CHAPTER lxxxiv.

An Act for reviving and rendering valid certain Letters Patent, granted to Francis Boyce Lecky and William Hugh Smyth, for improvements in the manufacture of soles, and in the machinery or apparatus employed therefor. [3rd July 1882.]

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WHEREAS by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the fourteenth day of March, one thousand eight hundred and seventy-nine, in the forty-second year of the reign of Her present Majesty Queen Victoria, Her Majesty did give and grant unto Francis Boyce Lecky and William Hugh Smyth, both of Glasgow, in the county of Lanark, North Britain, their executors, administrators and assigns, her especial licence, full power, sole privilege and authority, that they the said Francis Boyce Lecky and William Hugh Smyth, 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 Francis Boyce Lecky and William Hugh Smyth, their 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 lawfully might 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 manufacture of soles, and in the machinery or apparatus employed therefor," in which Letters Patent is contained a proviso making void the said Letters Patent if the said Francis Boyce Lecky and William Hugh Smyth, their executors or 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 their hands and seals, and cause such instrument to be filed in the Great Seal Patent Office within six calendar months

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next and immediately after the date of the said Letters Patent; and also if the said Francis Boyce Lecky and William Hugh Smyth, their executors, administrators or assigns, should not pay the stamp duty of fifty pounds, and produce the said 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 whereas a specification was duly filed by the said Francis Boyce Lecky and William Hugh Smyth in the Great Seal Patent Office within the time limited by the said recited Letters Patent, whereby the said Francis Boyce Lecky and William Hugh Smyth 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 Francis Boyce Lecky and William Hugh Smyth have devoted much time and money in developing the said invention, for which no return has yet been received by them:

And whereas by an agreement, dated the twenty-eighth and twenty-ninth days of September, and the tenth day of October, one thousand eight hundred and eighty-one, entered into between Messrs. W. H. Smyth and Company, jute and hemp sole manufacturers in Glasgow, and the said William Hugh Smyth, the only partner of that firm, with the consent and concurrence of the said Francis Boyce Lecky, of the first part, and Paul Rottenburg, merchant in Glasgow, as trustee for and on behalf of a company, shortly afterwards incorporated under the name of the Espadrille-Alpargata Company Limited, of the second part, the said Francis Boyce Lecky and William Hugh Smyth have, for the valuable consideration in such agreement mentioned, agreed to sell to the said Paul Rottenburg, for the use of the said company, the said invention and Letters Patent, and also certain foreign Letters Patent granted to the said Francis Boyce Lecky and William Hugh Smyth for the same invention, and to grant to the said company a valid assignation thereof;

And whereas, in expectation of obtaining the benefit of the said recited Letters Patent, the said Espadrille-Alpargata Company Limited have contracted for the purchase of machinery of considerable value for the purpose of working the said invention;

And whereas the prolongation duty of fifty pounds, payable before the expiration of three years from the date of the said recited Letters Patent, became due upon the fourteenth day of March, one thousand eight hundred and eighty-two, and payment thereof was made upon that day; but by inadvertence, owing to the impending transfer, thereof, the said recited Letters Patent were not forwarded

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to London in time to be stamped with the proper stamp to denote the payment of the said duty, and to be produced at the office of the Commissioners of Patents for Inventions, before the expiration of the said three years:

And whereas, immediately upon the discovery of the omission, the said recited Letters Patent were sent to London, and were actually produced at the office of the said Commissioners of Patents for Inventions within a few days after the expiration of the said three years:

And whereas the said Espadrille-Alpargata Company Limited will be deprived of all advantage to accrue to them under the said recited Letters Patent, and will have incurred the expenditure upon machinery without the benefit of the protection which would have been afforded to them by the said Letters Patent; and the said Francis Boyce Lecky and William Hugh Smyth may be deprived of the consideration for the sale of the said invention and Letters Patent, unless the parliamentary powers herein-after contained are graciously granted:

And whereas if the benefit of the said recited Letters Patent be lost, the benefit of the said foreign Letters Patent may also be lost:

And whereas, immediately upon the discovery of such omission as aforesaid, and without loss of time, application was made for this Act by the said Company, and the said Francis Boyce Lecky and William Hugh Smyth:

And whereas the present difficulty and threatened loss arise entirely from inadvertence, and not from any wilful neglect or disobedience to the law of the United Kingdom of Great Britain and Ireland; and it is expedient that the said Company and the said Francis Boyce Lecky and William Hugh Smyth should be relieved therefrom, and that the said Letters Patent should be revived and 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:—

Power to stamp Letters Patent.

