great seal pendent at the bottom, and are usually directed or addressed by the King to all his subjects at large*. By them, licences or privileges are allowed, for the sole buying, selling, making, working, or using, of any thing, and they had been carried to an enormous height, during the reign of Queen Elizabeth; but were in a great measure remedied in the reign of King James, an act having been then passed for the

* *Blackstone's Commentaries*, vol. 2, chap. 21.

suppression of monopolies*, which makes void the future grants of all such as do not come within the following proviso of the act.

How far they are restricted for monopolies.

"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

* 21st. *James* I. c. 3.

as they should be if this act had never been made, and of none other*."

For what they may be granted.

By the above proviso, in the statute of monopolies, we see patents are now only legal for the sole working or making of new manufactures, within this realm, to the true and first inventors of the same. We will, therefore, here consider, what forms these *new manufactures*, and then who are the *inventors*, to whom patents for them may be granted.

Manufactures are things made by the hands of man † and reducible to two classes, namely, machinery and substances. In the former class, the *machine*, in the latter the *substance* produced, forms the manufacture, and is consequently the subject of a patent ‡.

* See the *statute, at length*, at the end of the Second Part.

† Per *Lord Kenyon*, in the cause of Hornblower and Maberly against Boulton and Watt. Durnford and East's Reports, vol. 8, page 95.

‡ Per *Mr. Justice Heath*, in the cause of Boulton and Watt against Bull. Henry Blackstone's Reports, *vol.* 2, page 463.

So, mechanical and chemical discoveries all come within the description of manufactures, and are fit objects for patents, and that, although the materials be old, if the arrangement or compound be new, but then the patent must be restricted to the *arrangement* or *compound**.

So, a material and useful improvement of an old article is considered as a new manufacture, consequently, also the subject of a patent†; and a patent for an improvement of a thing, or for the thing improved, is in substance the same‡. The patent, however, must not be more extensive than the invention§; consequently one for only an improvement, must not extend to the whole of the old arti-

* Per *Mr. Justice Buller*, in the cause of Boulton and Watt against Bull. Henry Blackstone's Reports, vol. 2, page 463.

† Per *Lord Mansfield*, in the cause of Morris against Bramston. See Buller's Nisi Prius, page 77.

‡ Per *Mr. Justice Heath*, in the cause of Boulton and Watt against Bull.

§ *Per. Mr. Justice Buller*, in the cause of the King against Else. See Buller's Nisi Prius, page 76.

cle, but be confined solely to the *improvement*; as the public have a right to purchase the improvement by itself, without being encumbered with other things *. Therefore, where the invention was of a particular movement in a watch, and the patent was taken out for the whole watch, it was held void †.

So, a *foreign article* is considered as a new manufacture, upon its first introduction here, although it may have been old abroad ‡. But a patent is not good for a *principle*, as that must first be reduced into practice, and then a patent may be had for the *thing* produced §; therefore, the discoverer of the expansive force of steam was only entitled to a patent for the *machine*, by which he employed the force ||.

* Per *Mr. Justice Buller*, in the cause of Boulton and Watt against Bull, Henry Blackstone's Reports, vol. 2, page 463.

† *Jessop's case*, cited in the same cause.

‡ See the case of *Edgebury* against *Stephens*. Salkeld's Reports, vol. 2, page 447.

§ Per *Mr. Justice Heath*, in the cause of Boulton and Watt against Bull.

|| Ibid.

Most of the patents now taken out, are, by name, for the *methods* of doing particular things*: and, where the patent really is for only a method, if it be not effected or accompanied by a manufacture, it seems the patent is not good†. The subject of every grant must be certain; now a mere method is uncertain‡. And, where there is a manufacture, the patent ought to be for the new *substance*, not for the process by which it is produced. But, if a patentee denominate his invention a method, when, in fact, it is something substantial, the verbal inaccuracy will not invalidate the patent§. Indeed it has been held, that, when the effect produced is no new substance or composition, the patent can only be for the *mechanism*, if mechanism be used, or for

* See the *Enrolment-Office* books.

† See the argument of *Mr. Justice Grose*, in the cause of Hornblower and Maberly against Boulton and Watt. Durnford and East's Reports, vol. 8, page 95.

‡ Per *Mr. Justice Heath*, in the cause of Boulton and Watt against Bull. Henry Blackstone's Reports, vol. 2, page 463.

§ See the case of *Hornblower and Maberly against Boulton and Watt.*

the *process*, if it be a new method of operating with or without old mechanism*.

To whom they may be granted.

Having thus seen for what patents are valid, we will now see to whom they may be granted; that is, who are to be considered as the true and first inventors. As to which it seems, that the *publisher* of the discovery is entitled to a patent for it, whether he happens to be the original inventor or not. For, where one person had discovered a new method of making refracting telescopes, but never having made it public; another had obtained a patent for it, the patent was for that reason confirmed†. So, any person, in this country, in possession of a foreign discovery, may have a patent on publishing it‡, as the first introducer of it here is deemed the inventor: and patents, frequently, are obtained by persons here, to

* Per *Lord Chief Justice Eyre*, in the cause of Boulton and Watt against Bull. Henry Blackstone's Reports, vol. 2, page 463.

† *Dolland's case.* See the argument of Mr. Justice Buller in the cause of Boulton and Watt against Bull.

‡ See page 5.

whom such discoveries have been communicated by persons abroad *.

How the invention should be described in the specification.

Now, having seen for what and to whom patents for inventions may legally be granted, we will proceed to consider a very essential part of the patent, namely, the *specification*. Agreeably to the terms of the patent, the patentee, within a limited time after its date, commonly, though not always, one calendar month, is particularly to describe and ascertain the nature of his invention, and in what manner the same is to be performed †. The object of which is to publish the invention, for the benefit of the public, at the expiration of the patent granted as the patentee's reward for the discovery. The instrument describing and ascertaining the nature of the invention, and in what manner it is performed, is named the specification. And, if any material part of it be *false* ‡, or only *am-*

* See instances in the *Enrolment-Office books*.

† See the *Patent*, in the Second Part.

‡ Per *Mr. Justice Buller*, in the cause of the King against Arkwright, tried at the Westminster Sittings, 25th June, 1785; and see Buller's Nisi Prius, 8vo. edit. p. 77.

*biguous**, the patent will be void. Therefore, where the patent was for making a particular sort of yellow, and the patentee directed any kind of fossil salt to be used, when only one sort of it would answer the purpose, the patent was held void†. So it was where the patent was for steel trusses, and the patentee had omitted what was of use in tempering the steel, namely, rubbing it with tallow‡. So if an article of no use be inserted, that will likewise vitiate the patent §.

Indeed, the patentee must describe his invention in the most *clear and unequivocal* terms of which the subject is capable; therefore, if the process, as directed by the specification, do not produce that which the pa-

* Per *Mr. Justice Ashhurst*, in the cause of Turner against Winter. Durnford and East's Reports, vol. 1, page 602.

† See the cause of *Turner against Winter.*

‡ See the cause of *Liardet against Johnson*, Buller's Nisi Prius, page 76.

§ Per *Mr. Justice Buller*, in the cause of the King against Arkwright.

tent professes it to do, the patent will be void *. For the invention should be so described, that persons in the same line may thereby perform the thing invented, it being incumbent on the patentee, so clearly to describe the invention, that any man of science need not resort to experiments, but may be able to do the thing for which the patent is granted, by merely following the directions of the specification. And not only the thing invented must be described, but the relation of the several parts, and the union of the whole, where complex mechanism is the object of the patent †. Besides which, the patentee must so describe his invention, that the public may, after the expiration of the patent, have the use of it as *beneficially* as the patentee himself had before ‡. Thus we have seen what the specification should contain. As to what it need not, we shall only

* Per *Mr. Justice Ashhurst*, in the cause of Turner against Winter. Durnford and East's Reports, vol. 1, page 602.

† Per *Mr. Justice Buller*, in the cause of the King against Arkwright. Westminster Sittings, 25th June, 1785. Buller's Nisi Prius, page 77.

‡ Per *Mr. Justice Buller*, in the cause of the King against Arkwright.

observe, that it has been held the specification need not state *mere incidents* commonly known *; and, that it need not be *more extensive* than the thing for which the patent was obtained. Therefore, if the invention be only an improvement, it need not extend to the whole article; but then the alteration must be so clearly stated, as to enable a workman to make the precise addition for which the patent is granted †.

Where *drawings* are referred to in the specification, they should, when they will admit of it, be drawn to a scale ‡. Indeed most of the specifications have drawings in the margin, illustrative of the description in the body; but drawings are not absolutely necessary, if the specification be intelligible without §.

* Per *Mr. Justice Buller*, in the cause of Boulton and Watt against Bull. Henry Blackstone's Reports, vol. 2, page 463.

† See the argument of *Mr. Justice Lawrence*, in the cause of Hornblower and Maberly against Boulton and Watt. Durnford and East's Reports, vol. 8, page 95.

‡ See the cause of *the King against Arkwright*. Westminster Sittings, 25th June, 1785.

§ Per *Mr. Justice Rooke*, in the cause of Boulton and Watt against Bull.

Thus we have examined the general nature and contents of the specification, notwithstanding which, as very *slight defects* in it will be sufficient to vacate the patent *, it may not be quite useless here to remind the reader, that, in framing the specification, the greatest nicety is required, and that no care should be spared in making it *clear and perfect*. This caution seems to be the more necessary, as it has been observed, that most of the cases which have arisen upon patents, have been decided against the patentees, upon the grounds of their *not* having made full and fair discoveries of their inventions †.

The manner and expense of obtaining the patent.

To obtain the *patent*, a petition for it ‡ must be prepared, together with an affidavit of the inventor § in support of the petition. These

* Per *Mr. Justice Buller*, in the cause of Turner against Winter. Durnford and East's Reports, vol. 1, page 602.

† Per *Mr. Justice Buller*, in the cause of Turner against Winter.

‡ See the *Petition*, in the Second Part.

§ See the *Affidavit*, ibid.

are then taken to the Office of the Secretary of State for the Home Department *, where they are lodged. A few days after, the answer to the petition may commonly be had, containing a reference of it to the Attorney or Solicitor-General †, which must be taken to either of their chambers, for the report thereon ‡, and in a few days afterwards the clerk will deliver it out. The report is then to be taken to the Secretary of State's Office, for the King's warrant §, and the clerk will inform the person leaving it when it may be called for. The warrant is directed to the Attorney or Solicitor-General, and is to be taken to their Patent Office ‖, for the bill ¶. When the bill is prepared, it is taken to the Secretary of State's Office, for the King's sign manual to the bill **. As soon as this is obtained,

* At the top of the *Treasury* Stair-case, Whitehall.
† See the *Reference*, in the Second Part.
‡ See the *Report*, ibid.
§ See the *Warrant*, ib.
‖ No. 4, Lincoln's Inn, Old Buildings.
¶ See the *Bill*, in the Second Part.
** Ibid.

it is carried to the Signet Office *, to be passed there, when the clerk prepares a warrant to the Lord Keeper of the Privy Seal, whereupon the Clerk of the Privy Seal prepares his warrant † to the Lord Chancellor ‡. This warrant is then to be taken to the Lord Chancellor's Patent Office §, where the patent itself is prepared, and will be delivered out as soon as it is sealed ‖. The *specification* ¶ should then be prepared, acknowledged, and lodged at the Enrolment Office **, to have the usual certificate of the enrolment indorsed on it ††; this is commonly done in about a week or fortnight afterwards, and then the patent is in every respect complete. The whole expense of which will be seen in the Solicitor's bill ‡‡; but

* The Signet and Privy Seal Offices are both held together in the north-east wing of Somerset House.

† See the *Warrant*, in the Second Part.

‡ 27th *Henry* VIII. c. 11.

§ Mr. *Seton's*, No. 12, George-street, Adelphi.

‖ See the *patent* in the Second Part.

¶ See the *Specification*, ibid.

** *Petty Bag Office*, Roll's Yard, Chancery Lane.

†† See the *certificate* in the Second Part.

‡‡ See the *Solicitor's* charges, in the Second Part.

if the patent is not to extend to the colonies, it will be a few pounds less. For Ireland and Scotland there must be distinct patents.

The patentee's remedies for an infringement of it.

If the patent be in all points good, and any person *infringes* on it, the patentee may either bring an action at law, for damages *, or file a bill in equity, for an account of the profits made from the illegal use of the invention, and thereupon obtain an injunction to restrain the party from the further use of it †, but there must be separate bills upon every distinct invasion of the patent ‡. On the trial of the action for damages, the patentee must give some evidence, though slight will be sufficient, to shew the nature of his invention, and in what it consists, and that he produced the effect, proposed by the patent, in the manner specified, then it is incumbent, on the other party, to fal-

* See *Buller's* Nisi Prius, page 76.

