



CHAPTER cxciii.

An Act for rendering valid certain Letters Patent granted A.D. 1880.
to John Muirhead the younger and Alexander Muir-
head, of Regency Street, in the City of Westminster, for
the Invention of Improvements in Electric Telegraphs.

[26th August 1880.]

WHEREAS by Letters Patent under the Great Seal of Great Britain, bearing date the 2nd day of July 1877, in the forty-first year of the reign of Her present Majesty Queen Victoria, Her Majesty did give and grant unto John Muirhead the younger and Alexander Muirhead, both of 29, Regency Street, in the city of Westminster (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 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 electric telegraphs," and in which Letters Patent is contained a proviso making void the said Letters Patent if the Patentees, 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 or one of their hands and seals, and cause such instrument to be filed in the Great Seal Patent Office within six calendar months next and 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 £50 and produce the said Letters

A.D. 1880.

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 2nd day of July 1880:

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 £50 became due on the 2nd day of July 1880, but the Patentees inadvertently omitted to pay the said duty:

And whereas the Patentees 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 the Patentees, on making discovery of the inadvertent omission to pay the stamp duty as aforesaid, without loss of time gave the requisite instructions for an application to Parliament for powers to pay the said stamp duty and to render valid the said Letters Patent, and as their present difficulty and threatened loss arises solely from an inadvertence, and not from a wilful neglect or disobedience to law, 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:

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:

1. Within one month after the passing of this Act it shall be lawful for the Patentees or either of them, or their or either of their executors, or administrators, or assigns, or any or either of them, to pay the said stamp duty of fifty pounds, and the said Letters Patent (a true copy of which is set forth in the schedule to this Act), or a duplicate thereof, may thereupon be stamped with proper stamps showing the payment of the said stamp duty, and may be produced at the office of the said Commissioners of Patents, and the said Commissioners of Patents or their clerk may stamp the said Letters Patent, or a duplicate thereof, specifying the date of such production, and indorse on the said Letters Patent, or duplicate thereof, a certificate of the production of the same duly stamped, and indorse a like certificate upon the warrant for such Letters Patent filed in the said office.

Power to
Commissioners of
Patents to
stamp
Letters Patent.

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 had been stamped with a proper stamp duty to that amount, and had been produced by the Patentees 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.

A.D. 1880.
Letters Patent confirmed.

3. Provided always, that no action or suit shall be commenced or prosecuted at law or in equity, 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.

Saving rights.

The SCHEDULE referred to in the foregoing Act.

1877.—No. 2538. 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 John Muirhead, junior, and Alexander Muirhead, both of No. 29, Regency Street, in the city of Westminster, have by their petition humbly represented unto Us that they are in possession of an invention for "improvements in electric telegraphs" 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 John Muirhead and Alexander Muirhead, their executors, administrators, and

A.D. 1880.

— assigns, Our special license, full power, sole privilege, and authority that they the said John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, their executors, administrators, and assigns, or any of them, shall in their discretion seem meet; and that they the said John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, their 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 they the said John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead 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 John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead 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 John Muirhead and Alexander Muirhead, 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 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 John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, their executors, administrators, or assigns, shall not pay the stamp duty of £50 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 16th year of Our reign, chapter 5; and also if the said John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, 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

A.D. 1880.

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 John Muirhead and Alexander Muirhead, 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 John Muirhead and Alexander Muirhead, 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 2nd day of July 1877, in the forty-first year of Our reign, and to be sealed as of the said 2nd day of July 1877.

By Warrant.

L.S.