

NEW ZEALAND.



ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

Local and Personal.

No. 5.

ANALYSIS

- |   |   |
|---|---|
| Title.  | 8. Specification, &c. to be enrolled.                       |
| Preamble.                                       | 9. Specification may be corrected.                          |
| 1. Short Title.                                 | 10. Disclaimer may be entered.                              |
| 2. Interpretation.                              | 11. Effect of Patent.                                       |
| 3. Governor may direct issue of Letters Patent. | 12. Injunction, &c.   |
| 4. Fee payable.                                 | 13. Penalties of 5 and 6 Will. 4, cap. 83, may be enforced. |
| 5. Interim protection for invention.            | 14. Punishment for falsification of Specification, &c.      |
| 6. To be advertised.                            | 15. Patent may be repealed by <i>scire facias</i> .         |
| 7. Assignment of Patent and Record thereof.     |   |

**An Act to enable the Governor to grant a Patent to William Acland Douglas Anderson, for an Invention for Improvements in the manufacture of Pipes.** Title.  
 [2nd November, 1860.]

**WHEREAS** Alfred Fauvin Jaloureau, of Paris, in the French Empire, Manufacturer, claiming to have discovered or to be in possession of an invention for improvements in the manufacture of Pipes, did by an instrument in writing, bearing date the eleventh day of January, one thousand eight hundred and sixty, for the considerations therein expressed, grant and assign unto the said William Acland Douglas Anderson, his executors, administrators, and assigns, all and singular the said invention, and the full and exclusive benefit and advantage thereof, so far as relates to the Colonies or British Dependencies in Australasia and New Zealand or any of them, together with full power for the said William Acland Douglas Anderson, Preamble.

*Anderson Pipe Patent*

his executors, administrators, or assigns, for obtaining the full benefit of the said grant and assignment therein-before expressed to be made, and for all purposes connected therewith, and if he or they should think fit, to apply for and take grants of any Letters of Registration, Letters Patent, and other grants of privileges or licenses from the Authorities in any of the said Colonies or Dependencies empowered to grant the same, and to prepare, execute, and do all necessary specifications, and other documents, acts, and things, necessary or expedient for the purposes aforesaid or any of them, and also all other acts, necessary or expedient for effectuating the said grant and assignment in the name or names of or as the agent or agents for the said Alfred Fauvin Jaloureau his executors or administrators, or in the name or names of the said William Acland Douglas Anderson, his executors, administrators, or assigns, or otherwise.

AND WHEREAS the said William Acland Douglas Anderson is desirous of obtaining a Patent for the protection of the said invention within the Colony of New Zealand, and he has deposited at the Office of the Colonial Secretary a petition signed by him or by an agent acting on his behalf, and addressed to the Governor, representing that he is in possession of an invention for improvements in the manufacture of Pipes which he conceives will be of great public utility, that the said Alfred Fauvin Jaloureau is the true and first inventor thereof, and that all the right and interest thereto or therein within the said Colony has been duly assigned and transferred to the said William Acland Douglas Anderson as before recited, and that the same invention is not in use by any other person within the said Colony to the best of his knowledge and belief, and stating clearly and succinctly the object to be attained by the said invention, and praying that Letters Patent should be granted to him for the exclusive use thereof in the said Colony; And he has deposited with the said petition a written specification signed by him or by an agent acting on his behalf, of the said invention, and of the manner and process of making, constructing, and using the same, in such terms as to enable any person skilled in the scheme or manufacture to which it appertains to make construct and use the same; and in case of the machine, part of the said invention, a statement of the principle and the several modes in which the said inventor has contemplated the application of that principle or character by which it may be distinguished from other inventions, and has in the said specification particularly pointed out and specified the improvement or combination which the said inventor claims as his own invention and discovery, and has also deposited a drawing thereof and written references thereto.

And whereas it is expedient to enable the Governor to grant to the said William Acland Douglas Anderson Letters Patent for securing to him the sole use, benefit, and advantage of the said invention in the Colony of New Zealand in manner herein-after provided:

*Anderson Pipe Patent.*

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same as follows :—

I. The Short Title of this Act shall be “The Anderson Pipe Patent Act, 1860.” Short Title.

II. In the construction of this Act the word “person” shall include Bodies Corporate and Companies as well as individuals, unless the context be repugnant to such construction. Interpretation.

III. It shall be lawful for the Governor to grant Letters Patent for the said invention to the said William Acland Douglas Anderson in manner hereinafter provided. Governor may grant Letters Patent.

IV. The said William Acland Douglas Anderson shall, prior to the issue of such Letters Patent, pay to the Colonial Treasurer the sum of five pounds, to be applied as Ordinary Revenue of the Colony. Fee payable.

V. Immediately after the passing of this Act the said William Acland Douglas Anderson, during the term of twelve months thence next ensuing, shall, by virtue hereof, have the like protection, rights, powers, and privileges as could be conferred upon him by Letters Patent for the said invention, issued under this Act; and during the continuance of such protection, rights, powers, and privileges under this provision such invention may be used and published without prejudice to the Letters Patent to be granted for the same. Interim protection for invention.

VI. Such interim protection shall if required by the said William Acland Douglas Anderson, his executors, administrators, or assigns, be advertised by the Colonial Secretary in such manner as he shall think fit. To be advertised.