† See *Milford's* Chancery Pleadings, page 124.

‡ Per *Lord Chancellor*. See the cause of Dilly, v. Doig, Vessey, jun. Chancery Reports, vol. 2, page 486.

sify it *. Here we may add, that if the patentee wishes the trial to be at the Westminster Sittings, the party complained against will not be permitted to remove it to any other place †.

How it may be vacated.

We have already seen that if there be any defect in either the patent itself, or the specification, the patent may be avoided by shewing the defect, either on the trial of the patentee's action at law, for damages for infringing the patent, or in answer to his suit in equity for an account and injunction to prevent the further use of it. Besides which, it may be absolutely *vacated* on a writ of scire facias, which issues out of the Court of Chancery, at the instance of any private person, but in the name of the King, leave to issue it must therefore be previously obtained from the Attorney General ‡.

* Per *Mr. Justice Buller*, in the cause of Turner against Winter. Durnford and East's Reports, vol. 1, page 602.

† Per *Lord Kenyon*, in the cause of Cameron against Gray, Durnford and East's Reports, vol. 6. page 363.

‡ See *Blackstone's Commentaries*, vol. 3, chap. 17.

To this writ the patentee appears and pleads, when the party prosecuting it takes issue on such legal objections as may appear to the patent; and then the record is sent into the Court of the King's Bench, to be tried by a Jury*, who decide on the facts put in issue; and, upon their verdict, judgment is afterwards entered up, for or against the patentee accordingly†.

The manner and use of entering a caveat.

If an inventor be not prepared to apply for a patent for his invention, and wishes effectually to prevent its being purloined from him, he should enter what is called a *caveat*, against any patent being granted, which, he thinks, may intrench upon his invention. The mode of entering the caveat, and the effect of it, is this: a request‡ is left at both the Attorney and Solicitor-General's chambers, desiring notice of any application for such a patent. This

* See the *Statute of Monopolies*, sect. 2.

† See the case of *the King against Arkwright*. Buller's Nisi Prius, octavo edition, page 77.

‡ See the *form* in the Second Part.

request, or caveat, as it is now called, must be annually renewed, when, if any application, for such a patent should be made, pending its continuance, the clerk sends notice, in the nature of a summons, requiring the attendance, at a specified time, of all the parties concerned, on the Attorney or Solicitor-General, which-ever it comes from.

Both parties then attend accordingly, with their solicitors, and models, drawings, or other explanations of their inventions; and, upon the inspection of them, the Attorney or Solicitor General decides whether the inventions are the same. If they are different, each party will have his patent as a matter of course. But, if it appears to be one invention, he then decides, on hearing both parties, to which of them, in his opinion, it belongs, and reports accordingly.

If the party is dissatisfied with his decision, a similar caveat should then be entered at the Chancery Patent Office, when, on the

patent's coming to the great seal, the Lord Chancellor will, in like manner, ultimately decide, whether he should or not permit the patent applied for to be sealed.

The manner of prolonging the term of the patent.

Though no grant by letters patent, for inventions, can be for a longer term than fourteen years, yet the legislature may, and often do, *prolong* the term, by an *act of Parliament*; where it appears, that the patentee, on account of any special circumstances, will not, within the time for which the patent was granted, be sufficiently rewarded for making the invention or discovery public; or where, in consequence of subsequent improvements, he is equitably entitled to a prolongation of the term. In these cases, the additional terms granted depend on the particular circumstances, varying from seven to fourteen years.

The act of Parliament is obtained much in the manner most private acts are, namely: a *notice* of the intended application to Parliament for

the act * is inserted three times in the London Gazette, and three times in one of the Edinburgh papers, where it also relates to a Scotch patent, and three times in the Dublin Gazette, where it likewise relates to an Irish patent: these advertisements must appear in the respective papers in the months of August and September, or one of them, immediately preceding the session in which the application is to be made †. A *petition* to the House of Commons is then prepared ‡ for leave to bring in the bill to prolong the term of the patent, and to it a copy of the patent must be annexed. The petition, on being presented by a member, is referred to a select committee, who meet in one of the committee-rooms adjoining the house, and hear the witnesses, but not on oath, they also inspect the patent and papers in which the notices were inserted. The chairman then reports to the house, that the committee have examined the matter of the

* See the *form* in the Second Part.

† *Order* of the House of Commons, 30th June, 1801.

‡ See the *form* in the Second Part.

petition, and that the standing orders of the house, relative to bills for confirming or prolonging the term of letters patent, have been complied with, that is, that the notices have been regularly given in the public papers. Leave is then given to bring in the *bill*, which is the act*---only called a bill until it has passed the House of Commons. To the bill also, a copy of the patent must be annexed†.

Upon the bill being presented to the *Commons*, by a member, it is read a first time, and ordered to be read a second time; and, on the second reading is committed, that is, referred, as the petition was, to a select committee, who hear the witnesses in the way the committee on the petition did; after which, the chairman reports to the house, that the committee have examined the allegations of the bill, and find the same to be true. The report is then

* See the *form* of it in the Second Part.

† *Order*, 13th May, 1690.

agreed to by the house, and the bill ordered to be engrossed. On the third reading it is passed, and thereupon carried up to the House of Lords, for their concurrence, by the member who conducted the bill through the Commons.

As soon as the bill, now called an act, comes up to the *Lords*, it is read a first time, and then, on the motion of the chairman of the select committees of the House of Lords, under whose immediate superintendance the private acts pass that house, it is read a second time, and referred to a select committee of lords. The committee sit in the room, adjoining the House of Lords, known by the name of the Prince's Chamber. When they meet, the witnesses, having previously been sworn at the bar of the house, are introduced, and the chairman examines them, as to the allegations in the act, he afterwards reports the same to the house, and, upon his motion, the act is read a third time and passed. The Lords then signify to

the Commons their agreement to the act, in a message, by two masters in chancery. The *royal assent* is thereupon given to the act, by the Lords Commissioners, when there next is a commission to give the royal assent to acts, that are ready for it, by having passed the two Houses of Parliament, it not being now usual for his Majesty to give the royal assent in person.

The manner of legalizing a transfer to more than the limited number.

Having now taken a brief view of the most useful matters respecting patents for inventions, we shall here close the first part of this sketch with observing, that though the patent contains a proviso for making it void, on an assignment of it to a greater number than *five* persons; yet the legislature will, by an *act of Parliament*, to be obtained in the way already described, enable the patentee to make a transfer of his interest in the patent to *more* than such limited number, on a sufficient reason being given for the application. As if, on account of the magnitude of the concern, it be

expedient, that more than the limited number of persons should become interested in the patent*.

* See such an *act* in the Second Part.

THE

LAW AND PRACTICE

OF

PATENTS FOR INVENTIONS.

SECOND PART.

TO THE KING'S MOST EXCELLENT MAJESTY. Petition for the patent.

The Humble Petition of A. B. of* [*&c.*]

SHEWETH,

That your petitioner, after considerable application and expense, hath invented, or found out [*here comes in the title of the invention*], which invention, he believes, will be of general benefit and advantage.

That he is the true and first inventor thereof, and that the same hath not been made

* To be written on *unstamped* paper.

or used by any other person or persons whomsoever, to his knowledge or belief.

Your petitioner, therefore, humbly prays, that your Majesty will be graciously pleased to grant unto him, his executors, administrators, and assigns, your royal letters patent, under the great seal of Great Britain, for the sole working, constructing, making, selling, using, and exercising, of his said invention, and all other benefit and advantage thereof, within that part of your Majesty's united kingdom of Great Britain and Ireland called England, your dominion of Wales, and town of Berwick-upon-Tweed, [*and also in all your Majesty's colonies and plantations abroad**,] for the term of fourteen years, ac-

* If the patent be not meant to extend to the *colonies*, the words in italics are not inserted.

cording to the statute in that case made and provided.

And your petitioner shall ever pray, &c*.

---

† *A. B.* of [*&c.*] maketh oath and saith, that, after considerable application and expense, he hath invented, or found out, [*here comes in the title of the invention, as described in the petition,*] which invention, he believes, will be of general benefit and advantage; and this deponent further saith, that he is the true and first inventor thereof. and that the same hath not been made or used by any other person or persons whomsoever, to his knowledge or belief. Affidavit in support of the petition.

A. B. Sworn at ‡ *the Public Office in Southampton Buildings, London, the 22d day of October*, 1807, before me, A. POPHAM.

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* The petition *need not* be signed.

† To be written on a common *affidavit stamp.*

‡ In *town* the affidavit may be sworn before either of the masters in chancery; *in the country* it must be sworn before one of the masters extraordinary.

WHITEHALL, *22d October*, 1807.

Reference of the petition to the Attorney or Solicitor General.

*His Majesty is graciously pleased to refer this petition to Mr. Attorney or Mr. Solicitor General, to consider thereof, and report his opinion what may be properly done therein, whereupon his Majesty will declare his further pleasure.

HAWKESBURY †.

Report thereon.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY;

In humble obedience to your Majesty's commands, signified to me by . . . . . one of your Majesty's principal secretaries of state, referring to me the annexed petition of *A. B.* of [*&c.*] to consider thereof, and report my opinion what may be properly done therein, which petition sets forth that the petitioner [*here comes in the allegations of the petition,*]

* Written either on the *back* or in the *margin* of the petition.

† The secretary of state for *the Home Department.*

the petitioner, therefore, most humbly prays your Majesty will [*here follows the prayer of the petition*].

And I humbly beg leave to certify unto your Majesty, that in support of the allegations, contained in the said petition, the affidavit of the said petitioner hath been laid before me; whereby he maketh oath and saith, that [*here follows the affidavit*].

Upon consideration of all which, and as it is entirely at the hazard of the said petitioner, whether the said invention is new, or will have the desired success, and as it may be reasonable for 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 Great Britain, grant unto the petitioner, his executors, administrators, and assigns, the sole benefit and advantage of his said invention, within that part of your Majesty's united kingdom of Great Britain and Ireland called Eng-

land, your dominion of Wales, and the town of Berwick-upon-Tweed, *and also, in all your Majesty's colonies and plantations abroad* *, for the term of fourteen years, according to the statute in that case made and provided, if your Majesty shall be graciously pleased so to do.

Provided the said petitioner doth, within such reasonable time as shall be limited in the said letters patent, to be computed from the date thereof, cause a particular description of the nature of the said invention, and in what manner the same is performed, under his hand and seal, to be enrolled in your Majesty's High Court of Chancery, otherwise the said letters patent to be void.

All which is humbly submitted to your Majesty's royal wisdom,

VICARY GIBBS.

1*st. November*, 1807.

* See note, page 26.

GEORGE R.

Warrant for the bill.

WHEREAS *A. B.* of [*&c.*] hath by his petition humbly represented to us, that [*here comes in the allegations of the petition*], the petitioner, therefore, most humbly prays, that we will be graciously pleased to condescend [*here follows the prayer of the petition,*] 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 Great Britain, containing our grant unto him, the said *A. B.* his executors, administrators, and assigns, of 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 all our colonies and plantations abroad**, for the term of fourteen years, according the statute in that case made and

* See note, page 26.

provided. Provided, that the petitioner does, within the space of *one calendar month* *, to be computed from the date of our 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 *second* day of *November*, *one thousand eight hundred and seven*, and in the *forty-eighth* year of our reign.

By his Majesty's command,

To our Attorney or Solicitor-General. } HAWKESBURY. †

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* This is the usual time, but more will be granted, *if necessary*, on the reason being stated.

† The Secretary of State for *the Home Department*.

GEORGE the third, by the grace of God, &c. To all to whom these presents shall come greeting. Whereas *A. B.* [*here comes in the body of the patent* *.] Notwithstanding the not full and certain describing the nature or quality of the said invention, or of the materials thereto conducing and belonging. IN WITNESS, &c. WITNESS, &c. Bill for the present.

Examined. VICARY GIBBS.

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY.

This contains your Majesty's grant unto *A. B.* of [*&c.*] of the sole use, benefit, and advantage, of his invention of [*here comes in the title of the invention,*] to hold to him, his executors, administrators, and assigns, within England, Wales, and the town of Berwick-upon-Tweed, [*and also within all your Majesty's colonies and plantations abroad* †], for the term

* See the *patent*, page 36. † See *note*, page 26.

of fourteen years, pursuant to the statute in that case made and provided. Provided that he does, within *one calendar month** 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. And, all such clauses, prohibitions, and provisoes, 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 royal sign manual.

Countersigned by . . . . . .

. . . . . †

VICARY GIBBS.

9th November, 1807.

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* See *note*, page 32.

† The Secretary of State for the *Home Department*.

