

*Judgment of the Lords of the Judicial Committee of the Privy Council on the Petition of Charles W. Lancaster for the Prolongation of his Patent for Improvements in the Manufacture of Fire-arms; delivered 22nd June, 1864.*

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Present:

LORD JUSTICE KNIGHT BRUCE.

SIR EDWARD RYAN.

LORD JUSTICE TURNER.

SIR JOHN TAYLOR COLERIDGE.

AS to the proper mode of disposing of the application for enlargement in this case their Lordships have felt some difficulty, though not on all the grounds of objection brought before them. They have considered it, and are in the first place of opinion that Mr. Haddan's opposition and claims on his own account merely, that is to say, otherwise than as he is one of the public, may and ought to be disregarded. He acted as agent for the Patentee, may have rendered him material services, and may especially have aided him with respect to the processes of combination and manufacture, and may possibly not have received sufficient remuneration. But Mr. Haddan, in their Lordships' judgment, has not established any title for any present purpose, otherwise, we repeat, than as one of the public merely. So with regard to the Crown or the War Office, the patentee has received various sums from that quarter as an acknowledgment of his merits connected with gunnery and as remuneration for services rendered with reference to that science or art, but not solely with reference to the Letters-Patent in question, nor so as that the Crown or the War Department has acquired against him either any title in connexion with the Letters-Patent, or any

right to participate in the benefit of an enlargement otherwise than in and according to the ordinary course of law.

With regard to the invention, the subject of the Letters-Patent, their Lordships, as they have already intimated, think that for every present purpose the Letters-Patent granted, as they have been, to Mr. Lancaster must be deemed by this Committee to be valid, notwithstanding the statements made by Mr. Haddan and the book called "Scelopetaria," though what ought to be the result of any action at law or suit in equity on the subject we give no opinion.

We consider also the patented process, so far at least as the present application extends, to be useful, valuable, and meritorious, though its merit may be less than if the book already mentioned, of which a second edition was published in 1812, had not existed. And if the accounts produced by the Patentee are to be trusted, we think that it may fairly be deemed that he has been hitherto insufficiently remunerated, notwithstanding the sums received by him from the Crown by way of bounty and reward, and otherwise. Those accounts, however, we do not view as altogether satisfactory; they seem to be in several points deficient, and must not be looked upon as an example or drawn into a precedent; they are allowed on the present occasion to pass by reason of the various employments of the Patentee during several years under the Crown, by reason of the course that the examination of witnesses took here, and because of the peculiarities of the case in several respects; a case almost if not altogether *sui generis*. Not without some difficulty, we repeat, we have come to the conclusion that consistently with our duty we may advise Her Majesty, as we intend humbly to do, to grant to the Patentee the limited enlargement that he asks, but not for a longer period than four years from the time of the expiration of the existing Letters-Patent, which will be early in July next.

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