CHAPTER vi.

An Act for rendering valid certain Letters Patent granted to James Hancock for Improvements in Bobbin Net or Twist Lace Machines. [8th April 1881.]

A.D. 1881.

WHEREAS by Letters Patent under the Great Seal of Great Britain bearing date the eleventh day of August in the thirty-seventh year of the reign of Her present Majesty Queen Victoria Her Majesty did give and grant unto James Robinson Hancock in the said Letters Patent called James Hancock of the town and county of the town of Nottingham his executors administrators and assigns Her special license full power sole privilege and authority that he the said James Hancock 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 James Hancock his executors administrators or assigns should at any time agree with and no other should and lawfully might during the term of fourteen years from the date of the said Letters Patent 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 Bobbin Net or "Twist Lace Machines" in which Letters Patent is contained a proviso making void the said Letters Patent if the said James Hancock his executors and administrators should not by an instrument in writing under his or their or one of their hands and seals particularly describe the nature of the said invention and in what manner the same is to be performed and cause such instrument in writing 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 James Hancock his executors administrators or assigns should not pay the stamp duty of fifty 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

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James Hancock 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 office of the Commissioners of Patents for Inventions before the expiration of seven years from the date of the said Letters Patent which last-mentioned term expired on the tenth day of August one thousand eight hundred and eighty:

And whereas a specification was duly filed by the said James Robinson Hancock by and under the said name of James Hancock in the Great Seal Patent Office within the time limited by the said Letters Patent whereby the said James Robinson Hancock did particularly describe and ascertain the nature of the said invention and in what manner the same was to be performed:

And whereas the said James Robinson Hancock duly paid the prolongation duty of fifty pounds:

And whereas the said James Robinson Hancock on the twentieth day of December one thousand eight hundred and seventy-six presented his petition in bankruptcy to the county court of Nottingham holden at Nottingham alleging that he was unable to pay his debts and that he was desirous of instituting proceedings for liquidation of his affairs by arrangement or composition with his creditors:

And whereas at a meeting of the statutory majority of creditors held on the ninth day of January one thousand eight hundred and seventy-seven it was resolved that the affairs of the said James Robinson Hancock should be liquidated by arrangement and not in bankruptcy and Robert Mellors of the town of Nottingham accountant was appointed trustee of the said estate and effects of the said James Robinson Hancock and by a certificate dated the twenty-sixth day of January one thousand eight hundred and seventy-seven under the seal of the said county court the said Robert Mellors was declared to be such trustee as aforesaid:

And whereas by an indenture of assignment bearing date the twentieth day of April one thousand eight hundred and seventy-seven and made between the said Robert Mellors as such trustee as aforesaid therein-after called the vendor of the one part and John Cropper Henry Smith Cropper and Samuel Thacker of the town of Nottingham mechanical engineers trading under the style of H. S. Cropper and Company therein-after called the purchasers of the other part for the consideration therein expressed to be paid the said vendor sold and assigned unto the said purchasers their executors administrators and assigns all that the said invention and Letters Patent and the full and exclusive use and benefit thereof

for their own absolute use and benefit and the same has been duly registered in the great Seal Patent Office: A.D. 1881.

And whereas the prolongation duty of one hundred pounds was due on the tenth day of August one thousand eight hundred and eighty but under the circumstances herein-after mentioned the same was inadvertently omitted to be paid:

And whereas at the date and execution of the said indenture of assignment and until the month of November one thousand eight hundred and eighty the said Letters Patent were in the possession of a certain Henry William Gough a local patent agent who refused even to produce them for inspection and who claimed a lien upon them which was then disputed but has since been paid and the said John Cropper Henry Smith Cropper and Samuel Thacker having only a copy of the specification and not being able to refer to the original Letters Patent fell into an error with respect to the date of the Letters Patent and mistook the date of the sealing of the Letters Patent videlicet the sixth day of February one thousand eight hundred and seventy-four for the date of the Letters Patent videlicet the eleventh day of August one thousand eight hundred and seventy-three:

And whereas the said John Cropper Henry Smith Cropper and Samuel Thacker remained in ignorance of the true date of the said Letters Patent until a few days after the eleventh day of August one thousand eight hundred and eighty when having occasion to refer to the said indenture of assignment they noticed the two dates of the eleventh day of August and the sixth day of February and immediately applied to their patent agents who informed them that the time for paying the stamp duty of one hundred pounds had then already expired:

And whereas the said John Cropper Henry Smith Cropper and Samuel Thacker on discovering that the prolongation duty had not been paid immediately gave 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 due to ignorance of the day on which such payment ought to have been made and not from a wilful disobedience to the law of the United Kingdom of Great Britain 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

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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:

Power to Commissioners of Patents to stamp Letters Patent.

1. Within one month after the passing of this Act it shall be lawful for the said John Cropper Henry Smith Cropper and Samuel Thacker 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 proper stamps 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 had been produced by the said John Cropper Henry Smith Cropper and Samuel Thacker 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 infringements 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 nor shall any action be commenced or prosecuted nor shall any damage be recovered in respect of the use of any machine or machinery made within the said United Kingdom or any part thereof in infringement of the said Letters Patent between the expiration of the said period of seven years and the twentieth day of March one thousand eight hundred and eighty-one provided that such use is by the person by or for whom any such machine or machinery was bonâ fide manufactured or his executors administrators or assigns.

Short title.

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

SCHEDULE referred to in the foregoing Act.

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VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith To all to whom these presents shall come greeting: Whereas James Hancock of the town and county of the town of Nottingham machinist hath by his petition humbly represented unto Us that he is in possession of an invention for Improvements in Bobbin Net or Twist Lace Machines 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 James Hancock his executors administrators and assigns Our especial license full power sole privilege and authority that he the said James Hancock 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 James Hancock 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 James Hancock his executors administrators and assigns or any of them shall in his or their discretion seem meet: And that he the said James Hancock 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 invention for and during the term of years herein mentioned: To have hold exercise and enjoy the said licenses powers privileges and advantages herein-before granted or mentioned to be granted unto the said James Hancock 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 James Hancock 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

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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 James Hancock as aforesaid nor in any wise counterfeit imitate or resemble the same nor shall make or cause to be made any addition thereunto or subtraction from the same whereby to pretend himself or themselves the inventor or inventors devisor or devisors thereof without the consent license or agreement of the said James Hancock 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 James Hancock 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 anywise molest trouble or hinder the said James Hancock 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 James Hancock 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 James Hancock his executors administrators or 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 James Hancock 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 James Hancock his executors or administrators shall not particularly describe and ascertain the nature of the said invention and in what manner the same

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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 James Hancock 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 James Hancock 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 James Hancock 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 James Hancock 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 James Hancock 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 eleventh day of August one thousand eight hundred and seventy-three in the thirty-seventh year of Our reign and to be sealed as of the said eleventh day of August one thousand eight hundred and seventy-three.

By warrant.

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