GEORGE the third, by the grace of God, King of the united kingdom of Great Britain and Ireland, to our right trusty and well-beloved councillor, JOHN LORD ELDON, BARON OF ELDON, our Chancellor of Great Britain, greeting. We will and command, that, under our great seal of Great Britain, remaining in your custody, you cause these our letters to be made forth patent, in the form following: George, [*here comes in the body of the patent**].

Warrant of the privy seal.

GIVEN under our privy seal, at our palace of Westminster, the *fifteenth* day of *December*, in the *forty-eighth* year of our reign.

Examined. J. SARPENT, deputy†.

On the label.

To our right trusty and well-beloved councillor, JOHN LORD ELDON, BARON OF ELDON, our Chancellor of Great Britain.

* See the *patent*.

† One of the deputy clerks to the Privy Seal.

Patent. GEORGE the third, by the grace of God, of the united kingdom of Great Britain and Ireland King, defender of the faith, to all to whom these presents shall come, greeting. WHEREAS *A. B.* of [*&c.*] hath, by his petition, humbly represented unto us, that [*here follows the allegations of the petition.**] The petitioner, therefore, most humbly prayed we would be graciously pleased to grant [*here follows the prayer of the petition* †.] 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 *A. B.* his executors, administrators, and assigns, our especial licence, full power, sole privilege, and authority, that he, the said *A. B.*

* See page 25. † See page 26.

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 *A. B.* his executors, administrators, or 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 within all our colonies and plantations abroad* *,] in such manner, as to him, the said *A. B.* his executors, administrators, and assigns, or any of them, shall, in his or their discretions, seem meet. And, that he, the said *A. B.* his executors, administrators, and assigns, shall, and lawfully may, have, and enjoy, the whole profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and

* See note, page 26.

arising, by reason of the said invention, for and during the term of years herein mentioned, TO HAVE, HOLD, RECEIVE, AND ENJOY, the said licence, powers, privileges, and advantages, herein before granted, or mentioned to be granted, unto the said *A. B.* 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 that case made and provided. AND, to the end that the said *A. B.* his executors, and 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 our subjects whatsoever, of what estate, quality, degree, name, or condition soever they be, within 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 within all our colonies and plantations abroad* *] aforesaid, 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 unto by the said *A. B.* as aforesaid, nor in anywise 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, devisor or devisors, thereof, without the licence, consent, or agreement of the said *A. B.* 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 their contempt of this

* See note, page 26.

our royal command, and further to be answerable to the said *A. B.* 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, headboroughs, and all other officers and ministers whatsoever, of us, our heirs, and successors, for the time being, that they or any of them do not, nor shall at any time hereafter, during the said term hereby granted, in anywise molest, trouble, or hinder the said *A. B.* 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 aforesaid 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 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 colonies and plantations abroad**] aforesaid, or not invented or found out by the said *A. B.* 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

* See note, page 26.

the said *A. B.* 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 and 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 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 *A. B.* 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 or found out, according to the true intent and meaning of the same respective letters patent, and of these presents. PROVIDED

* See note, page 26.

LIKEWISE nevertheless, and these our letters patent are upon this express condition, that if the said *A. B.* his executors or administrators, or any person or persons, which shall or may, at any time or times hereafter, during the continuance of this grant, have or claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, and authority, of the sole use and benefit of the said invention, hereby granted, shall make any transfer or assignment, or any pretended transfer or assignment, of the said liberty and privilege, or any share or shares of the benefit or profit thereof, or shall declare any trust thereof, to or for any number of persons, exceeding the number of five, or shall open, or cause to be opened, any book or books, for public subscriptions, to be made by any number of persons exceeding the number of five, in order to the raising any sum or sums of money, under pretence of carrying on the said liberty or privilege, hereby granted; or shall by him or themselves, or his or their agents or servants, receive any sum or sums of money whatso-

ever, of any number of persons exceeding in the whole the number of five, for such or the like intents and purposes, or shall presume to act as a corporate body, or shall divide the benefit of these our letters patent, or the liberty and privileges hereby by us granted, into any number of shares exceding the number of five, or shall commit or do, or procure to be committed or done, any act, matter, or thing, whatsoever, during such time as such person or persons shall have any right or title, either in law or equity, in or to the said premises, which will be contrary to the true intent and meaning of a certain act of Parliament, intitled, " An Act for the better securing certain Pow-" ers and Privileges intended to be granted by " His Majesty, by two Charters, for Assur-" ance of Ships and Merchandizes at Sea, and " for lending Money upon Bottomry, and for " restraining several extravagant and unwar-" rantable Practices therein mentioned;" or in case the said power, privilege, or authority, shall, at any time hereafter, become vested in, or in trust for, more than the number of five

persons, or their representatives, at any one time (reckoning executors or administrators, as and for the single person whom they represent, as to such interest as they are or shall be intitled to, in right of such their testator or intestate); 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, any thing herein before contained to the contrary thereof in anywise notwithstanding. PROVIDED ALSO, that if the said *A. B.* 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 *one calendar month** next, and immediately after the date of these our letters patent, that then these our letters patent, and all liberties, and advantages whatsoever hereby granted, shall utterly cease, determine, and become void,

* See note, page 32.

any thing herein before 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 *A. B.* 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 favourable and beneficial sense, for the best advantage of the said *A. B.* 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 all our colonies and plantations abroad**] aforesaid, and amongst all and every the subjects of us, our heirs, and successors, whatsoever and wheresoever, not-

* See note, page 26.

withstanding the not full and certain describing the nature or quality of the said invention, or of the materials thereto conducing and belonging. In witness whereof, we have caused these our letters to be made patent. WITNESS ourself at Westminster, this *eighth* day of *December*, in the *forty-eighth* year of our reign.

By writ of privy seal.

WILMOT †.

Specification.

*TO ALL TO WHOM THESE PRESENTS SHALL COME, I, *A. B.* of [*&c.*] send greeting. WHEREAS his most excellent Majesty, King George the third, by his letters patent, under the great seal of Great Britain, bearing date, at Westminster, the *eighth* day of *December*, in the *forty-eighth* year of his reign, did, for himself, his heirs, and successors, give and grant unto me, the said *A. B.* his especial licence, that I,

* The specification may be inspected by the public, and an office copy had, any time during office hours, at the Petty Bag Office, Rolls' Yard, Chancery Lane.

† The *clerk* of the letters patent.

the said *A. B.* my executors, administrators, and assigns, or such others, as I, the said *A. B.* my executors, administrators, or assigns, should at any time agree with, and no others, from time to time, and at all times during the term of years therein expressed, should, and lawfully might, make, use, exercise, and vend, within England, Wales, and the town of Berwick-upon-Tweed, [*and also within all his Majesty's colonies and plantations abroad* *] my invention of [*here describe the invention in the words of the patent.*] In which said letters patent, there is contained a proviso, obliging me, the said *A. B.* by an instrument in writing, under my hand and seal, particularly to describe and ascertain the nature of my said invention, and in what manner the same is to be performed; and to cause the same to be enrolled in his Majesty's High Court of Chancery, within *one calendar month* † next, and immediately

* See note, page 26.

† Particular care should be taken, that the specification is acknowledged, and lodged in the Enrolment Office, before the expiration of the time, as only the legislature can

next, and immediately after the date of the said recited letters patent, as in and by the same reference being thereunto had, will more fully and at large appear. NOW KNOW YE, that, in compliance with the said proviso, I, the said *A. B.* do hereby declare, that the nature of my said invention, and the manner in which the same is to be performed, is described and ascertained in [*the plan* drawn in the margin of these presents, and*] the following explanation thereof, that is to say [*here are stated the particulars.*] IN WITNESS whereof, I, the said *A. B.* have hereunto set my hand and seal, the *eighth* day of *January*, in the year of our Lord *one thousand eight hundred and eight.*

A. B. *(Seal.)*

Taken and acknowledged by the above-named *A. B.* at the Public Office, Southampton Buildings, Chancery Lane, this *eighth* day of *January*, 1808, before me, JOHN SIMEON.

give relief afterwards. Per *Lord Chancellor Eldon*, in Ex-parte Koops. Vesey jun. Chancery Reports, vol. 6, page 599.

* If there be no plan, these words are to be omitted.

Certificate of the enrolment.

* Inrolled in the Petty Bag Office, in his Majesty's High Court of Chancery, the *eighth* day of *January* †, in the *forty-eighth* year of the reign of King George the Third.

P. PARRY ‡.

Mr. A. B. *to* W. H. *Dr.*

Solicitor's bill for the patent.

	£	s.	d.
Taking instructions for patent,			
for your invention of	0	13	4
Drawing petition for it, and fair copy to present - - - - -	0	10	0
Drawing and engrossing your affidavit in support of the petition	0	10	0
Paid for the stamp and oath -	0	4	3
Paid fees, at the Secretary of State's Office, for reference thereon - - - - - - - -	2	2	6
Paid fees, at the Attorney General's, for his report - - - -	4	4	0
Paid fees, at the Secretary of			

* Indorsed on the back of the specification.

† If the patent is to be enrolled within one calendar month, the time for the enrolment will expire on the day month the patent bears date.

‡ One of the clerks of the Petty Bag Office.

	£	s.	d.
State's Office, for the warrant			
for the bill - - - - - -	9	1	0
Paid fees, at the Patent Office,			
for the bill - - - - - - -	20	18	6
Paid fees, at the Secretary of			
State's Office, for the King's			
sign manual to the bill - - -	9	1	0
Paid fees, at the Signet and Privy			
Seal Offices, for warrant to the			
Lord Chancellor - - - -	10	14	0*

November, 1807.

			£	s.	d.
* SIGNET OFFICE.	Fees, &c.	- -	3	14	6
A. B.	Gratuity	- -	1	1	0
Invention.	Office keeper	-	0	5	0
			£5	0	6

November, 1807.

PRIVY SEAL OFFICE.	Fees and stamps	-	4	7	6
A. B.	Office keeper	- -	0	5	0
Invention.	Gratuity	- - - -	1	1	0
			£5	13	6

	£	s.	d.
Paid fees, at the Lord Chancellor's Patent Office, for the patent	43	15	6*
Solicitor's fee	10	10	0
Taking instructions for the specification	0	13	4

* Patent Office, *George Street, Adelphi.*

Mr. *B.* Invention. One skin.

Patent Office	6	0	0
Stamps	20	1	0
Boxes	0	7	0
Deputy	2	2	0
Engrossing clerk	0	10	6
Hanaper	7	13	6
Deputy	0	10	6
Recepi	2	12	6
Sealers	0	10	6
Grutuity	0	10	6
	40	18	0
Clerk	0	5	0
	41	3	0
Private Seal	2	2	0
	43	5	0
Expedition	0	10	6
	£43	15	6

	£	s.	d.
Drawing the same - - - - -	1	6	8
Fair copy for counsel to peruse and settle - - - - - - -	0	10	0
Attending Mr. H. therewith, and several times afterwards in conference with him and you thereon - - - - - - - -	1	6	8
Gave him and clerk - - - -	5	15	6
Engrossing the specification, plan paid for by you - - - - -	0	13	4
Examining the same - - - -	0	6	8
Parchment - - - - - - -	0	5	0
Paid the stamp duty on the specification * - - - - - -	5	0	0
Attending at the Stamp Office for that purpose - - - -	0	6	8
Attending with you to the Public Office, on your acknowledging the specification - - -	0	13	4
Paid fee thereon - - - - -	0	2	6
Several attendances, at the Petty			

* *44 George* III. c. 98.

	£	s.	d.
Bag Office, enrolling the specification - - - - - - - -	0	13	4
Paid thereon* - - - - - - - -	2	2	6
Letters, porters, and petty expenses	1	1	0

Caveat. Caveat against any person or persons applying for his Majesty's letters patent for [*here describe the invention, in general terms.*] without notice to Mr. *W. H.* of [*&c.*]. Dated this . . . . day of . . . , 1808.

Notice of application to Parliament for an act to prolong the term of the patent.

London, 1st August, 1806.

INVENTION OF . . . . FOR . . . . .

NOTICE† is hereby given, that application is intended to be made to Parliament, in the

* According to the length.

