CHAPTER xxxiv.

An Act for rendering valid certain Letters Patent granted to Thomas Vicars the elder and Thomas Vicars the younger, of Liverpool in the County of Lancaster, and James Smith, of the same place, for the Invention of Improvements in Self-stoking Furnaces. [23d May 1879.]

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WHEREAS by Letters Patent under the Great Seal of Great Britain, bearing date the twenty-second day of December one thousand eight hundred and seventy-five, in the thirty-ninth year of the reign of Her present Majesty Queen Victoria, Her Majesty did give and grant unto Thomas Vicars the elder and Thomas Vicars the younger (since deceased), of Liverpool in the county of Lancaster, and James Smith, of the same place, (herein-after referred to as the Patentees,) their executors, administrators, and assigns, her special license, full power, sole privilege, and authority that they the Patentees, 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 Patentees, their executors, administrators, or assigns, should at any time agree with, and no other, 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 Self-stoking Furnaces," and in which Letters Patent is contained a proviso making void the said Letters Patent if the Patentees, their executors and administrators, should not by any instrument in writing under 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 to be filed in the Great Seal Patent Office within six calendar months next and

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immediately after the date of the said Letters Patent, and also if the Patentees, 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, which term expired on the twenty-second day of December one thousand eight hundred and seventy-eight:

And whereas a specification was duly filed by the said Patentees in the Great Seal Patent Office within the time limited by the said Letters Patent, whereby the Patentees 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 duty of fifty pounds became due on the twenty-second day of December one thousand eight hundred and seventy-eight, and the said Thomas Vicars and James Smith, before the said twenty-second day of December one thousand eight hundred and seventy-eight, forwarded the said Letters Patent to their agent in London for the purpose of being stamped and produced at the Great Seal Patent Office in compliance with the said condition; the said agent, however, unfortunately omitted to pay the stamp duty of fifty pounds, but the fact of such omission did not become known to the said Thomas Vicars the elder and James Smith till the sixth day of February one thousand eight hundred and seventy-nine:

And whereas the said Thomas Vicars the elder and James Smith and the said Thomas Vicars the younger in his lifetime have devoted much time and attention to perfecting their said invention, and the said Thomas Vicars the elder and James Smith, and the representatives of the said Thomas Vicars the younger, will be deprived of all advantage to accrue to them under the said Letters Patent unless the parliamentary powers herein-after contained are graciously granted to them:

And whereas, on discovering that the duty had not been paid, the said Thomas Vicars the elder and James Smith 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 arise from an accident, 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:

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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 Commissioners of Patents to stamp Letter Patent.

1. Within one month after the passing of this Act it shall be lawful for the Patentees, or any of them, their or any of their executors, administrators, or assigns, to pay the said stamp duty of fifty 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 fifty pounds had been paid and the said Letters Patent stamped with a proper stamp duty to that amount, and had been produced by the Patentees or any of them at the office of the Commissioners of Patents for Inventions 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 Letters Patent which shall have taken place after the expiration of the said three years from the date of the said Letters Patent and before the payment of the said fifty 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 three years and the first day of May one thousand eight hundred and seventy-nine, 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.

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The SCHEDULE referred to in the foregoing Act.

1875. No. 4443.

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 Vicars the elder and Thomas Vicars the younger, of Liverpool in the county of Lancaster, engineers, and James Smith, of the same place, baker, have by their petition humbly represented unto Us that they are in possession of an invention for "Improvements in Self-stoking Furnaces," 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 to 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 special 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, their executors, administrators, and assigns, Our special license, full power, sole privilege, and authority that they the said Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, their executors, administrators, and assigns, or any of them, shall in their discretion seem meet; and that they the said Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, their executors, administrators, and assigns, for and during and unto the full end and term of fourteen years from the day

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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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, their executors, administrators, or assigns, or any of them, to

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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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 5; and also if the said Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 Thomas Vicars the elder, Thomas Vicars the younger, and James Smith, 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 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-second day of December one thousand eight hundred and seventy-five, in the thirty-ninth year of Our reign, and to be sealed as of the said twenty-second day of December one thousand eight hundred and seventy-five. A.D. 1879.

By Warrant.

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