CHAPTER xliv.

An Act for rendering valid certain Letters Patent granted to Thomas Holmes for Improvements in Apparatus applicable to Twist Lace Machines. [1st July 1898.]

A.D. 1898.

WHEREAS by Letters Patent under the Great Seal of Great Britain bearing date the sixteenth day of July one thousand eight hundred and ninety-two being the fifty-fifth year of the reign of Her present Majesty Queen Victoria and numbered 11786 Her Majesty did give and grant unto Thomas Holmes of 60 Ilkeston Road Nottingham lace maker together with his executors administrators and assigns or any of them therein referred to as the said Patentee Her especial licence full power sole privilege and authority that he the said Patentee by himself his agents or licencees and no others might at all times thereafter 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 and Isle of Man an invention therein mentioned for "Improvements in Apparatus applicable to Twist Lace Machines":

And whereas the said Letters Patent contain a proviso making void the said Letters Patent if the said Patentee should not pay all fees by law required to be paid in respect of the grant of the said Letters Patent or in respect of any matter relating thereto at the time or times and in manner for the time being by law provided:

And whereas by section twenty-four of the Patents Designs and Trade Marks Act 1883 certain fees in respect of the said Letters Patent were payable by ten annual payments which vary in amount spread over a period of thirteen years from the date of the grant of the said Letters Patent:

And whereas by an agreement dated the 22nd day of November 1892 purporting to be made between the said Thomas Holmes of the one part and Joseph Truman of Nottingham lace manufacturer of the other part the said Joseph Truman acquired certain rights

A.D. 1898.

and interests in and in connexion with the said Letters Patent under which he became responsible for the payment of the said fees:

And whereas the first renewal fee in respect of the said Letters Patent was duly paid on the 17th day of June 1896 and the second renewal fee became payable on the 16th day of July 1897 but the patent agent who had been acting on his behalf failed to inform the said Joseph Truman that the said fee had become due and the same was not paid:

And whereas the omission to pay the said fee was not discovered by the said Joseph Truman until on or about the 7th day of October 1897 and he thereupon communicated with the said patent agent thereon:

And whereas the patent agent was then and had for some time been suffering from severe illness and owing thereto failed to inform the said Joseph Truman that an application might be made under section 17 of the Patents Designs and Trade Marks Act 1883 for an enlargement of the time for paying the said fee:

And whereas by an indenture dated the 24th day of November 1897 made between the said Thomas Holmes of the one part and the said Joseph Truman of the other part the said Letters Patent were assigned by the said Thomas Holmes to the said Joseph Truman absolutely:

And whereas the said Thomas Holmes and Joseph Truman have devoted much time and expended considerable sums of money in developing the said invention for which no return whatever has hitherto been received:

And whereas immediately on discovering that new Letters Patent could not be obtained the said Joseph Truman gave the requisite instructions for an application to Parliament for power to pay the said prescribed fee and to renew the said Letters Patent:

And whereas the omission to pay the said prescribed fee or to apply to the comptroller within the prescribed period for an enlargement of the time for paying the same arose solely from the failure of the said patent agent owing to illness to keep the said Joseph Truman properly advised and not from any negligence or misconduct on the part of the said Joseph Truman:

And whereas the said prescribed fee has now been paid and the total amount of fees (including the prescribed fee for enlargement) due and to become due upon the said Letters Patent has been deposited with the comptroller and the certificate of the comptroller to that effect has been lodged in the Office of the Clerk of the Parliaments:

A.D. 1898.

And whereas it is expedient that the said Letters Patent should be rendered valid in manner herein-after mentioned:

And whereas 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 (that is to say):—

Letters Patent confirmed.

1. Upon the passing of this Act the said Letters Patent (a true copy of which is set forth in the schedule to this Act annexed) or a duplicate thereof certified by the comptroller for the purposes of this Act shall be considered deemed and taken to be and to have been as good valid and effectual to all intents and purposes as if all the payments prescribed by the Patents Designs and Trade Marks Act 1883 to be made in respect of the said Letters Patent either before or after the passing of this Act had been duly made or satisfied.

Saving rights.