† The notice must have prefixed to it, in capital letters, the name by which the invention is usually distinguished. And it must contain a distinct description of the invention, with an account of the term of the duration of the patent. *Order, 30th June*, 1801.

next Session, for an act, for vesting in the above-named . . . . . , together with . . . . . , their executors, administrators, and assigns, for a term of years to be limited by such act, the sole privilege, right, and authority of making, using, and vending a certain MACHINE for [*as in the patent,*] for the exclusive right to make, use, exercise, and vend which MACHINE, within that part of the united kingdom of Great Britain and Ireland called England, the dominion of Wales, and town of Berwick upon Tweed, the said . . . . . obtained His Majesty's letters patent, bearing date the . . . . . day of . . . . . in the . . . . . year of his reign, for the term of fourteen years, from the date of the said letters patent: and for the exclusive right to practise, exercise, and make use of which said MACHINE within Ireland, the said . . . . . obtained his Majesty's letters patent, bearing date the . . . . . day of . . . . . , in the . . . . . ,

year of his reign, for the term of fourteen years, from the date of the said last-mentioned letters patent: and for the exclusive right to make, use, and vend which said MACHINE, within that part of the united kingdom of Great Britain and Ireland called Scotland, the said . . . . . likewise obtained his Majesty's letters patent, bearing date the . . . . day of . . . , in the . . . . year of his reign, for the term of fourteen years, from the date of the said last-mentioned letters patent. And also, for vesting in them the said . . . . . and . . . , their executors, administrators, and assigns, for a term of years to be limited by such act, the sole privilege, right, and authority, of making, using, and vending certain improvements on, and additions to, his, the said . . . . 's said MACHINE: for the exclusive right to make, use, exercise, and vend which improvement and additions, within that part of the united kingdom of Great Britain and Ireland called England, the dominion of Wales, and town of

Berwick-upon-Tweed, and also, in all his Majesty's colonies, and plantations abroad, he, the said . . . . , obtained his Majesty's letters patent, bearing date, the . . . . . day of . . . . . , in the . . . . . year of his reign, for the term of fourteen years, from the date of the said last-mentioned letters patent: and, for the exclusive right to use, exercise, and vend which improvements and additions, within Ireland, ... , he, the said . . . . , also obtained His Majesty's letters patent, bearing date, the . . . day of . . . . , in the . . . . year of his reign, for the term of fourteen years, from the date of the said last-mentioned letters patent: and for the exclusive right to make, use, and vend which improvements and additions, within that part of the united kingdom of Great Britain and Ireland called Scotland, he, the said . . . . . likewise obtained his Majesty's letters patent, bearing date the . . . . day of . . . . , in the . . . . year of his reign, for the

term of fourteen years, from the date of the said last-mentioned letters patent.

W. H.

Solicitor and Agent for the above-named . . . . . and . . . . . .

To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

The humble petition of . . . and . . .

SHEWETH,

Petition to the House of Commons for leave to bring in the bill.

That* your petitioner . . . . , after considerable application and expense, invented or found out a MACHINE, for [*describing the invention as in the patent.*]

That his Majesty, by letters patent, dated the . . . . day of . . . , in the . . . .

* The petition must truly state the case—*Order, 26th May*, 1685: and set forth the suggestions and reasons—*Order, 24th November*, 1699. It must also have copies of the patents annexed. See page 20.

year of his reign, granted to your petitioner, ... , his executors, administrators, and assigns, the sole use and exercise of his said invention, within that part of the united kingdom of Great Britain and Ireland called England, the dominion of Wales, and town of Berwick-upon-Tweed, for the term of fourteen years from the date of the said letters patent.

That his Majesty, by letters patent, dated the . . . day of . . , in the . . . . year of his reign, also granted to your petitioner, ... , his executors, administrators, and assigns, the sole use and exercise of his said invention, within Ireland, for the term of fourteen years, from the date of the said last-mentioned letters patent.

That his Majesty, by letters patent, dated the . . . day of . . . in the . . . year of his reign, likewise granted to your petitioner, ... , his executors, administrators, and assigns, the sole use and exercise

of his said invention, within that part of the united kingdom of Great Britain and Ireland called Scotland, for the term of fourteen years, from the date of the said last-mentioned letters patent.

That his Majesty, by letters patent, dated the . . . day of . . . in the . . . . year of his reign, granted to your petitioner, ... , his executors, administrators, and assigns, the sole use and exercise of certain improvements on, and additions to, his said MACHINE, within that part of the united kingdom of Great Britain and Ireland called England, the dominion of Wales, and town of Berwick-upon-Tweed, and also in all his Majesty's colonies and plantations abroad, for the term of fourteen years, from the date of the said last-mentioned letters patent.

That his Majesty, by letters patent, dated the . . . day of . . . , in the . . . year of his reign, also granted to your peti-

tioner, ... , his executors, administrators, and assigns, the sole use and exercise of his said improvements and additions, within Ireland, for the term of fourteen years, from the date of the said last-mentioned letters patent.

That his Majesty, by letters patent, dated the . . . day of . . . , in the . . . . year of his reign, likewise granted to your petitioner, ... , his executors, administrators, and assigns, the sole use and exercise of his said improvements and additions, within that part of the united kingdom of Great Britain and Ireland called Scotland, for the term of fourteen years, from the date of the said last-mentioned letters patent.

That [*here comes in the special circumstances; see, in the Act, the manner of stating them.*]

Your petitioners, therefore, humbly pray, that leave may be given to

bring in a bill, to prolong the several terms, granted by the aforesaid letters patent, to your petitioner, ... , and by him assigned to your petitioner, . . , and to vest in your petitioners, their executors, administrators, and assigns, the sole privilege, right, and authority, of making, using, and vending the aforesaid MACHINE, with the said improvements and additions, for such term of years, in such manner, and under such regulations, as to this honourable house shall seem meet*.

* The petition must be signed by the parties, who are suitors for the bill. *Order*, 26*th May*, 1685.

AN

ACT

FOR

Prolonging the Term of certain Letters Patent assigned to . . . . . , for the Invention of making . . . . . by means of MACHINERY.

Preamble.

Letters patent to . . . . for his MACHINE for England.

WHEREAS his most excellent Majesty King George the Third, by letters patent, under the great seal of *Great Britain* bearing date the . . . day of . . . . . , in the . . . year of his reign, did give and grant to . . . . . , then of . . . . . , in the county of . . . . . , his executors, administrators, and assigns, full power, sole privilege, and authority, to make, use, exercise, and vend a MACHINE for making . . . . . , within that part of the united kingdom of *Great Britain* and *Ireland* called *England*, the dominion of *Wales*, and town of *Berwick-upon-Tweed*, for the

term of fourteen years, from the date of the said letters patent: and, by other letters patent, under the great seal of *Ireland*, dated the . . . . . day of . . . . . , in the . . . . . year of his reign, did give and grant unto the said . . . , his executors, administrators, and assigns, full power, sole privilege, and authority, to practise, exercise, and make use of, the said invention of a MACHINE for making . . . . . , within *Ireland*, for the term of fourteen years, from the date of the said last-mentioned letters patent: and, by other letters patent, under the seal appointed by the Treaty of Union to be kept and used in *Scotland*, instead of the great seal thereof, and bearing date the . . . . . day of . . . , in the . . . . . year of his reign, did give and grant unto the said . . . . . , his executors, administrators, and assigns, full power, sole privilege, and authority, to make, use, and vend the said invention, within that part of the united kingdom of *Great Britain* and *Ireland* called *Scotland*, for the space of fourteen

Patent for Ireland.

Patent for Scotland.

fourteen years, from the date of the said last-mentioned letters patent.

AND WHEREAS in the said recited letters patent respectively were contained provisoes, obliging the said . . . . to describe and ascertain the nature of the said invention, and in what manner the same was to be performed, by instruments in writing, under his hand and seal, to be respectively enrolled, as herein-after is expressed, namely, the instrument describing the invention, which was the object of the said recited letters patent, dated the . . . . day of . . . , in the . . . year of his present Majesty, to be enrolled in the High Court of Chancery in *England*, within SIX calendar months next after the date thereof; the instrument, describing the invention, which was the object of the said recited letters patent, dated the . . . day of . . . , in the . . . year of his said Majesty's reign, to be enrolled in the rolls of the High C[illegible]f Chancery in *Ireland*, within six calend[illegible]onths, from the date of the [illegible]ame letters patent; and the in- *(Specifications to be enrolled.)*

strument, describing the invention, which was the object of the said recited letters patent, dated the . . . day of . . . . , in the year . . . . , to be enrolled in the Court of Chancery in *Scotland*, within FOUR calendar months, from the date of the same letters patent.

Specifications enrolled.

AND WHEREAS the said . . . . did accordingly, in pursuance of the said respective provisoes, and within the respective times so limited as aforesaid, cause particular descriptions or specifications of the said invention to be respectively enrolled in the said Courts of Chancery in *England*, in *Ireland*, and in *Scotland*, in and by instruments in writing, under his hand and seal, as required by the said respective letters patent: and, whereas the said MACHINE, as to the mechanical construction thereof, required improvements, which could not be effected without making experiments upon a large and very extensive scale, and in a course of actual business and manufacture, and the said . . . , therefore,

finding it absolutely necessary, towards accomplishing those purposes, that he should obtain the assistance and co-operation of persons possessed of large capital, as well as connected with, and conversant in, the manufacture and sale of . . . , made proposals to . . . , of . . . . . , and having obtained from him the assistance he stood in need of, the said . . . . . proceeded upon that foundation, and, by the means aforesaid, made the necessary improvements in the said MACHINE, whereby the same was brought to a state of perfection, very far surpassing every mode of manufacturing . . . . that hath hitherto been known or in use, as well in celerity, convenience, and accuracy in working, as in the unlimited dimensions and excellent quality of the . . . . . produced, and also in effecting a very great reduction in the expense attending such manufacture.

AND WHEREAS, by certain other letters patent, under the great seal of *Great Britain*, bearing date the . . day of . . . , in

Letters patent for improvements, for England, &c.

the . . . year of his present Majesty's reign, after reciting (amongst other things) that the said . . . . had, by his petition, humbly represented to his said Majesty, that he was in possession of certain improvements on, and additions to, the said MACHINE for making . . . . . , for which MACHINE he obtained the before-recited letters patent, bearing date the . . . of . . , in the . . . year of his said Majesty's reign, and that such improvements and additions would not only make the said MACHINE more perfect and complete, but by far more useful to the public, than it was in its then present state, and that the same, so improved, was new in this kingdom, and had not, with such improvements and additions, been practised therein, by any person or persons whomsoever, to his knowledge or belief; his said present Majesty did give and grant unto the said . . . . . , his executors, administrators, and assigns, full power, sole privilege, and authority, to make, use, exercise, and vend his said invention, within that part of the

united kingdom of *Great Britain* and *Ireland* called *England*, the dominion of *Wales*, and town of *Berwick-upon-Tweed*, and also in all his Majesty's *colonies* and *plantations abroad*, for the term of fourteen years, from the date of the now reciting letters patent, fully to be complete and ended: and by certain other letters patent, under the great seal of *Ireland*, bearing date the . . . . day of . . . . in the . . . . year of his said present Majesty's reign, after reciting (amongst other things) to the effect recited in the said last-mentioned letters patent, and taking notice of the said letters patent of the . . . . day of . . . . , in the . . . . year of his present Majesty's reign, his said most excellent Majesty did give and grant unto the said . . . . . , his executors, administrators, and assigns, full power, sole privilege, and authority, for the term of fourteen years, to be computed from the date of the now reciting letters patent, to use, exercise, and vend certain improvements and additions to the said MACHINE for making . . . . . .

Patent for Ireland.

Patent for Scotland.

within *Ireland*: and by certain other letters patent under the seal appointed by the Treaty of Union to be used in *Scotland* instead of the great seal thereof, and bearing date the . . . . . day of . . . . . in the . . . . . year of his present Majesty's reign, reciting to the purport or effect recited in the said letters patent of the . . . . . day of . . . . in the . . . . . year of his present Majesty, and taking notice of the said letters patent of the . . . . . day of . . . . in the . . . . . year of his present Majesty, his said most excellent Majesty did give and grant unto the said . . . . . , his executors, administrators, and assigns, full power, sole privilege, and authority, to make, use, and vend the said invention, within that part of the united kingdom of *Great Britain* and *Ireland* called *Scotland*, for the term of fourteen years from the date of the now reciting letters patent, fully to be completed and ended.

Of the improvements.

(Specifications to be enrolled.)

AND WHEREAS in the said three several letters patent, lastly herein before recited, were contained provisoes obliging the said . . . . . to describe and ascertain the nature of the said improved invention, and in what manner the same was to be performed, by instruments in writing under his hand and seal, to be respectively enrolled as hereinafter is expressed, namely, the instrument describing the invention which was the object of the said letters patent, bearing date the . . . . day of . . . . in the . . . . . year of his present Majesty's reign, to be enrolled in the High Court of Chancery in *England*, within SIX calendar months next after the date thereof; the instrument describing the said invention which was the object of the said letters patent of the . . . . day of . . . . . in the . . . . . year of his present Majesty's reign, to be enrolled in the Court of Chancery in *Ireland*, within SIX calendar months next ensuing the date of the same letters patent; and the instrument describing

the invention which was the object of the said letters patent of the . . . . . day of . . . . . , ... to be enrolled in the Court of Chancery in *Scotland*, within FOUR calendar months from the date of the same letters patent.

