CHAPTER clxxxvii.

An Act for rendering valid certain Letters Patent granted to Henry Syed Smart Copland for improvements in the formation of roads or ways with wood paving with or without rails and in apparatus for the purpose. A.D. 1881.

[11th August 1881.]

WHEREAS by Letters Patent under the Great Seal of Great Britain bearing date the twenty-seventh day of December in the thirty-sixth year of the reign of Her present Majesty Queen Victoria Her Majesty did give and grant unto Henry Syed Smart Copland of No. 1A Duke Street Adelphi in the county of Middlesex civil engineer his executors administrators and assigns her special license full power sole privilege and authority that he the said Henry Syed Smart Copland his executors administrators and assigns and every of them by himself and themselves or by his or their deputy or deputies servants or agents or such others as he the said Henry Syed Smart Copland his executors administrators or assigns should at any time agree with and no others from time to time and at all times thereafter during the term of fourteen years from the date of the said letters patent should and might lawfully make use exercise and vend within the United Kingdom of Great Britain and Ireland the Channel Islands and Isle of Man an invention therein mentioned for improvements in the formation of roads or ways with wood paving with or without rails and in apparatus for the purpose in which letters patent is contained a proviso making void the said letters patent if the said Henry Syed Smart Copland his executors and administrators should not particularly describe and ascertain the nature of the said invention and in what manner the same is to be performed by an instrument in writing under his or their or one of their hands and seals and cause the same to be filed in the Great Seal Patent Office within six calendar months next and immediately after the date of the said recited letters patent and also if the said Henry Syed Smart Copland his executors administrators or assigns should not pay the stamp duty of fifty

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pounds and produce the said recited letters patent stamped with a proper stamp to that amount at the office of the Commissioners of Patents for Inventions before the expiration of three years from the date of the said letters patent and also if the said Henry Syed Smart Copland his executors administrators or assigns should not pay the stamp duty of one hundred pounds and produce the said recited letters patent stamped with a proper stamp to that amount at the said office of the Commissioners of Patents for Inventions before the expiration of seven years from the date of the said letters patent which term expired on the twenty-seventh day of December one thousand eight hundred and seventy-nine.

And whereas a specification was duly filed by the said Henry Syed Smart Copland in the Great Seal Patent Office within the time limited by the said letters patent whereby the said Henry Syed Smart Copland did particularly describe and ascertain the nature of the said invention and in what manner the same was to be performed.

And whereas the prolongation duty of fifty pounds was duly paid on the eighth day of December one thousand eight hundred and seventy-five.

And whereas by an indenture dated the ninth day of May one thousand eight hundred and seventy-six and made between the said Henry Syed Smart Copland of the one part and the Asphaltic Wood Pavement Company (Limited) of the other part the said Henry Syed Smart Copland for the consideration therein mentioned assigned the said letters patent unto the said Asphaltic Wood Pavement Company (Limited) (herein-after called the Company) their successors and assigns as and for their own absolute property as therein provided subject to the payment of such stamp duty as should thereafter become payable in respect thereof and such assignment has been duly registered at the office of the Commissioners of Patents for Inventions.

And whereas the said prolongation duty of one hundred pounds was due on the said twenty-seventh day of December one thousand eight hundred and seventy-nine but was inadvertently omitted to be paid the secretary and manager of the Company being under the impression that the said payment was not due till the following year.

And whereas the Company have raised considerable capital and have been and are engaged in the formation of roads or ways with wood paving in various parts of the United Kingdom on the principles of the invention for which the said letters patent were granted and their operations although not hitherto remunerative to the Company promise eventually to be so but the Company will

lose all benefit from the said letters patent by reason of the accidental inadvertence before mentioned if the same be not confirmed. A.D. 1881.

And whereas if the benefit of the said letters patent be lost the benefit of certain foreign patents will also be lost.