2. No action or other proceeding shall be commenced or prosecuted nor any damage recovered—

(1) In respect of any infringement of the said Letters Patent which shall have taken place after the date on which the said Letters Patent were officially declared to be void and before the passing of this Act:

(2) In respect of the use or employment at any time hereafter of any mechanism machine machinery process or any operation actually made or carried on within the United Kingdom and the Isle of Man or of the use or sale of any article manufactured or made in infringement of the said Letters Patent after the said 16th day of July 1897 and before the passing of this Act Provided that such use sale or employment is by the person or corporation by or for whom such article was bonâ fide manufactured or made or such mechanism machine machinery process or operation was bonâ fide made or carried on his or their executors administrators successors or vendees or his or their assigns respectively:

(3) In respect of the use or employment at any time hereafter by the person or corporation entitled for the time being under the preceding subsection to use or employ any machine machinery mechanism process or operation of any improved extended or developed machine machinery mechanism process or operation or of the use or sale of any article thereby manufactured or made in infringement of the said Letters Patent Provided that the use or employment of such improved extended or

A.D. 1898.

developed machine machinery mechanism process or operation shall be limited to the buildings works or premises of the person or corporation by or for whom such machine machinery or mechanism was manufactured or such process or operation was made or carried on within the meaning of the preceding subsection his or their executors administrators successors or assigns :

If any person shall within one year after the passing of this Act make an application to the Board of Trade for compensation in respect of money time or labour expended by the applicant upon the subject-matter of the said Letters Patent on a bonâ fide belief that such Letters Patent had become and continued to be void it shall be lawful for the said Board after hearing the parties concerned or their agents to assess the amount of such compensation if in their opinion the application ought to be granted and to specify the party by whom and the day on which such compensation shall be paid and if default shall be made in payment of the sum awarded then the said Letters Patent shall by virtue of this Act become void but the sum awarded shall not in that case be recoverable as a debt or damages.

Short title.

3. This Act may be cited as Holmes's Patent Act 1898.

The SCHEDULE referred to in the foregoing Act.

A.D. 1898.

1892 No. 11786.

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 Thomas Holmes of 60 Ilkeston Road Nottingham lace maker hath represented unto us that he is in possession of an invention for "Improvements in apparatus applicable to twist lace machines" that he is the true and first inventor thereof and that the same is not in use by any other person to the best of his knowledge and belief:

And whereas the said inventor hath humbly prayed that we would be graciously pleased to grant unto him (herein-after together with his executors administrators and assigns or any of them referred to as the said patentee) our Royal Letters Patent for the sole use and advantage of his said invention:

And whereas the said inventor hath by and in his complete specification particularly described the nature of his said invention:

And whereas we being willing to encourage all inventions which may be for the public good are graciously pleased to condescend to his request:

Know ye therefore that we of our especial grace certain knowledge and mere motion do by these presents for us our heirs and successors give and grant unto the said patentee our especial licence full power sole privilege and authority that the said patentee by himself his agents or licencees and no others may at all times hereafter during the term of years herein mentioned make use exercise and vend the said invention within our United Kingdom of Great Britain and Ireland and Isle of Man in such manner as to him or them may seem meet and that the said patentee shall have and enjoy the whole profit and advantage from time to time accruing by reason of the said invention during the term of fourteen years from the date hereunder written of these presents And to the end that the said patentee may have and enjoy the sole use and exercise and the full benefit of the said invention We do by these presents for us our heirs and successors strictly command all our subjects whatsoever within our United Kingdom of Great Britain and Ireland and the Isle of Man that they do not at any time during the continuance of the said term of fourteen years either directly or indirectly make use of or put in practice the said invention or any part of the same nor in anywise imitate the same nor make or cause to be made any addition thereto or subtraction therefrom whereby to pretend themselves the inventors thereof without the consent licence or agreement of the said patentee in writing under his hand and seal on pain of incurring such penalties as may be justly inflicted on such offenders for their contempt of this our Royal command and of being answerable to the patentee according to law for his damages thereby occasioned:

A.D. 1898.

Provided that these our letters patent are on this condition that if at any time during the said term it be made to appear to us our heirs or successors or any six or more of our 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 and Isle of Man or that the said patentee is not the first and true inventor thereof within this realm as aforesaid these our letters patent shall forthwith determine and be void to all intents and purposes notwithstanding anything herein-before contained Provided also that if the said patentee shall not pay all fees by law required to be paid in respect of the grant of these letters patent or in respect of any matter relating thereto at the time or times and in manner for the time being by law provided and also if the said patentee shall not supply or cause to be supplied for our service all such articles of the said invention as may be required by the officers or commissioners administering any department of our service in such manner at such times and at and upon such reasonable prices and terms as shall be settled in manner for the time being by law provided then and in any of the said cases these our letters patent and all privileges and advantages whatever hereby granted shall determine and become void notwithstanding anything herein-before contained Provided also that nothing herein contained shall prevent the granting of licences 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 patentee that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentee.

In Witness whereof we have caused these our letters to be made patent this sixteenth day of July one thousand eight hundred and ninety-two and to be sealed as of the sixteenth day of July one thousand eight hundred and ninety-two.

H. READER LACK
Comptroller-General of Patents.

L.S.

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