Specification of the improvements enrolled.

AND WHEREAS the said . . . . . did accordingly, in pursuance of the said respective provisoes, and within the respective times so limited as aforesaid, cause particular descriptions or specifications of his said inventions to be respectively enrolled in the said Courts of Chancery in *England*, *Ireland*, and *Scotland*, in and by instruments in writing under his hand and seal.

Assignments of the patents from . . . . to . . . .

AND WHEREAS by six several indentures of assignments, five of the said indentures bearing date respectively on or about the . . . . . day of . . . . . , in the year of our Lord . . . . . and the other of the said six indentures bearing date on or about the . . . day of . . . in the said

year . . . , and also made or expressed to be made between the said . . . . . of the one part, and . . . . . of . . . . . of the other part, all and every the said several letters patent hereinbefore recited, and all the estate, right, title, and interest of him the said . . . . , of, in, and to the same, and all the licence, powers, privileges, and authority, by the said several letters patent, and every of them given and granted to the said . . . . . , his executors, administrators, and assigns, to make, use, exercise, and vend the said inventions, and all the profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and arising from or by reason of the said several recited letters patent and inventions, or any or either of them, were granted, bargained, sold, assigned, transferred, and set over by the said . . . . unto the said . . . . . , his executors, administrators, and assigns, to have and to hold, receive, take, use, and enjoy the said premises unto the said . . . . . , his executors, administrators, and assigns, from thenceforth, for all the resi-

due of the said several and respective terms of fourteen years then to come and unexpired, in as full, ample, and beneficial a manner, to all intents and purposes, as he, the said . . . . . , his executors, administrators, or assigns, could or might do if the said several indentures of assignment had not been made.

(*Special circumstances*) AND WHEREAS the said . . . . . and . . . . . have made use, and continue to make use, of the said improved MACHINE, in a very extensive trade, in part whereof, viz. in a manufactory at . . . . , in the county of . . . . . , the said . . . . . and . . . . . are jointly concerned as co-partners.

AND WHEREAS, in preparing models, and also a large MACHINE, respectively adapted, according to the said original and improved inventions, to the making of experiments in bringing the said inventions to perfection, and moreover in establishing the manufactory of . . . . . upon the plan and principles

of the said inventions, the said . . . . . hath expended a very large sum of money, and in consequence of the great and numerous difficulties incident to the establishing of an undertaking so novel in its principle and application, and of such magnitude in all respects, the said . . . . . and . . . . . have lost more than SIX years of the original term of exclusive privilege, granted as aforesaid, and have not hitherto obtained any indemnity for the expense, nor any reward for the labour, trouble, and risk incurred, or the large capital employed therein, nor can they possibly obtain, during the residue now to come of the several terms of years granted by the said letters patent, any reward at all adequate to such expense, or to the great public benefit resulting from the said improved MACHINE.

AND WHEREAS the remainder of the short terms of exclusive use and privilege, granted by the said recited letters patent, do not afford sufficient encouragement and inducement to persons engaged in the . . . . trade to

alter their mode of working, and to introduce the new method of making . . . . by MACHINERY, upon the plan and principles of the said improved MACHINE, although they would otherwise be willing to adopt the same; and unless the said terms and privileges be enlarged, so as to afford such encouragement and inducement, the said improved MACHINE cannot be introduced into general use whilst the privilege shall remain with the said . . . . . and . . . . . , and by that means the great and valuable trade of . . . . . will in general be carried on in a very defective and inconvenient state, and the means of effecting a very material reduction in the price of . . . . will be delayed and postponed for several years; to the great detriment of the public in many respects: to the end, therefore, that the said . . . . . and . . . . . , may be enabled to afford such encouragement and inducement to the manufacturers of . . . , within his Majesty's dominions, as may bring about and occasion the general introduction

and use of the said improved MACHINE in the manufacture of . . . . of every description, without further loss of time, so that the public may reap all the advantages and benefits to be derived therefrom in their fullest extent; and that the said . . . . . and . . . . . may obtain a reasonable and adequate indemnity and reward for the above risk and expense in the premises,

MAY IT PLEASE YOUR MAJESTY,

That it may be enacted, and 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 the sole privilege, right, and authority of making, using, and vending the said improved MACHINE, within the united kingdom of *Great Britain* and *Ireland*, and in his Majesty's *colonies* and *plantations* *abroad*, shall, from and after the passing of this act, be, and the same is hereby declared to be, vested in the said . . . . . and . . . . . , their executors, administrators, and assigns,

The sole right to the improved MACHINE vested in . . . . and . . . . for a certain time.

for and during the term of fifteen years, from thenceforth next ensuing, being an addition of SEVEN years, or thereabouts, to the term granted by the said letters patent, dated on or about the . . . . day of . . . . . ; and that they, the said . . . . . and . . . . . , their executors, administrators, and assigns, and every of them, by themselves, or by their deputy or deputies, servants or agents, or such others, as they the said . . . . . and . . . . . , their executors. administrators, or assigns, shall at any time agree with, and no others, from time to time, and at all times, during the term of years herein before last mentioned, shall and lawfully may make, use, and vend the said improved MACHINE, within the united kingdom of *Great Britain* and *Ireland*, in such manner as to them the said . . . . . , and . . . . . , their executors, administrators, and assigns, or any of them, shall in their discretion seem meet; and that the said . . . . and . . . . , their executors, administrators, and assigns, and every of them, shall and

lawfully may have and enjoy the whole profit, benefit, commodity, and advantage, from time to time coming, growing, accruing, and arising, by reason of the said improved MACHINE, for and during the said term of FIFTEEN years, last herein before mentioned, to have, hold, exercise, and enjoy the said privilege and authority unto the said . . . . . and . . . . . , their executors, administrators, and assigns, for and during and unto the full end and term of FIFTEEN years as aforesaid, and that no other person or persons, within the said United Kingdom of *Great Britain* and *Ireland*, shall, at any time, during the said term of FIFTEEN years, either directly or indirectly, make, use, or vend the said improved MACHINE, nor in anywise counterfeit, imitate, or resemble the same, nor shall make, or cause to be made, any addition thereto, or subtraction from the same, whereby to pretend himself, herself, or themselves, the inventor or inventors, devisor or devisors thereof, without the licence, consent, or agreement of the said . . . . . and

. . . . , their executors, administrators, or assigns, in writing, under 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 offender or offenders, for his, her, or their contempt of this act, and further, to be answerable to the said . . . , and . . . . , their executors, administrators, and assigns, according to law, for their damages thereby occasioned.

The rates to be taken for using the MACHINE.

AND WHEREAS, in order to facilitate the general introduction and use of the said improved MACHINE in the . . . trade, the said . . . . and . . . . . have offered and proposed to the manufacturers of . . . , to grant them licences for using the said improved MACHINE, and for furnishing such MACHINE upon terms very beneficial to such manufacturers, and tending to encourage and promote the immediate introduction of the said improvements into general use, whereby such manufacturers, and the public at large, will be greatly benefited; which

terms, so offered, are as follows: (that is to say) for the use of the said improved MACHINE by such person or persons as shall [*here the rates are particularly specified.*] To the end, therefore, that the public may be assured of the advantage of the said inventions, upon the terms and conditions so offered and proposed to the said manufacturers of . . . . , during the continuance of this act; be it therefore enacted, that it shall not be lawful for the said . . . . . and . . . . . , or either of them, or the executors, administrators, or assigns of either of them, to ask, demand, or take any greater price, reward, or recompence for the privilege of using the said improved MACHINE, from the persons so making or using the same, than after the rate and in the manner expressed and set forth in the said recited offer and proposal.

III. PROVIDED ALWAYS, that all and every persons and person, who, either by any direct contract or agreement with the said . . . . and . . . . , or either of them, or by any

Not more to be paid by former contractors.

legal transfer of any such contract or agreement, have or hath at any time heretofore been, and are or is now entitled to use any such MACHINE, for making . . . . . as aforesaid, shall not from henceforth be subject or liable, by virtue of any such contract or agreement, to pay any greater annual rent, premium, or sum of money whatsoever, for the liberty of using such MACHINE, than the said . . . . . and . . . . . lawfully can or may, from time to time, from and after the passing of this act, charge, receive, or take from such person or persons respectively by virtue of this act; and, that such person or persons duly paying, from time to time, after the passing of this act, such and the same annual rent, premium, or sum of money, for the liberty of using such MACHINE, as lawfully can or may be charged or received, from time to time, according to the terms prescribed by this act, shall and lawfully may use such MACHINE, after the passing of this act, and from thenceforth, during the whole term of years hereby granted, with-

out paying, from time to time, any other than such annual rent, premium, or sum of money as aforesaid, although the said contracts or agreements were respectively made for the liberty of using the said MACHINE during any shorter period or term of years, or upon payment of any greater annual rent, premium, or sum of money than as aforesaid; any thing in the said contracts or agreements, or any of them, contained to the contrary notwithstanding.

Not to hinder the using, &c. any invention different from the improved MACHINE, &c.

IV. PROVIDED ALWAYS, and be it further enacted and declared, that nothing in this act contained shall extend, or be construed to extend, to hinder any person or persons from making or using any MACHINE, or method of or for the manufacturing of . . . . . , that is different from the said improved MACHINE, invented and perfected, as herein before recited and described in the said enrolled specifications thereof, and to be further described, in its present improved state, in the said specifications to be enrolled as required by this

act; or any MACHINE or method, which hath or had been publicly used or exercised, by any person or persons before the date of the respective letters patent herein before recited, and within the kingdom or places therein respectively described or mentioned in that behalf; but, that every MACHINE and method of making . . . . . which is different from the said improved MACHINE, in relation to which the said respective letters patent were granted to the said . . . . . , as aforesaid, and which is not described and ascertained in the specifications thereof, enrolled in pursuance of the said respective letters patent, or which shall not be described in the said specifications to be enrolled, as required by this act, shall be and remain to the public and to the respective inventors thereof in like manner as if this act had not been made; any thing herein contained to the contrary thereof notwithstanding.

Specification to be enrolled.

V. AND WHEREAS it would be useful and convenient to the public, that the said MA-

CHINE, in its present improved state, should be described in a specification to be enrolled in the several Courts of Chancery of *England*, *Scotland*, and *Ireland*, or that, in default thereof, the privileges hereby granted for the extended term of years herein after mentioned should become void; be it therefore enacted, that if the said . . . . . and . . . . . , or the executors or administrators of the survivor of them, shall not particularly describe and ascertain the nature of the said MACHINE and invention, in the present improved state thereof, and in what manner the same MACHINE is to be made and used in such improved state, and also in what manner the work to be done thereby is to be performed, by instruments in writing, under the hand and seal, or hands and seals, of the parties or party executing the same; or if such parties or party shall not cause such instruments respectively to be enrolled in the several Courts of Chancery in *England*, *Scotland*, and *Ireland*, within SIX calendar months immediately after the day of the passing of this act, then this act,

and the extended term hereby granted, and also the privileges and advantages hereby given and granted, shall utterly cease, determine, and be void; any thing herein contained to the contrary in anywise notwithstanding: provided always, that the said parties or party executing such specifications, and causing the same to be enrolled, as aforesaid, shall not be obliged to use the same words, figures, delineations, or other explanations, as are contained in any of the specifications which were, as aforesaid, enrolled in the respective Courts of Chancery of *England*, *Scotland*, and *Ireland*, pursuant to the provisoes in the said several letters patent contained, but shall be at liberty to make use only of such words, figures, delineations, and explanations, as shall be apt and proper, as well for describing and ascertaining the said MACHINE and invention, in the present improved state thereof, as for describing and ascertaining in what manner the said MACHINE is to be made and used, in such improved state, and also for describing and ascertaining in what manner the work to be done

thereby is to be performed: provided also, that the said parties or party executing such instruments, and causing the same to be enrolled as aforesaid, shall be at liberty to explain, and shall explain, such better practical application of the original and improved principle or principles of the said MACHINE and invention, described in the said specifications, enrolled as aforesaid, or any or either of them, together with all the improvements thereof, as such parties or party now use and practise, without prejudice to the term of years, and other privileges, liberties, and advantages hereby granted, and also without prejudice to the said several recited letters patent, or any of them.

Not to affect objections to the validity of the patents.

VI. AND BE IT FURTHER ENACTED, that every objection, which might have been made, to the validity of the said recited letters patent, and to the sufficiency of the said specifications, enrolled as aforesaid, shall be respectively of the like force and effect in law against any action or suit, brought, sued, or prosecuted by

virtue or in consequence of this act, as such objections respectively would have been if this act had not been passed, and if also the specifications to be enrolled, as required by this act, had been in due time enrolled, instead of the said former specifications respectively, except only as to the extension of the said privileges for the further term of years hereby granted.