And whereas the Company on discovering that the prolongation duty had not been paid without loss of time gave the requisite instructions for an application to Parliament for power to pay the said stamp duty and to render valid the said letters patent and they humbly trust that as the present difficulty and threatened loss arises from accidental inadvertence and not from a wilful disobedience to the law of the United Kingdom of Great Britain that they may have the relief now humbly asked for.

And whereas it is expedient that the said letters patent should be rendered valid in manner herein-after mentioned but the purposes aforesaid cannot be effected without the authority of Parliament.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :

Powers to Commissioners of Patents to stamp letters patent.

1. Within one month after the passing of this Act it shall be lawful for the Company their successors or assigns to pay the said stamp duty of one hundred pounds and for the said letters patent (a true copy of which is set forth in the schedule to this Act) or a duplicate thereof to be stamped with a proper stamp showing the payment of the said stamp duty and to be produced at the office of the said Commissioners of Patents and for the said Commissioners of Patents or their clerk to stamp the said letters patent or a duplicate thereof specifying the date of such production and to endorse on the said letters patent or duplicate thereof a certificate of the production of the same duly stamped and to endorse a like certificate upon the warrant for such letters patent filed in the said office.

Letters patent confirmed.

2. The said letters patent so stamped as aforesaid shall be considered deemed and taken to be and to have been as good valid and effectual to all intents and purposes as if the said stamp duty of one hundred pounds had been paid and the said letters patent stamped with a proper stamp duty to that amount and had been produced by the said Henry Syed Smart Copland or the Company at the office of the Commissioners of Patents for Inventions before the expiration of seven years from the date of the said letters patent as in the said letters patent provided.

Saving rights.

3. Provided always that no action shall be commenced or prosecuted nor any damage recovered for or in respect of any infringe-

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ments of the said letters patent which shall have taken place after the expiration of the said seven years from the date of the said letters patent and before the payment of the said one hundred pounds and the stamping of the said letters patent in pursuance of this Act.

Short title.

4. This Act may be cited as Copland's Patent Act 1881.

SCHEDULE referred to in the foregoing Act.

1872.
No. 3925.

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith to all to whom these presents shall come greeting:

Whereas Henry Syed Smart Copland of No. 1a Duke Street Adelphi in the county of Middlesex civil engineer hath by his petition humbly represented unto us that he is in possession of an invention for improvements in the formation of roads or ways with wood paving with or without rails and in apparatus for the purpose which the petitioner believes will be of great public utility that he is the first and true inventor thereof and that the same is not in use by any other person or persons to the best of his knowledge and belief The petitioner therefore most humbly prayed that we would be graciously pleased to grant unto him his executors administrators and assigns our royal letters patent for the sole use benefit and advantage of his said invention within Our United Kingdom of Great Britain and Ireland the Channel Islands and Isle of Man for the term of fourteen years pursuant to the statute in that case made and provided And we being willing to give encouragement to all arts and inventions which may be for the public good are graciously pleased to condescend to the petitioner's request Know ye therefore that we of our especial grace certain knowledge and mere motion have given and granted and by these presents for us our heirs and successors do give and grant unto the said Henry Syed Smart Copland his executors administrators and assigns our especial license full power sole privilege and authority that he the said Henry Syed Smart Copland 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 Henry Syed Smart Copland 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 our United Kingdom of Great Britain and Ireland the Channel Islands and Isle of Man in such manner as to him the said Henry Syed Smart Copland his executors administrators and assigns or any of them shall in his or their discretion seem meet And that he the said Henry Syed Smart Copland 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 the said inven-

