CHAPTER xix.

An Act for rendering valid certain Letters Patent granted to William Harper for Improvements in Machinery or Apparatus for suspending Fabrics in Drying Stoves. A.D. 1877.

[17th May 1877.]

WHEREAS by Letters Patent under the Great Seal of Great Britain, bearing date the twenty-fifth day of September, in the thirty-third year of the reign of Her present Majesty Queen Victoria, Her Majesty did give and grant unto William Harper, of Bolton-le-Moors in the county of Lancaster, bleacher, his executors, administrators, and assigns, Her special license, full power, sole privilege, and authority that he the said William Harper, 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 William Harper, 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 Machinery "or Apparatus for suspending Fabrics in Drying Stoves," in which Letters Patent is contained a proviso making void the said Letters Patent if the said William Harper, 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 William Harper, 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

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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 William Harper, 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 twenty-fourth day of September one thousand eight hundred and seventy-six:

And whereas a specification was duly filed by the said William Harper in the Great Seal Patent Office within the time limited by the said Letters Patent, whereby the said William Harper 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 William Harper duly paid the prolongation duty of fifty pounds:

And whereas the prolongation duty of one hundred pounds was due on the twenty-third day of September one thousand eight hundred and seventy-six, but under the circumstances herein-after mentioned the same was inadvertently omitted to be paid:

And whereas the said William Harper has been continuously engaged for upwards of six years in perfecting and developing the said invention:

And whereas the said William Harper fully intended to pay the said prolongation duty of one hundred pounds, but his health having broken down from intense application to business and to the development and working of the said invention, and he having under medical advice gone away from business to the sea-side, and to Matlock and Harrogate, with a view to the restoration of his health, the payment was overlooked, and the said William Harper did not discover his error until after the said period of seven years had actually expired, namely, in the month of October one thousand eight hundred and seventy-six:

And whereas the said William Harper, on discovering that the prolongation duty had not been paid, and being under the impression that no steps could be taken by him for the purpose of rendering valid the said Letters Patent until the assembling of Parliament, gave instructions early in the month of December one thousand eight hundred and seventy-six for an application to Parliament for power to pay the said stamp duty and to render valid the said Letters Patent, and he humbly trusts that as the present difficulty and threatened loss arises from accidental inadvertence due to the severe illness and enforced absence from home of the

said William Harper, and not from a wilful disobedience to the law of the United Kingdom of Great Britain, that he 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 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 William Harper, his 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, and had been produced by the said William Harper 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

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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 seventy-seven, 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.

SCHEDULE referred to in the foregoing Act.

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 William Harper, of the firm of Messieurs Eden and Thwaites, of Bolton, in the county of Lancaster, bleachers and finishers, hath by his petition humbly represented unto Us that he is in possession of an invention for Improvements in Machinery or Apparatus for suspending Fabrics in Drying Stoves, 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 William Harper, his executors, administrators, and assigns, Our especial license, full power, sole privilege, and authority that he the said William Harper, 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 William Harper, 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 William Harper, his executors, administrators, and assigns, or any of them, shall in his or their discretion seem meet: And that he the said William Harper, 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 William Harper, 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 William Harper, 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

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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 William Harper, 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 William Harper, 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 William Harper, 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 William Harper, 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 William Harper, 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-fifth day of September one thousand eight hundred and sixty-nine, in the thirty-third year of Our reign, and to be sealed as of the said twenty-fifth day of September one thousand eight hundred and sixty-nine.

By warrant.

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