Improved MACHINE not to become the property of more than five persons, &c.

PROVIDED ALWAYS, that if the said . . . . . and . . . . . , their executors, administrators, or assigns, or any person or persons, who shall at any time, during the said term of FIFTEEN years, have or claim any right, title, or interest, in law or equity, of, in, or to the said power, privilege, or authority of the sole making, using, and vending the said improved MACHINE, shall make any transfer or assignment, or pretended transfer or assignment, of the said liberty or privilege, hereby vested in the said . . . . . and . . . . . , their executors, administrators, and assigns, or any share or shares of the be-

nefit or profits thereof, or shall declare any trusts thereof to or for any number of persons exceeding the number of five*, or shall open or cause to be opened any book or books for public subscriptions to be made by any number of persons, in order to the raising of any sum or sums of money, under pretence of carrying on the said liberty or privilege hereby vested in the said . . . . . and . . . . . , their executors, administrators, or assigns, or shall, by themselves, or their agents or servants, receive any sum or sums of money whatsoever, of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes, or shall presume to act as a corporate body, or shall divide the benefit of the liberty or privileges hereby vested in the said . . . . . and . . . . . , their executors, administrators, and assigns, into any number of shares exceeding the number of five, or shall commit or do, or procure to be committed or

* But see page 23.

done, any act, matter, or thing whatsoever, during such time as such person or persons shall have any right or title, either in law or equity, which shall be contrary to the true intent and meaning of an act passed in the sixth year of the reign of his late Majesty King *George* the first, entitled, *An Act for the better securing certain Powers and Privileges intended to be granted by his Majesty, by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry, and for restraining several extravagant and unwarrantable Practices therein mentioned;* or in case the said power, privilege, or authority shall at any time become vested in or in trust for more than the number of five persons, or their representatives, at any one time, otherwise than by devise or succession, (reckoning executors and administrators as and for the single persons they represent, as to such interest as they are or shall be entitled to in right of such their testator or intestate) that then, and in every of the said cases, all liberties and advantages whatsoever hereby vested

in the said . . . . . and . . . . . , their executors, administrators, and assigns, shall utterly cease, determine and become void; any thing herein before contained to the contrary thereof in anywise notwithstanding.

VIII. AND BE IT FURTHER ENACTED, that this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others, without being specially pleaded*. Public act.

* See 47th *George* III. sess. 2, chap. 131, local and personal acts.

AN

ACT

FOR

Vesting for a limited Time in . . . . . , his Executors, Administrators, and Assigns, the sole Property in certain MACHINERY *by him invented for . . . . . .*

Preamble.

Letters patent to . . . . for his MACHINERY; for England.

WHEREAS his most excellent Majesty King *George* the third, by his letters patent, under the great seal of *Great Britain*, bearing date the . . . . . day of . . . . . , in the . . . . . year of his reign, did give and grant unto . . . . . , then of . . . . . , but now of . . . . . , his executors, administrators, and assigns, his especial licence, full power, sole privilege, and authority, to make, use, exercise, and vend certain MACHINERY by him invented for . . . . . , in that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*, and town of *Berwick-upon-Tweed*, for a

term of fourteen years from the date of those presents: and by other letters patent, under the great seal aforesaid, bearing date the . . . . day of . . . . . , in the . . . . year of his said Majesty's reign, after reciting therein, that it had been represented to his said Majesty, that the said . . . . . had invented certain improvements on, and additions to his said MACHINERY, for which his said Majesty had been pleased to grant the letters patent herein before set forth, his said Majesty did give and grant unto the said . . . . . , his executors, administrators, and assigns, his especial licence, full power, sole privilege, and authority, to make, use, exercise, and vend his said invention in *England* and *Wales*, and the town of *Berwick-upon-Tweed*, for the term of fourteen years from the date of those presents: and by other letters patent, under the great seal aforesaid, bearing date the . . . . . day of . . . . . , in the . . . . . year of his said Majesty's reign, after reciting therein, that it had been represented to his said Majes-

Patent for improvements.

Patent for further improvements.

ty, that the said . . . . . had invented improvements upon and additions to MACHINERY by him already invented (and for which he had at sundry times obtained his Majesty's letters patent) for manufacturing and fabricating . . . . . , his said Majesty did give and grant unto the said . . . . . , his executors, administrators, and assigns, his especial licence, full power, sole privilege, and authority, to make, use, exercise, and vend his said invention in *England* and *Wales*, and the town of *Berwick-upon-Tweed*, for the term of fourteen years from the date of those presents.

Patent for *Scotland.*

AND WHEREAS his said most excellent Majesty, by his other letters patent, under the seal appointed by the treaty of union to be kept and used in *Scotland*, in place of the great seal formerly used there, bearing date the . . . . . day of . . . . . , one thousand . . . . . , in the said . . . . year of his reign, did give and grant unto the said . . . . . , his executors,

administrators, and assigns, his especial licence, full power, sole privilege, and authority, to make, use, and vend his MACHINERY for manufacturing and fabricating . . . . . , within that part of his Majesty's kingdom of *Great Britain* called *Scotland*, for the term of fourteen years from the date of those presents.

AND WHEREAS in the said recited letters patent respectively were contained provisoes obliging the said . . . . . to describe and ascertain the nature of his said inventions, and in what manner the same were to be performed, by instruments in writing under his hand and seal, to be respectively enrolled, as herein after is expressed; namely, the instruments describing the inventions, which were the objects of the said three first-recited letters patent, to be enrolled in the High Court of Chancery in *England*, within one calendar month from the dates of the said letters patent respectively; and the instrument, describing the invention, which was the object of the said last-recited *(Specifications to be enrolled.)*

letters patent, to be enrolled in the Court of Chancery in *Scotland*, within four calendar months from the date thereof.

Specifications enrolled.

AND WHEREAS the said . . . . . did accordingly, in pursuance of the said respective provisoes, and within the respective times so limited as aforesaid, cause particular descriptions or specifications of his said inventions to be respectively enrolled in the said Courts of Chancery in *England* and in *Scotland*, in and by instruments in writing under his hand and seal.

(Special circumstances.)

AND WHEREAS in consequence of the valuable nature of his said inventions, the said . . . . . hath been exposed to sundry invasions of his property therein, by persons falsely pretending themselves to have been authors of the said inventions or some of them; and hath in one instance, in order to obtain satisfaction for such an invasion, been put to great trouble, vexation, and expense in prosecuting a suit at law, which required attendances in *London* of many witnesses on his be-

half, at different times, and from several distant counties.

AND WHEREAS the said . . . . . has bestowed much study and labour, and has devoted a very considerable portion of his life, and has also expended very large sums of money, and involved himself deeply in debt, in bringing his said inventions, and particularly his inventions relating to the art or business of . . . . . , to their present state of perfection, and in prosecuting his said suit at law: and the said . . . . . is therefore induced to apply to the legislature to have the several terms of years, granted by the said recited letters patent, so far as relates to such of his said inventions as are applicable to the art or business of . . . . . , prolonged, and the sole and exclusive property therein secured throughout that part of the united kingdom called *Great Britain*, without which he will not only be unable to reimburse himself the heavy expenses he has incurred, and

will receive no recompence or remuneration whatever for his time, study, and labour, but will be wholly unable even to pay and satisfy the said debts, contracted by him in prosecuting and bringing to perfection and making public his said inventions.

To the end, therefore, that the said . . . . . may be enabled, by such prolongation of the several terms granted by the said recited letters patent, as aforesaid, to pay and satisfy the said debts, so contracted by him, as aforesaid, and also to obtain an adequate recompence for his study, labour, time, and expense, and a suitable remuneration for the services he has by his said inventions rendered to the public,

MAY IT PLEASE YOUR MAJESTY,

At the humble petition and request of the said . . . . . , that it may be enacted; and 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 assem-

bled, and by the authority of the same, that from and after the passing of this act, the sole privilege and advantage of m[illegible]g, using, exercising, and vending all such of the said MACHINES and inventions, mentioned in the said recited letters patent, as are applicable to the art or business of . . . . . , with the additions and improvements made therein, within that part of the united kingdom called *Great Britain*, shall be, and are hereby declared to be, vested in the said . . . . . , his executors, administrators, and assigns, as his and their exclusive right and sole property, for and during the term of fourteen years; and that he, the said . . . . . , his executors, administrators, and assigns, and every of them, by himself or themselves, or by his or their deputy or deputies, servants or agents, or such others as he, the said . . . . . , his executors, administrators, or assigns, shall at any time agree with, and no others, from time to time, and at all times during the

The sole right to his MACHINES and improvements applicable to the art of . . . . . vested in . . . . . , &c. for a certain time.

term of fourteen years hreinbefore mentioned, shall, and lawfully may, make, use, exercise, and vend all such of the said inventions, whether of MACHINES, or of improvements upon and additions to MACHINES, as are or shall be respectively applicable to the said art or business of . . . . . , within that part of the said united kingdom called *Great Britain*, in such manner as to him the said . . . . . , his executors, administrators, and assigns, or any of them, shall in his or their discretion seem meet; and that the said . . . . . , his executors, administrators, and assigns, shall and lawfully may have and enjoy the sole property, profit, benefit, commodity, and advantage, from time to time, coming, growing, accruing, and arising by reason of the said inventions last-mentioned, or any of them, for the said term of fourteen years, to have, hold, receive, and enjoy the same, for and during and to the full end and term of fourteen years as aforesaid; and, that no other person or persons within that part

of the united kingdom called *Great Britain*, shall, at any time during the said term of fourteen years, either directly or indirectly, make, use, or put into practice the said inventions, or any of them, or any part of the same, nor in any wise counterfeit, imitate, or resemble the same, nor shall make, or cause to be made, any addition thereto, or subtraction from the same, whereby to pretend himself, herself, or themselves, the inventor or inventors, devisor or devisors thereof, without the licence, consent, or agreement of the said . . . . . , his executors, administrators, or assigns, in writing, under his or their hand and seal, or hands and seals, in that behalf first had and obtained, upon and subject to such pains and penalties as can or may be justly inflicted upon such offenders for their contempt of this act, and further to be answerable to the said . . . . . , his executors, administrators, or assigns, according to law, for his and their damages thereby occasioned.

The specifications enrolled applicable to other inventions, &c.

II. AND WHEREAS the descriptions of specifications, which were enrolled in the Courts of Chancery in *England* and *Scotland* respectively, pursuant to the proviso in the said recited letters patent respectively contained, apply to other inventions of the said . . . . . , which were equally the objects of the said letters patent, as well as his said inventions relating to the art or business of . . . . . ; and whereas such various and considerable alterations in the frame of the said MACHINES of . . . . . , and such great simplicity in the construction thereof, were successively introduced by the several inventions which were respectively the objects of the three last of the said recited letters patent, as to render a great part of the frame work, and some of the parts for communicating motion of the . . . . . MACHINERY, that was the object of the first of the said recited letters patent, unnecessary and superfluous, so that the description of

the same, as it now stands in the specifications, so enrolled as aforesaid, must, if consulted, occasion to mechanics, who may be desirous of learning the best and simplest mode of constructing the said MACHINES, on the true principles of the several inventions of the said . . . . . , by the specifications thereof, much unnecessary study and trouble; it is therefore expedient, for the more clearly ascertaining the said inventions and improvements, that other descriptions or specifications, applicable only to the said . . . . . MACHINES, and omitting whatever relates to other inventions of the said . . . . . , and also applicable to the construction of the said . . . . . MACHINES, in their improved state, should be enrolled:

Therefore specification of the inventions applicable to . . . to be enrolled.

be it therefore enacted, that if the said . . . . . , shall not particularly describe and ascertain the nature of such of his said several inventions as are respectively applicable to . . . . . , as aforesaid, and in what manner the same are to be performed,

by instruments in writing under his hand and seal, and cause the same respectively to be enrolled in the High Court of Chancery in *England*, and also the Court of Chancery in *Scotland*, within six calendar months next and immediately after the passing of this act, that then this act, and all liberties and advantages whatsoever hereby granted, shall utterly cease, determine, and become void; any thing herein before contained to the contrary thereof in anywise notwithstanding. Provided always, that the said . . . . . , his executors, administrators, or assigns, shall not, in so describing and ascertaining the nature of his said inventions, applicable to . . . . . , or any of them, be obliged to use the same words, figures, delineations, references, explanatory notes, or observations, as were formerly used by the said . . . . . , in any of the said specifications, which were enrolled in the respective Courts of Chancery of *England* and *Scotland*, pursuant to the provisoes in the said letters pa-

tent respectively contained; but shall be at liberty to omit any of the words, figures, delineations, references, explanatory notes, or observations, which he, the said . . . . . , then used, and to make use of any other words, figures, delineations, references, explanatory notes, or observations, which he shall judge most apt and proper for describing and ascertaining the said inventions, or any of them, in their improved state, and the manner in which the same are to be performed: provided also, that if the said . . . . . shall, in such written instrument as aforesaid, explain any better practical application of the principle or principles of his said inventions, than may hitherto have been generally practised or made public, and so as not to vary from such principle or principles, such explanation shall not be taken or construed in anywise to prejudice or weaken the claim or right of the said . . . . . , to be held and considered as the sole and true inventor of such principle or principles, notwithstanding such explanation may vary from the

former descriptions or specifications so enrolled as aforesaid.