tion for and during the term of years herein mentioned To have hold exercise and enjoy the said licenses powers privileges and advantages herein-before granted or mentioned to be granted unto the said Henry Syed Smart Copland his executors administrators and assigns for and during and unto the full end and term of fourteen years from the day of the date of these presents next and immediately ensuing according to the statute in such case made and provided And to the end that he the said Henry Syed Smart Copland his executors administrators and assigns and every of them may have and enjoy the full benefit and the sole use and exercise of the said invention according to our gracious intention herein-before declared we do by these presents for us our heirs and successors require and strictly command all and every person and persons bodies politic and corporate and all other our subjects whatsoever of what estate quality degree name or condition soever they be within our United Kingdom of Great Britain and Ireland the Channel Islands and Isle of Man 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 Henry Syed Smart Copland 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 consent license or agreement of the said Henry Syed Smart Copland 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 our royal command And further to be answerable to the said Henry Syed Smart Copland 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 during the said term hereby granted in any wise molest trouble or hinder the said Henry Syed Smart Copland 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 anything 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 within our United Kingdom of Great Britain and Ireland the Channel Islands and Isle of Man or that the said Henry Syed Smart Copland is not the first and true inventor thereof within this realm as aforesaid these our letters patent shall forthwith cease determine and be utterly void to all intents and purposes anything herein-before contained to the contrary thereof in anywise notwithstanding Provided also that these our letters patent or anything herein contained shall not extend or be construed to extend to give privilege unto the said Henry Syed Smart Copland his executors administrators or

A.D. 1881. assigns or any of them to use or imitate any invention or work whatsoever which hath heretofore been found out or invented by any other of our subjects whatsoever and publicly used or exercised within our United Kingdom of Great Britain and Ireland the Channel Islands or Isle of Man 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 Henry Syed Smart Copland his executors administrators and assigns and all and every other person and persons to whom like letters patent or privileges have been already granted as aforesaid shall distinctly use and practise their several inventions by them invented and found out according to the true intent and meaning of the same respective letters patent and of these presents Provided likewise nevertheless and these our letters patent are upon this express condition that if the said Henry Syed Smart Copland his executors or administrators shall not particularly describe and ascertain the nature of the said invention and in what manner the same is to be performed by an instrument in writing under his or their or one of their hands and seals and cause the same to be filed in the Great Seal Patent Office within six calendar months next and immediately after the date of these our letters patent And also if the said Henry Syed Smart Copland his executors administrators or assigns shall not pay the stamp duty of fifty pounds and produce these our letters patent stamped with a proper stamp to that amount at the office of our Commissioners of Patents for Inventions before the expiration of three years from the date of these our letters patent pursuant to the provisions of the Act of the sixteenth year of our reign chapter five And also if the said Henry Syed Smart Copland his executors administrators or assigns shall not pay the stamp duty of one hundred pounds and produce these our letters patent stamped with a proper stamp to that amount at the said office of our said Commissioners before the expiration of seven years from the date of these our letters patent pursuant also to the said Act And also if the said Henry Syed Smart Copland his executors administrators or assigns shall not supply or cause to be supplied for our service all such articles of the said invention as he or they shall be required to supply by the officers or commissioners administering the department of our service for the use of which the same shall be required in such manner at such times and at and upon such reasonable prices and terms as shall be settled for that purpose by the said officers or commissioners requiring the same That then and in any of the said cases these our letters patent and all liberties and advantages whatsoever hereby granted shall utterly cease determine and become void anything herein-before contained to the contrary thereof in anywise notwithstanding Provided that nothing herein contained shall prevent the granting of licenses in such manner and for such considerations as they may by law be granted And lastly we do by these presents for us our heirs and successors grant unto the said Henry Syed Smart Copland his executors administrators and assigns that these our letters patent or the filing 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 Henry Syed Smart Copland 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 our United Kingdom of Great Britain

and Ireland the Channel Islands and Isle of Man and amongst all and every the subjects of us our heirs and successors whatsoever and wheresoever notwithstanding the not full and certain describing the nature or quality of the said invention or of the materials thereunto conducing and belonging In witness whereof we have caused these our letters to be made patent this twenty-seventh day of December one thousand eight hundred and seventy-two in the thirty-sixth year of our reign and to be sealed as of the said twenty-seventh day of December one thousand eight hundred and seventy-two. A.D. 1881.

By Warrant.

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Printers to the Queen's most Excellent Majesty. 1881.