CHAPTER iv.

An Act for rendering valid certain Letters Patent granted to William Young and Alexander Bell in respect of an invention for improvements in the decomposition of mineral oils for the production of illuminating gas and to William Young in respect of inventions (1) for improvements in the production of illuminating gas from mineral oils and in apparatus therefor and for producing water gas and (2) for improvements in the production of illuminating gas and bye-products from liquid hydrocarbons and in apparatus therefor. [28th April 1904.] A.D. 1904.

WHEREAS by letters patent (in this Act called "Young and Bell's patent") under the seal of the Patent Office bearing date the fifth day of July one thousand eight hundred and ninety-two being the fifty-sixth year of the reign of Her late Majesty Queen Victoria and numbered 12421 Her Majesty did give and grant unto William Young chemical engineer Priorsford in the town and county of Peebles North Britain and Alexander Bell manager of gasworks in the town and county of Peebles North Britain together with their executors administrators and assigns or any of them (therein and hereinafter referred to as "the said patentees") Her especial licence full power sole privilege and authority that the said patentees by themselves their 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 the decomposition of mineral oils for the "production of illuminating gas":

A.D. 1904.

And whereas by letters patent (in this Act called "Young's first patent") under the seal of the Patent Office bearing date the twenty-third day of June one thousand eight hundred and ninety-three being the fifty-seventh year of the reign of Her late Majesty Queen Victoria and numbered 12355 Her Majesty did give and grant unto William Young of Priorsford Peebles in the county of Peebles consulting chemist together with his executors administrators and assigns or any of them (therein and hereinafter referred to as "the said patentee") Her especial licence full power sole privilege and authority that 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 the production of illuminating "gas from mineral oils and in apparatus therefor and for "producing water gas":

And whereas by letters patent (in this Act called "Young's second patent") under the seal of the Patent Office bearing date the fifth day of July one thousand eight hundred and ninety-three being the fifty-seventh year of the reign of Her late Majesty Queen Victoria and numbered 13126 Her late Majesty did give and grant unto the said William Young his executors administrators and assigns or any of them (therein and hereinafter referred to as "the said patentee") Her especial licence full power sole privilege and authority that 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 the production of illuminating gas and bye-"products from liquid hydrocarbons and in apparatus therefor":

And whereas the said letters patent respectively contain a proviso making void the said letters patent if the said patentees or 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 24 of the Patents Designs and Trade Marks Act 1883 the prescribed duties or renewal fees in respect of the said letters patent are 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:

A.D. 1904.

And whereas by an assignation dated the twenty-second and twenty-third days of January one thousand eight hundred and ninety-four and made between the said patentees with the consent and concurrence of Hugh Brown of nine Clairmont Gardens Glasgow and John Fyfe managing director of Young's Paraffin Light and Mineral Oil Company Limited Glasgow of the one part and the Oil Gas Enrichment Company Limited having its registered office at number eighty-five Hanover Street Edinburgh (in this Act referred to as "the assignees") of the other part and duly registered in the Patent Office on the second day of March one thousand eight hundred and ninety-four the said patentees for certain good causes and considerations with the consent and concurrence aforesaid granted and assigned to the assignees Young and Bell's patent:

And whereas by assignations respectively dated the fourteenth day of November one thousand eight hundred and ninety-four and made between the said patentee of the first part and the assignees of the other part and duly registered in the Patent Office on the twenty-first day of November one thousand eight hundred and ninety-four the said patentee for certain good causes and considerations granted and assigned to the assignees Young's first patent and Young's second patent and the said respective letters patent are now (or were until lately) vested in and belonged to the assignees exclusively as the registered proprietors:

And whereas the renewal fees payable in respect of the above-mentioned letters patent are payable one year in advance and such fees and all other fees payable on and in connection therewith in the case of Young and Bell's patent up to and including the fourth day of July one thousand nine hundred and three and in the case of Young's first patent up to and including the twenty-second day of June and in the case of Young's second patent up to and including the fourth day of July both in the year one thousand nine hundred and three were from time to time paid on or before the due dates thereof by James Gordon Mason as their secretary on behalf of the assignees:

And whereas the renewal fees payable in advance as aforesaid during the year one thousand nine hundred and three on the respective letters patent became due on the following dates (namely) as regards Young and Bell's patent on the fourth day of July as regards Young's first patent on the twenty-second day of June and as regards Young's second patent on the fourth day of July;

A.D. 1904.

And whereas the duty of paying the prescribed duties or renewal fees had been entrusted by the assignees to their secretary James Gordon Mason but the said James Gordon Mason omitted to pay the same by reason of serious illness:

And whereas the said James Gordon Mason discovered the omission on his return to business on the sixth day of October one thousand nine hundred and three:

And whereas the assignees having omitted to pay the said prescribed duties or renewal fees the said letters patent were announced in the official journal published under the provisions of section 40 of the Patents Designs and Trade Marks Act 1883 to have become void on the following dates (namely) as regards Young's first patent in the journal of the seventh day of October one thousand nine hundred and three and as regards Young and Bell's patent and Young's second patent in the journal of the twenty-first day of October one thousand nine hundred and three:

And whereas the assignees first learnt of the omission by the said James Gordon Mason to pay the said prescribed duties or renewal fees to the Comptroller-General of Patents Designs and Trade Marks (in this Act called "the comptroller") on receipt of a letter written to them by the said James Gordon Mason on the twelfth day of October one thousand nine hundred and three informing them of such omission:

And whereas the time prescribed by section 17 of the Patents Designs and Trade Marks Act 1883 during which the comptroller is empowered to enlarge the time for such payments had expired on the following dates (namely) as regards Young's first patent on the twenty-second day of September one thousand nine hundred and three and as regards Young and Bell's patent and Young's second patent on the fourth day of October one thousand nine hundred and three:

And whereas the assignees on becoming aware of the circumstances and of the non-payment of the renewal fees by the said James Gordon Mason gave the requisite instructions for an application to Parliament for power to pay the said prescribed duties or renewal fees and to renew the said letters patent:

And whereas much time has been devoted and considerable sums of money have been expended by the assignees in acquiring and developing the said inventions for which no adequate and sufficient return has hitherto been received:

And whereas the omission to pay the said prescribed duties or renewal fees or to apply to the comptroller within the prescribed

A.D. 1904.

period for the enlargement of the time for paying the same arose solely from the circumstances hereinbefore stated and not from any avoidable negligence of the assignees:

And whereas the said prescribed duties or renewal fees have now in each of the aforesaid cases been paid and the total amount of fees (including the prescribed fees for enlargement) due and to become due upon the said letters patent respectively have been deposited with the comptroller and the certificates of the comptroller to that effect have been lodged in the Office of the Clerk of the Parliaments:

And whereas it is expedient that the said letters patent respectively should be rendered valid in manner hereinafter 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 King'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:—

Short title.

1. This Act may be cited as Young and Bell's Patents Act 1904.

Letters patent confirmed.

2. Upon the passing of this Act the said letters patent respectively (a true copy of each 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 respectively either before or after the passing of this Act had been duly made or satisfied.

Saving rights.

3. 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 respectively which shall have taken place after the seventh and twenty-first days of October one thousand nine hundred and three respectively (the days on which the letters patent were respectively announced to be void in the official journal) 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 operation actually made or carried on within the

A.D. 1904.

British Islands or of the use or sale of any article manufactured or made in infringement of the said letters patent respectively after the said seventh and twenty-first days of October one thousand nine hundred and three respectively 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 mechanism machine or machinery or article was bonâ fide manufactured or made or such process or operation was bonâ fide carried on his or their executors administrators successors or vendees or his or their assigns:

(3) In respect of the use employment or sale at any time hereafter by any person or corporation entitled for the time being under the preceding subsection to use or employ any mechanism machine machinery process or operation or any improved or additional machine or machinery or any improved extended or developed process or operation or of any article manufactured or made by any of the means aforesaid in infringement of the said letters patent respectively Provided that the use or employment of any such improved or additional mechanism machine or machinery or of any such improved extended or developed process or operation shall be limited to the buildings works or premises of the person or corporation by or for whom such mechanism machine or machinery was manufactured or such process or operation was 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 respectively in the bonâ fide belief that such letters patent respectively or any one or more of them 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 respectively shall by virtue of this Act become void but the sum awarded shall not in that case be recoverable as a debt or damages.

The SCHEDULE referred to in the foregoing Act. A.D. 1904.

1892 No. 12421.

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 Young chemical engineer Priorsford in the town and county of Peebles North Britain and Alexander Bell manager of gasworks in the town and county of Peebles North Britain hath represented unto us that they are in possession of an invention for improvements in the decomposition of mineral oils for the production of illuminating gas that they are the true and first inventors thereof and that the same is not in use by any other person to the best of their knowledge and belief:

And whereas the said inventors hath humbly prayed that We would be graciously pleased to grant unto them (hereinafter together with their executors administrators and assigns or any of them referred to as the said patentees) our Royal Letters Patent for the sole use and advantage of their said invention:

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

And whereas We being willing to encourage all inventions which may be for the public good are graciously pleased to condescend to their 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 patentees our especial licence full power sole privilege and authority that the said patentees by themselves their 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 them may seem meet and that the said patentees 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 patentees 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

A.D. 1904.

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 patentees in writing under their hands and seals 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 patentees according to law for their damages thereby occasioned:

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 patentees are not the first and true inventors thereof within this realm as aforesaid these our letters patent shall forthwith determine and be void to all intents and purposes notwithstanding anything hereinbefore contained Provided also that if the said patentees 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 patentees 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 hereinbefore 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 patentees that these our letters patent shall be construed in the most beneficial sense for the advantage of the said patentees.

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

H. READER LACK
Comptroller-General of Patents.

The Seal of the Patent Office.

1893 No. 12355. A.D. 1904.

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 Young of Priorsford Peebles in the county of Peebles consulting chemist hath represented unto us that he is in possession of an invention for improvements in the production of illuminating gas from mineral oils and in apparatus therefor and for producing water gas 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 (hereinafter 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

A.D. 1904.

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

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 hereinbefore 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 hereinbefore 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 twenty-third day of June one thousand eight hundred and ninety-three and to be sealed as of the twenty-third day of June one thousand eight hundred and ninety-three.

H. READER LACK
Comptroller-General of Patents.

The Seal of the Patent Office.

1893 No. 13126. A.D. 1904.

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 Young of Priorsford Peebles in the county of Peebles consulting chemist hath represented unto us that he is in possession of an invention for improvements in the production of illuminating gas and bye-products from liquid hydrocarbons and in apparatus therefor 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 (hereinafter 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. 1904.

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 hereinbefore 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 hereinbefore 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 shal 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 fifth day of July one thousand eight hundred and ninety-three and to be sealed as of the fifth day of July one thousand eight hundred and ninety-three.

H. READER LACK
Comptroller-General of Patents.

The Seal of the Patent Office.

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