Not to hinder the using, &c. other MACHINERY.

III. PROVIDED ALWAYS, and be it hereby further enacted and declared, that nothing in this act contained shall extend, or be construed to extend, to prejudice or hinder any person or persons from making, using, exercising, or vending MACHINERY for the purposes of . . . . . , by any method not now of the invention of the said . . . . . , and which is not described and ascertained as such in one or more of the said instruments, so enrolled as aforesaid, and which shall not likewise be described and ascertained in the instruments in writing, directed by this act to be enrolled, or which has been publicly used and exercised by any other person or persons, before the granting of the said letters patent herein before mentioned respectively; but, that all such methods of . . . . . which are not now of the invention of the said . . . . . , and described in the said instru-

ments, so enrolled as aforesaid, and which shall not be likewise described as such in the said instruments, which are required by this act to be enrolled, shall be and remain to the use of the public, and to the respective inventor and inventors thereof, in like manner as if this act had never been made, any thing herein contained to the contrary notwithstanding.

The inventions not to be transferred to more than five persons, &c.

IV. Provided always, and be it further enacted, that if the said . . . . . , his executors, administrators, or assigns, or any person or persons, who shall, at any time during the said term of fourteen years, have or claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, and authority, of the sole use and benefit of the said inventions, shall make any tranfer or assigument, or pretended transfer or assignment, of the said liberty or privilege hereby granted, or any share or shares of the benefit or profits thereof, or shall declare any trust thereof to or for any number of persons exceeding the number of five, or shall open, or cause to be opened,

any book or books for public subscriptions, to be made by any number of persons exceeding the number of five, in order to the raising any sum or sums of money under pretence of carrying on the same liberty or privilege hereby granted; or shall, by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever, of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes, or shall presume to act as a corporate body, or shall divide the benefit of the liberty or privileges, hereby granted, into any number of shares exceeding the number of five, or shall commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as such person or persons shall have any right or title, either in law or equity, which shall be contrary to the true intent and meaning of an act of Parliament, made in the sixth year of the reign of his late Majesty King *George* the first, entitled, "*An Act for the better securing certain Powers and Privileges, in-*

tended to be granted by his Majesty, by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry, and for restraining several extravagant and unwarrantable Practices therein mentioned"; or in case the said power, privilege, or authority, shall, at any time, become vested in, or in trust for, more than the number of five persons, or their representatives, at any one time, otherwise than by devise or succession, (reckoning executors and administrators as and for the single person whom they represent, as to such interest as they are or shall be entitled to in right of such their testator or intestate) that then, and in every of the said cases, all liberties and advantages whatsoever, hereby granted, shall utterly cease, determine, and become void, any thing herein before contained to the contrary thereof in anywise notwithstanding.

V. PROVIDED ALWAYS, and be it further enacted, that all rights, claims, and liens, at law or in equity, which any person or persons, being a creditor or creditors of the said . . . Claims of . . . 's creditors, &c. to remain in force.

. . . . . , or to whom he hath already bargained, sold, or granted any share and interest with him in the property of his said recited letters patent, now lawfully hath or have upon or to the said respective inventions, mentioned in the said several recited letters patent, or the profits or emoluments arising from the same, shall respectively be, and remain, and continue in full force and effect, so long as this act shall be in force, or until the same shall be respectively released or discharged.

Not to affect . . . . . 's patent, &c.

VI. PROVIDED ALWAYS, and be it further enacted, that nothing in this act contained shall extend, or be construed to extend, to infringe or affect the rights or interests of . . . . . , his executors, administrators, and assigns, or any other person or persons claiming or to claim by, from, or under him or them, by virtue of certain letters patent under the great seal of *Great Britain*, bearing date the . . . . . day of . . . . . , in the year . . . . . , whereby his Majesty granted to the said . .

. . . . . , his executors, administrators, and assigns, his royal licence, full power, sole privilege, and authority, to use, exercise, and vend certain MACHINERY, therein mentioned to be invented by the said . . . . . , for . . . . ; nor shall any thing herein contained extend, or be construed to extend, to affect or interrupt the right, power, or authority of the said . . . . . , his executors, administrators, or assigns, or any other person or persons claiming or to claim, by, from, or under him or them, to use and exercise the said invention, or to use, vend, sell, or dispose of the MACHINERY mentioned in the said last-mentioned letters patent, or to affect or impeach a certain agreement, entered into between the said . . . . . and the said . . . . . , on the subject of their respective inventions and MACHINES, bearing date the . . . . . day of . . . . . , in the year . . . . . ; any thing herein contained to the contrary thereof in anywise notwithstanding.

Not to affect contracts for the use of the MACHINE.

VII. PROVIDED ALWAYS, that no person or persons who, either by any direct contract or agreement with the said . . . . . or his assigns, or by any legal transfer of any such contract or agreement, shall heretofore, at any time, have become entitled to use any . . . . . MACHINE OR MACHINES so invented by the said . . . . . , as aforesaid, and who shall not have again abandoned the use of such MACHINE OR MACHINES, nor shall cease to pay for working the same to the full extent of the term to which he, she, or they respectively contracted or agreed, and are now empowered to use such MACHINE OR MACHINES, and who shall likewise have duly and justly performed every such contract or agreement, as aforesaid, shall be subject or liable to pay any annual rent, premium, sum, or sums of money whatsoever, nor for any longer term other than he, she, or they shall have respectively contracted or agreed to pay in that behalf, nor shall, from and after the expiration of such his, her, or their contract or agreement, be in anywise

hindered or obstructed in freely, and without charge, using and working such MACHINE, or so many MACHINES as he, she, or they shall be already so entitled to use, in the same manner as if this act had not been made; any thing herein contained to the contrary thereof notwithstanding.

VIII. PROVIDED ALSO, that every objection in law, competent against the said patents, shall be competent against this act, to all intents and purposes, except so far as relates to the term hereby granted,

Legal objections to the patent to be competent against the act,

IX. AND BE IT FURTHER ENACTED, that this act shall be adjudged, deemed, and taken to be, a public act; and shall be judicially taken notice of as such, by all judges, justices, and other persons, whomsoever, without specially pleading the same *,

Public act.

* See 41st George III. c. 133, local and personal acts,

AN

ACT

FOR

Vesting in . . . . . , his Executors, Administrators, and Assigns, the sole Use and Property of certain . . . . . ENGINES of his Invention, described in the said Act, throughout his Majesty's Dominions, for a limited Time.

Preamble. Letters patent to . . . . for his ENGINE.

WHEREAS his most excellent Majesty King George the Third, by his letters patent, under the great seal of *Great Britain*, bearing date the . . . day of . . . . . , in the . . . year of his reign, did give and grant unto . . . . . , of . . . . . , his executors, administrators, and assigns, the sole benefit and advantage of making and vending certain ENGINES, by him invented, for . . . . . , within that part of his Majesty's kingdom of *Great Britain* called *England*, the dominion of *Wales*,

and the town of *Berwick-upon-Tweed*, and also in his Majesty's colonies and plantations abroad, for the term of fourteen years; with a proviso, obliging the said . . . . . , by writing, under his hand and seal, to cause a particular description of the nature of the said invention to be enrolled in his Majesty's High Court of Chancery, within four months after the date of the said recited letters patent.

AND WHEREAS the said . . . . . did, in pursuance of the said proviso, cause a particular description of the said ENGINE to be enrolled in the said High Court of Chancery, upon the . . . . . day of . . . . . , in the year of our Lord . . . . . , which description is in the words and form, or to the effect following: that is to say, [*here follows a description of the invention, from the specification.*] Specification enrolled. Description of the ENGINE.

AND WHEREAS the said . . . . . hath employed many years, and a considerable part of his fortune, in making experiments (Special circumstances.)

upon . . . . . and . . . . .
. . . . ENGINES, with a view to improve those very useful MACHINES, by which several very considerable advantages over the common . . . . . ENGINES are acquired ; but upon account of the many difficulties which always arise in the execution of such large and complex MACHINES, and of the long time requisite to make the necessary trials, he could not complete his intention before the end of the year . . . . . , when he finished some large ENGINES as specimens of his construction, which hath succeeded so as to demonstrate the utility of the said invention.

AND WHEREAS, in order to manufacture these ENGINES with the necessary accuracy, and so that they may be sold at moderate prices, a considerable sum of money must be previously expended in erecting MILLS, and other apparatus; and as several years, and repeated proofs, will be required before any

considerable part of the public can be fully convinced of the utility of the invention, and of their interest to adopt the same, the whole term granted by the said letters patent may probably elapse before the said . . . . . can receive an advantage adequate to his labour and invention.

AND WHEREAS, by furnishing mechanical powers at much less expence, and in more convenient forms, than has hitherto been done, his ENGINES may be of great utility in facilitating the operations in many great works and manufactures of this kingdom; yet it will not be in the power of the said . . . . . to carry his invention into that complete execution which he wishes, and so as to render the same of the highest utility to the public of which it is capable, unless the term granted by the said letters patent be prolonged, and his property in the said invention secured, not only within that part of *Great Britain* called *England*, the

dominion of *Wales*, the town of *Berwick-upon-Tweed*, and his Majesty's colonies and plantations abroad, but also within that part of *Great Britain* called *Scotland*, for such time as may enable him to obtain an adequate recompense for his labour, time, and expense.

To the end, therefore, that the said . . . . . , may be enabled and encouraged to prosecute and complete his said invention, so that the public may reap all the advantages to be derived therefrom in their fullest extent,

MAY IT PLEASE YOUR MOST EXCELLENT MAJESTY,

At the humble petition and request of the said . . . . . , that it may be enacted, and 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, from and after the passing of this act, the sole privilege and advantage of making, constructing, and selling the said ENGINES, herein before particularly described, within the kingdom of *Great Britain*, and his Majesty's colonies and plantations abroad, shall be, and are hereby declared to be, vested in the said . . . . . , his executors, administrators, and assigns, for and during the term of . . . . . years; and that he the said . . . . . , his executors, administrators, and assigns, and every of them, by himself and themselves, or by his and their deputy or deputies, servants or agents, or such others as he the said . . . . . , his executors, administrators, and assigns, shall at any time agree with, and for no others, from time to time, and at all times, during the term of years herein before mentioned, shall and lawfully may make, use, exercise, and vend the said ENGINES, within the kingdom of *Great Britain*, and in his Majesty's colonies and plantations abroad, in such man-

The sole privilege of making, &c. the ENGINE vested in for a certain time.

ner as to him the said . . . . . his executors, administrators, and assigns, shall in their discretions seem meet; and that the said . . . . . , his executors, administrators, and assigns, shall and lawfully may have and enjoy the whole profit, benefit, commodity, and advantage, from time to time coming, growing, accruing, and arising, by reason of these his said inventions, for the said term of . . . . . years, to have, hold, receive, and enjoy the same, for and during and to the full end and term of . . . . . years as aforesaid; and that no other person or persons within the kingdom of *Great Britain*, or any of his Majesty's colonies or plantations abroad, shall, at any time, during the said term of . . . . . years, either directly or indirectly, do, make, use, or put in practice, the said inventions, or any part of the same, so attained unto by the said . . . . . , as aforesaid, nor in anywise counterfeit, imitate, or resemble the same; nor shall make, or cause to be made, any ad-

dition thereunto, or substraction from the same, whereby to pretend himself or themselves the inventor or inventors, devisor or devisors thereof, without the licence, consent, or agreement of the said . . . . . , his executors, administrators, or assigns, in writing, under his or their hand and seal, or 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 their contempt of this act, and further, to be answerable to the said . . . . . , his executors, administrators, and assigns, according to law, for his and their damages thereby occasioned.

Not to hinder the making, &c. ENGINES, &c. not of the invention of . . . . .

PROVIDED ALWAYS, and be it hereby declared, that nothing in this act contained shall extend, or be construed to extend, to prejudice or hinder any person or persons from making or using any . . . . . , ... engine, or any particular contrivance relating to the same, which is not at present of the invention of the said . . .

