

CHAPTER cxxi.

An Act for rendering valid certain Letters Patent granted to Richard Potter for Improvements in Furnaces for melting Glass. A.D. 1887.
[19th July 1887.]

WHEREAS by Letters Patent under the Great Seal of Great Britain bearing date the twenty-second day of June one thousand eight hundred and eighty-two being the forty-sixth year of the reign of Her present Majesty Queen Victoria and numbered two thousand nine hundred and seventy-one Her Majesty did give and grant unto Richard Potter of Dearne Terrace Stairfoot in the county of York his executors administrators and assigns her special license full power sole privilege and authority that he the said Richard Potter his executors administrators and assigns and every of them by himself and themselves or by their deputies servants or agents or such others as he the said Richard Potter his executors administrators and 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 and 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 furnaces for melting glass" in which Letters Patent is contained a proviso making void the said Letters Patent if the said Richard Potter his executors and 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 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 the said recited Letters Patent and also if the said Richard Potter 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 office of the Commissioners of Patents for Inventions before the expiration of three years from the date of the said Letters

A.D. 1887. Patent which expired on the twenty second day of June one thousand eight hundred and eighty-five;

And whereas a specification was duly filed by the said Richard Potter in the Great Seal Patent Office within the time limited by the said Letters Patent whereby the said Richard Potter did particularly describe and ascertain the nature of the said invention and in what manner the same was to be performed;

And whereas by an indenture dated the seventeenth day of February one thousand eight hundred and eighty-three and made between the said Richard Potter of the one part and Hiram Codd and Dan Rylands therein described of the other part and duly registered in the Great Seal Patent Office on the twenty-fifth day of April one thousand eight hundred and eighty-three the said Richard Potter for the considerations therein mentioned assigned transferred and set over to the said Hiram Codd and Dan Rylands the said Letters Patent upon the terms and conditions therein mentioned;

And whereas by indenture bearing date the sixth day of October one thousand eight hundred and eighty-four and made between the said Hiram Codd of the one part and the said Dan Rylands of the other part and duly registered in the Patent Office on the twenty-third day of December one thousand eight hundred and eighty-four the said Hiram Codd did for the considerations therein mentioned grant assign release and confirm unto the said Dan Rylands one equal half part or share or all other the share and interest of the said Hiram Codd of in and to the said Letters Patent and such Letters Patent are now vested in and belong to the said Dan Rylands exclusively and he is the registered patentee thereof;

And whereas by the Patents Designs and Trade Marks Act 1883 the time within which the above-mentioned stamp duty or fee of fifty pounds should be paid was extended to the end of the fourth year from the date of the said Letters Patent which expired on the twenty-second day of June one thousand eight hundred and eighty-six;

And whereas the said Dan Rylands omitted to pay the said stamp duty or fee of fifty pounds and on the first day of October one thousand eight hundred and eighty-six the said Letters Patent were announced to be void in the official journal published under the provisions of section 40 of the Patents Designs and Trade Marks Act 1883;

And whereas the said Dan Rylands discovered the omission to pay the said duty or fee on the fifth day of October one thousand eight hundred and eighty-six and immediately offered payment thereof and of any fine that might be imposed for the omission to pay the same to the Comptroller General of Patents Designs

and Trade Marks (herein-after called the Comptroller) but 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 payment had already expired viz. on the twenty-second day of September one thousand eight hundred and eighty-six; A.D. 1887.

And whereas the said Dan Rylands thereupon gave the requisite instructions for an application to Parliament for power to pay the said stamp duty and to renew the said Letters Patent;

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

And whereas the omission to pay the said stamp duty or fee of fifty pounds and to apply to the Comptroller within the prescribed period for an enlargement of the time for paying the same arose from the serious and continued illness of the said Dan Rylands which sufficiently accounts for the said omissions otherwise than by neglect inadvertence or mistake;

And whereas the said stamp duty or fee of fifty pounds 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 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 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):

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. Letters
Patent con-
firmed.

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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 first day of October one thousand eight hundred and eighty-six and before the passing of this Act ;

(2.) In respect of the use or employment at any time hereafter of any structure process or 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 first day of October one thousand eight hundred and eighty-six 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 structure 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 structure process or operation of any improved extended or developed structure 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 developed structure process or operation shall be limited to the buildings works or premises of the person or corporation by or for whom such structure 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 Potter's Patent Act 1887.

SCHEDULE referred to in the foregoing Act.

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1882.—No. 2971.

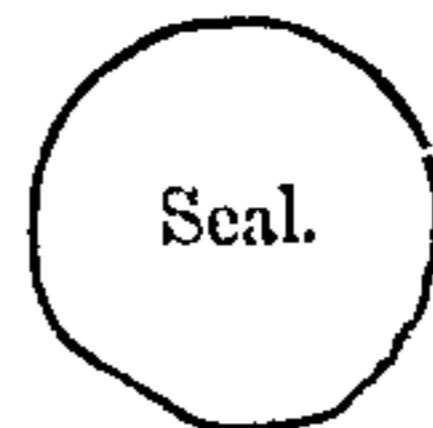
VICTORIA by the grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith To all to whom these Presents shall come greeting Whereas Richard Potter of Dearne Terrace Stairfoot in the county of York hath by his petition humbly represented unto Us that he is in possession of an invention for, "improvements in furnaces for melting glass" 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 Richard Potter his executors administrators and assigns Our especial license full power sole privilege and authority that he the said Richard Potter 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 Richard Potter 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 Richard Potter his executors administrators and assigns or any of them shall in his or their discretion seem meet And that he the said Richard Potter 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 Richard Potter 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 Richard Potter 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

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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 Richard Potter 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 deviser or devisors thereof without the consent license or agreement of the said Richard Potter his executors administrators or assigns in writing under his or 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 Richard Potter his executors administrators and assigns according to law for his and 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 Richard Potter his executors administrators or assigns or any of them or his 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 Richard Potter is not the first and true inventor 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 Richard Potter his 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 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 Richard Potter his 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 or 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 Richard Potter his 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 or in print 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 Richard Potter 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 5 and also if the said Richard Potter 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 Richard Potter 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 hereinbefore 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 Richard Potter 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 Richard Potter 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-second day of June one thousand eight hundred and eighty-two in the forty-sixth year of Our reign and to be sealed as of the said twenty-second day of June one thousand eight hundred and eighty-two.

BY WARRANT.



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