1. Within one month after the passing of this Act it shall be lawful for the said recited Letters Patent (a true copy of which is set forth in the schedule to this Act), or a duplicate thereof, to be stamped with the proper stamp showing the payment of the said stamp duty of fifty pounds, and to be produced at the office of the

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said Commissioners of Patents so stamped, and for the said Commissioners of Patents or their clerk to endorse on the said recited Letters Patent or duplicate thereof, a certificate of the production of the same duly stamped, specifying the date of such production, and to endorse a like certificate upon the warrant for such Letters Patent filed in the said office.

Letters Patent revived and confirmed.

2. The said recited Letters Patent, so stamped and produced 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 such Letters Patent had been stamped with the proper stamp, and had been produced at the office of the said Commissioners of Patents, before the expiration of three 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 recited Letters Patent, which shall have taken place after the expiration of the said three years from the date of the said recited Letters Patent and before the passing 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 of Great Britain and Ireland, the Channel Islands, or the Isle of Man, or any part thereof respectively, in infringement of the said recited Letters Patent, between the expiration of the said period of three years and the passing of this Act, provided 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 Lecky and Smyth's Patent Act, 1882.

SCHEDULE referred to in the foregoing Act.

1879.—No. 1,010.

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, Francis Boyce Lecky and William Hugh Smyth, both of Glasgow, in the county of Lanark, North Britain, have by their petition, humbly represented unto Us, that they are in possession of an invention for "Improvements in the manufacture of soles, and in the machinery or apparatus "employed therefor," which, the petitioners believe, will be of great public utility, that they are the first and true inventors thereof, and that the same is not in use by any other person or persons, to the best of their knowledge and belief: The petitioners therefore most humbly prayed, that We would be graciously pleased to grant unto them, their executors, administrators and assigns, Our Royal Letters Patent for the sole use, benefit and advantage of their 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 petitioners 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 Francis Boyce Lecky and William Hugh Smyth, their executors, administrators and assigns, Our especial license, full power, sole privilege and authority, that they, the said Francis Boyce Lecky and William Hugh Smyth, 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 Francis Boyce Lecky and William Hugh Smyth, their 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 their said invention within Our United Kingdom of Great Britain and Ireland, the Channel Islands and Isle of Man, in such manner as to them, the said Francis Boyce Lecky and William Hugh Smyth, their executors, administrators and assigns or any of them shall, in their discretion, seem meet: And that they, the said Francis Boyce Lecky and William Hugh Smyth, their 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 Francis Boyce Lecky and William Hugh Smyth, their executors, administrators and

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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 they, the said Francis Boyce Lecky and William Hugh Smyth, their 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 hereinbefore 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 Francis Boyce Lecky and William Hugh Smyth 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 Francis Boyce Lecky and William Hugh Smyth, 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 offenders for their contempt of this Our Royal Command: And further, to be answerable to the said Francis Boyce Lecky and William Hugh Smyth, their executors, administrators and assigns, according to law for 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 Francis Boyce Lecky and William Hugh Smyth, their executors, administrators or assigns, or any of them, 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 Francis Boyce Lecky and William Hugh Smyth are not the first and true inventors 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 Francis Boyce Lecky and William Hugh Smyth, their 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

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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 Francis Boyce Lecky and William Hugh Smyth, their 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 Francis Boyce Lecky and William Hugh Smyth, their 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 their hands and seals, or under the hand and seal of one of them, 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 Francis Boyce Lecky and William Hugh Smyth, their 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 Francis Boyce Lecky and William Hugh Smyth, their 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 Francis Boyce Lecky and William Hugh Smyth, their executors, administrators or assigns shall not supply or cause to be supplied for Our service all such articles of the said invention as 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 Francis Boyce Lecky and William Hugh Smyth, their 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 Francis Boyce Lecky and William Hugh Smyth, their 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

A.D. 1882. 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 fourteenth day of March, one thousand eight hundred and seventy-nine, in the forty-second year of Our reign, and to be sealed as of the said fourteenth day of March, one thousand eight hundred and seventy-nine.

By Warrant.

Seal.

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.