. . . . . , or which has been publicly used or exercised by any other person or persons before the time of the date of the said letters patent herein, recited; but that all such ENGINES and contrivances, which are not at present of the said invention of the said . . . . . , or are not particularly specified in this act, shall be and remain to the public, and to the respective inventors thereof, as if this act had never been made; any thing herein contained to the contrary notwithstanding.

Legal objections to the patent to be competent against the act

PROVIDED ALSO, that every objection in law competent against the said patent, shall be competent against this act to all intents and purposes, except so far as relates to the term hereby granted.

The invention not to become the property of more than five persons, &c.

PROVIDED ALWAYS, that if the said . . . . . , his executors, administrators, or assigns, or any person or persons, who shall, at any time, during the said term of . . . . . , years, have or

claim any right, title, or interest, in law or equity, of, in, or to the power, privilege, or authority, of the sole use and benefit of the said invention, shall make any transfer or assignment, or pretended transfer or assignment, of the said liberty or privilege hereby granted, or any share or shares of the benefit or profits thereof; or shall declare any trust thereof to or for any number of persons exceeding the number of five; or shall open, or cause to be opened, any book or books for public subscriptions, to be made by any number of persons exceeding the number of five, in order to the raising any sum or sums of money, under pretence of carrying on the said liberty or privilege hereby granted; or shall by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever, of any number of persons exceeding in the whole the number of five, for such or the like intents or purposes; or shall presume to act as a corporate body; or shall divide the benefit of the liberty or privileges hereby granted, into any number of

shares exceeding the number of five; or shall commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as such person or persons shall have any right or title, either in law or equity, which shall be contrary to the true intent and meaning of an act of Parliament, made in the sixth year of the reign of his late Majesty King *George* the first, entitled, "*An Act for the better securing certain Powers and Privileges intended to be granted by his Majesty, by two Charters, for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry, and for restraining several extravagant and unwarrantable Practices therein mentioned;*" or in case the said power, privilege, or authority shall at any time become vested in, or in trust for, more than the number of five persons, or their representatives, at any one time, otherwise than by devise or succession, (reckoning executors and administrators as and for the single persons whom they represent, as to such interest as they are or shall be entitled to in right of such their testator or intestate);

that then, and in every of the said cases, all liberties and advantages whatsoever hereby granted shall utterly cease, determine, and become void; any thing herein before contained to the contrary thereof in anywise notwithstanding.

AND BE IT FURTHER ENACTED, by the authority aforesaid, that this act shall be adjudged, deemed, and taken to be, a public act; and shall be judicially taken notice of as such, by all judges, justices, and other persons whomsoever, without specially pleading the same*. Public act.

* See 15th *George* III. c. 61.

AN

ACT

FOR

Enabling . . . . . to assign the Benefit of an Invention of making . . . . . to a greater Number of Persons than is at present limited by the Letters Patent granted to the said . . . . . .

Preamble. Letters patent to . . . for making . . . .

WHEREAS his Majesty King George the third, by his letters patent, under the great seal of the united kingdom of *Great Britain* and *Ireland*, dated the . . . . . day of . . . . . , in the year of our Lord . . . . . , and in the . . . . . year of his reign: and also by other letters patent, under the seal appointed to be used in lieu of the great seal of *Scotland*, dated the . . . . . day of . . . . . , in the year aforesaid, did give and grant unto . . . . . , his executors, administrators, and assigns, for the

term of fourteen years, the sole benefit and advantage of making and manufacturing . . . . . , within that part of the united kingdom of *Great Britain* and *Ireland* called *England*; *Wales*, and town of *Berwick-upon-Tweed*, and also within *Scotland*. But in which said letters patent, respectively, is contained a proviso, that if the said . . . . . , his executors, or administrators, or any person or persons which should or might, at any time or times hereafter, during the continuance of the said grant, have or claim any right, title, or interest in law or equity, of, in, or to the power, privilege, or authority of the sole use and benefit of the said invention thereby granted, should make any transfer or assignment, or any pretended transfer or assignment, of the said liberty or privilege, or any share or shares of the benefit or profit thereof, or should declare any trust thereof to or for any number of persons exceeding the number of five, or should open, or cause to be opened, any book or books for public subscriptions, to be made by any num-

But to be void, if transferred, &c. to any number of persons exceeding five.

ber of persons exceeding the number of five, in order to the raising any sum or sums of money, under pretence of carrying on the said liberty or privilege thereby granted, or should by him or themselves, or his or their agents or servants, receive any sum or sums of money whatsoever, of any number of persons, exceeding in the whole the number of five, for such or the like intents or purposes, or should presume to act as a body corporate, or should divide the benefit of the said letters patent, or the liberties and privileges thereby granted, into any number of shares exceeding the number of five, or should commit or do, or procure to be committed or done, any act, matter, or thing whatsoever, during such time as such person or persons should have any right or title, either in law or equity, in or to the said premises, which would be contrary to the true intent and meaning of a certain act of Parliament, made in the sixth year of the reign of King *George* the first, entitled, "*An Act for the better securing certain Powers and Privileges intended to be granted by his Ma-*

jesty, by two Charters for Assurance of Ships and Merchandises at Sea, and for lending Money upon Bottomry, and for restraining several extravagant and unwarrantable Practices therein mentioned"; or in case the said power, privilege, or authority, should, at any time hereafter, become vested in trust for more than the number of five persons, or their representatives, at any one time, (reckoning executors and administrators as and for the single person whom they represent, as to such interest as they were or should be entitled to in right of such their testator or intestate,) that then, and in any of the said cases, the said letters patent, and all liberties and advantages whatsoever, thereby granted, shall utterly cease, determine, and become void.

AND WHEREAS, in order to carry on a manufacture of . . . . . with greater effect, and to make the same more beneficial to the said . . . . . and the public, it will be necessary that buildings, to a large extent, should be erected, with a steam engine, *(Special circumstances.)*

and other requisite machinery; and for that purpose, and for the establishing and carrying on the said manufacture, a very large sum of money will be required, and it is therefore expedient, that a greater number of persons should be allowed to be interested in the said respective letters patent than is permitted by the said recited proviso:

MAY IT THEREFORE PLEASE YOUR MAJESTY,

That it may be enacted; and 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 it shall and may be lawful to and for the said . . . . . , his executors, administrators, and assigns, or any or either of them, to transfer or assign the said recited letters patent respectively, or either of them, or any part or share, or parts or shares thereof, or any benefit or advantage to arise therefrom, to any number of persons not exceeding sixty, or declare any trust or trusts

Authorizing Mr. . . . . to transfer, &c. the patents to any number of persons not exceeding sixty.

thereof respectively for any such number of persons, or receive subscriptions from any such number of persons, or permit any such number of persons to be interested in the said letters patent respectively, or any benefit or advantage to be derived from the same, or the said invention or discovery, and to make, use, and exercise the same, and vend the produce thereof, in such and the same manner, to all intents and purposes whatsoever, as the said . . . . . , his executors, administrators, and assigns would have been entitled, under the said respective letters patent, to do, in case the said herein before recited proviso or condition had not been inserted in the said letters patent respectively; and that the said letters patent, respectively, shall henceforth be construed and considered in such or the same manner, to all intents or purposes whatsoever, as if the said recited proviso or condition, therein respectively contained, had been wholly omitted and left out of the said respective letters patent: provided always, that nothing in this act contained shall be construed to con-

firm or give greater force or validity to the said letters patent than they legally possessed before the passing hereof.

Public act.

II. AND BE IT FURTHER ENACTED, that this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such, without specially pleading the same *.

* See 41st *George* III. chap. 125, local and personal acts.

THE

STATUTE OF MONOPOLIES*,

ENTITULED

"An Act concerning Monopolies, and Dispensations with penal Laws, and the Forfeitures thereof."

I. 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 and 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 Preamble.

* 21 *James* I. c. 3.

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 misinformation, 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 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 the authority of this present Parliament,

All monopolies, &c. to be void.

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 licence, 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 to be tried by the common laws.

II. 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.

All persons disabled to use monopolies, &c.

III. 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 aforsaid, or any liberty, power, or faculty, grounded, or pretended to be grounded upon them, or any of them.

Parties grieved to recover treble damages, with double costs, &c.

IV. 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 chattles 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 chattles 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 chattles 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 chattles 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 anywise 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 colour or means of any order, warrant, power, or authority, save only of the court wherein such action as aforesaid shall be brought and depending; or, after judgment had upon such action, shall cause or procure the execution of or upon every such judgment, to be stayed or delayed by colour or means of any such 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.

Not to extend to letters patents previously granted, for twenty one years for new manufactures.

V. 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.

Nor to such as shall be granted for fourteen years.

VI. 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.

Nor to grants allowed by Parliament.

VII. 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 anywise extend or be prejudicial to any grant, or privilege, power, or authority whatsoever, heretofore made, granted, allowed, or confirmed by any act of Par-

liament now in force, so long as the same shall so continue in force.

Nor to warrants directed to the justices of the King's Bench, &c.

VIII. 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 goal 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.

Nor to London, &c, in respect of their charters, &c.

IX. PROVIDED ALSO, and it is hereby further intended, declared, and enacted, that this act, or any thing therein contained, shall not in anywise 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 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 or merchandise, 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 anywise notwithstanding.

X. 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 of 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 here-

Nor to letters patent concerning printing, saltpetre, gunpowder, ordnance, shot, or offices.

after 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, 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 matter 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.

Nor to commissions for allum mines.

XI. 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 allum or allum 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 nor made, and not otherwise.

Nor to the liberties of Newcastle-upon-Tyne, nor tavern licences.

XII. PROVIDED ALSO, and be it enacted, that this act, or any declaration, provision, penalty, forfeiture, or other thing, before mentioned, shall not extend, or be prejudicial, to any use, custom, prescription, franchise, freedom, jurisdiction, immunity, liberty, or privilege heretofore claimed, used, or enjoyed by the governors, and stewards, and brethren of the fellowship of the hoastmen of the town of Newcastle-upon-Tyne, or by the ancient fellowship, gild, or fraternity, commonly called hoastmen, for or concerning the selling, car-

rying, lading, disposing, shipping, venting, or trading of or for any sea-coals, stone-coals, or pit-coals, forth or out of the haven or river of Tyne, or to any grant made by the said governor, and stewards, and brethren of the fellowship of the said hoastmen to the late Queen Elizabeth, of any duty, or sum of money, to be paid for, or in respect of, any such coals, as aforesaid; nor to any grants, letters patents, or commission, heretofore granted, or hereafter to be granted, of, for, or concerning the licensing of the keeping of any tavern or taverns, or selling, uttering, or retailing of wines to be drank or spent in the mansion-house, or houses, or other place, in the tenure or occupation of the party or parties so selling or uttering the same, or for or concerning the making of any compositions for such licences, so as the benefit of such compositions be reserved and applied to and for the use of his Majesty, his heirs, or successors, and not to the private use of any other person or persons.

Nor to certain privileges for mak-

XIII. PROVIDED ALSO, and be it enacted, that this act, or any declaration, provision, pe-

nalty, forfeiture, or other thing, before mentioned, shall not extend or be prejudicial to a grant or privilege for or concerning the making of glass, by his Majesty's letters patents, under the great seal of England, bearing date the two and twentieth day of May, in the one and twentieth year of his Majesty's reign of England, made and granted to Sir Robert Mansel, Knight, Vice Admiral of England; nor to a grant or letters patents, bearing date the twelfth day of June, in the thirteenth year of his Majesty's reign of England, made to James Maxewell, Esquire, concerning the transportation of calves skins; but that the said several letters patents, last mentioned, shall be and remain of the like force and effect, and as free from the declarations, provisions, penalties, and forfeitures, before mentioned, as if this act had never been had nor made, and not otherwise.

ing glass, or concerning calves skins.

XIV. PROVIDED ALSO, and be it declared and enacted, that this act, or any declaration, provision, penalty, forfeiture, or other thing, before mentioned, shall not extend or be prejudicial to a grant or privilege for or concern-

Nor to certain privileges concerning the making of smalt and melting of iron ewer, &c.

ing the making of smalt, by his Majesty's letters patents, under the great seal of England, bearing date the sixteenth day of February, in the sixteenth year of his Majesty's reign of England, made or granted to Abraham Baker; nor to a grant or privilege for or concerning the melting of iron ewer, and of making the same into cast works or bars with sea coals or pit coals, by his Majesty's letters patents, under the great seal of England, bearing date the twentieth day of February, in the nineteenth year of his Majesty's reign of England, made or granted to Edward Lord Dudley; but, that the same several letters patents and grants shall be and remain of the like force and effect, and as free from the declarations, provisions, penalties, and forfeitures, before mentioned, as if this act had never been had nor made, and not otherwise.

THE END.

{ G. Davidson, Printer, Old Boswell Court. }