VII. The Letters Patent to be granted as aforesaid, shall be assignable in law either as to the whole interest therein or any undivided part thereof, or as to any part of the said invention, by an instrument in writing, which assignment and also any grant or conveyance of the exclusive right thereunder, to make and use, and to grant to others the right to make and use the thing patented therein or any part thereof shall be recorded in the office of the Colonial Secretary within twelve months from the execution thereof, upon payment by the assignee or grantee to the Colonial Treasurer, of the sum of ten shillings, to be applied as aforesaid. Assignment of Patent and record thereof.

VIII. The Colonial Secretary shall cause the said specification, statement, description, and drawings, and also any such corrected or additional specification and description as hereinafter mentioned, to be permanently kept in his office, and all persons whosoever may have access thereto and may inspect and may have copies of, or extracts from the same, upon payment of reasonable expenses, and such copies or extracts, and copies or extracts of or from the record of the said Letters Patent, certified by the Colonial Secretary to be true copies or extracts, shall be received as evidence in all proceedings whatsoever. Specification, &c., to be enrolled.

*Anderson Pipe Patent.*

Specification may be corrected.

IX. If the said Letters Patent shall be found to be inoperative or invalid by reason of a defective or insufficient description or specification, or by reason of the said William Acland Douglas Anderson claiming as the invention of the said inventor more than he has a right to claim as new, if the error shall arise by accident, inadvertency, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Governor upon the surrender of such Letters Patent, and the payment to the Colonial Treasurer of the sum of Ten Pounds, to cause new Letters Patent to be issued to the said William Acland Douglas Anderson for the same invention for the residue then unexpired of the said term in accordance with the corrected specification and description; and in case of the death of the said William Acland Douglas Anderson, or any assignment by him, a similar right shall vest in his executors, administrators, or assigns; and the Letters Patent so re-issued, together with the corrected description and specification shall have the same effect and operation in law on the trial of all actions commenced for causes subsequently accruing as though the same had been originally filed or deposited in such corrected form before the issuing of the original Letters Patent.

Disclaimer may be entered.

X. The said William Acland Douglas Anderson, his executors, administrators, or assigns, may, if he or they think fit, enter with the Colonial Secretary (having first obtained the permission in writing of the Governor) a disclaimer of any part of the specification, stating the reason for such disclaimer, and may with such permission enter a memorandum of any alteration in the said specification, not being such disclaimer or such alteration as shall extend the exclusive right granted by the said Letters Patent; and such disclaimer or memorandum being deposited with the Colonial Secretary shall be deemed and taken as part of such Letters Patent or such specification, and subject to the several incidents thereof in all Courts of Justice in the Colony: Provided that no such disclaimer or alteration shall be receivable as evidence in any action (save and except in any proceeding by *scire facias*) pending at the time when such disclaimer or alteration was enrolled, but in every such action the original specification alone shall be deemed and taken to be the specification of the invention for which Letters Patent shall have been granted.

Effect of Patent.

XI. The said William Acland Douglas Anderson, his executors, administrators, and assigns, shall have within the Colony for a term of fourteen years, to be computed from the 23rd day of September, 1858, the date of the Letters Patent granted to the said Alfred Fauvin Jaloureau, under the Great Seal of England, for the use of the said Inventor, in the United Kingdom of Great Britain and Ireland, and elsewhere, the exclusive enjoyment and advantage in the said Colony of such invention, and such and the same protection, and such and the same remedies at law and in equity, against any person in the said Colony infringing the Letters Patent to be granted under this Act, and generally such and the same rights, powers,

*Anderson Pipe Patent.*

and privileges throughout the said Colony with respect to the said invention as any person to whom Letters Patent for a new invention have been granted in England has by the law of England in and throughout the Realm of England.

XII. In any action in the Supreme Court for the infringement of the Letters Patent to be granted under this Act it shall be lawful for the Court as well in its Common Law as in its Equity jurisdiction, or for any Judge of the Court on the application of the plaintiff or of the defendant respectively, to make such order for an injunction, inspection, or account, or to give such direction respecting such action, injunction, inspection, or account, and the proceedings therein respectively, as to such Court or Judge shall seem fit.

Injunction, &c.

XIII. Any of the penalties recoverable by any person holding Letters Patent under the Great Seal of England in any Court in Great Britain under the Act of the Imperial Parliament passed in the Session of the Fifth and Sixth years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Law touching Letters Patent for 'Inventions'" for any unauthorised person using or imitating the name of any such Patentee, or using the word "Patent," or the like words, or counterfeiting the mark of any such Patentee, may be recoverable and recovered in similar Courts in the Colony by the said William Acland Douglas Anderson, his executors, administrators, and assigns, for similar injuries to him, them, or any of them respectively.

Penalties of 5 and 6 Will. 4, cap. 83, may be enforced.

XIV. If any person shall wilfully make or forge, or cause to be made or forged, any false writing or drawing purporting to be a copy of or extract from the Letters Patent, specification, statement, description, or drawings to be granted and deposited under this Act respectively, or shall produce or tender, or cause to be produced or tendered in evidence any such writing or drawing knowing the same to be false or forged, he shall be guilty of a misdemeanour, and on conviction thereof, shall be punished at the discretion of the Court, by fine not exceeding (£500) Five Hundred Pounds, or by imprisonment not exceeding Two Years, or by both.

Punishment for falsification of specification, &c.

XV. The Letters Patent to be granted under or by virtue of this Act may be repealed by Writ of *scire facias* for the same causes and in the same manner as any Grant of the Crown is liable to be repealed.

Patent may be repealed by *scire facias*.