

'PATENT GHOSTS' IN AUSTRALIA

John Hyett

On 7 August 1863 a notice of intention was lodged in the Colony of Victoria to proceed with an application for a patent for 'the invention for the production of Phantoms and Apparitions'. The applicants were Edward Wollaston, Chemist (Fig. 1), Henry Beaufoy Merlin, Artist, and Louis Lawrence Smith, Medical Practitioner (Fig. 2), all of Melbourne. An appointment was made for 10 September 1863 and the fee of £2.2.0 paid.¹ This was advertised in the *Victorian Government Gazette* (VGG) and signed on 7 August 1863 stating that any objections were to be lodged in writing with the Attorney General before 10 September.² Objections were lodged by Cyrus Mason and William Martin.³

The hearing was partly heard on 12 September 1863 and adjourned until 22 September to hear further evidence. There is a note at the bottom of the page saying 'Warrant Granted September 25 1883' and signed by the Attorney General.

William Robert Martin of Melbourne in the Colony of Victoria, Gentleman, and Cyrus Mason of Melbourne in the Colony of Victoria, Gentleman, made written objections to the hearing along with one by their patent agent, Edward Waters, of the firm of Hart and Waters of Melbourne, Patent Agents.

In his affidavit to the hearing Martin stated that in the month of July he and Cyrus Mason had discovered a new and improved method of producing spectral illusions, the specifications of that invention being lodged with the Office of the Chief Secretary on 22 July. This claim is borne out by a notice posted in the VGG on 11 August 1863 (p.1716).⁴ On 27 July the invention was tested at the Haymarket Theatre in Melbourne (Fig. 3) and the manager was convinced it worked. He paid Martin and Mason 'certain sums' for the use of their invention. After a time, payment was stopped on the alleged grounds that they could not stop the Princess Theatre from using their invention. They visited the Princess Theatre and witnessed a production of a spectral illusion which was produced by means of the reflection of an object (illuminated by a powerful light) in a sheet of clean glass – to the best of their knowledge and belief there was no variation at all from their invention. Also: *"That the said Cyrus Mason and myself discovered the said Invention solely by our own ingenuity and without any suggestion from any person and without reference to any printed or other matter"*.

Cyrus Mason's affidavit gives a fuller account of his visit with Edward Waters to the Princess Theatre on 18 August, where they spoke to Mr Barry Sullivan about their invention. He denied their right to the invention and said he had seen accounts of it in newspapers by the June and July mail. It had been suggested to him by others that the

effect was produced by vapours and he was wondering what chemicals it would require to produce this vapour. After considerable thought he had come to the conclusion that it was a reflection in glass and stated he had produced the effect nearly three weeks previously by means of a piece of brown paper and glass. Mason also witnessed the production of a spectral illusion and said that to the best of his knowledge and belief there was no variation at all from his and Martin's invention.



1. Edward Wollaston (Photo: Professor Hall. Source: State Library Victoria)

Edward Waters, the patent agent, confirmed the date that Martin and Mason's patent was lodged and then went on with some further information. He attested that on 28 July he was visited by a person he now believed was Edward Wollaston, who enquired if an invention for producing ghosts had been patented and was informed it had. He asked if he could patent an improvement and was told he could, provided that it was not a mere evasion. He then promised to submit plans of his improvement. Wollaston also stated he had seen a trial of the invention of Mason and Martin at the Haymarket Theatre and it was a failure. Waters said that he had subsequently seen Wollaston behind the scenes at the Haymarket Theatre where he appeared to be at perfect liberty with no interference from any of the staff.

About three or four days later Wollaston returned to Waters' office with plans of his supposed invention, but Waters declined to have anything to do with it as it appeared to him to be a variation of Mason and Martin's invention. Waters backed up the affidavits of Mason and Martin regarding the agreement with the proprietor of the Haymarket Theatre, having received payments on behalf of his clients until the refusal to continue to pay anything because, as he alleged, the lessee of the Princess Theatre advertised, and did actually produce the 'Polytechnic Ghost'.⁵

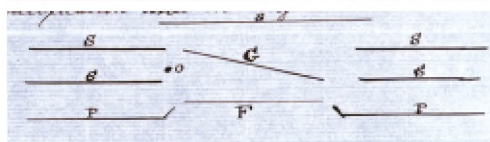
At the same hearings Mason and Martin's application was considered. Wollaston, Merlin and Smith objected to the application. Prior to the hearing of Mason and Martin's application an internal memo in the Crown Law Offices dated 10 September 1863 noted that specifications for Mason and Martin's application were lodged on 22 July and a notice of intention to proceed was given on 22 July. Notice of objection was lodged by Wollaston, Merlin and Smith on the basis of their specification having a somewhat similar title. Referring to Mason and Martin's application the memo stated: *"The specification of these applicants appears to be somewhat vague. It does not describe with sufficient precision the principle or process so that a person could perform it without the aid of the applicants."* And further: *"The specifications lodged by the objector would appear to be for an invention having the same object, the details of the process being more distinctly*



2. Louis Lawrence Smith (Photo: Paterson Bros. Source: State Library NSW)



3. Haymarket Theatre, Melbourne, 1862 (top left)



4. Diagram from Wollaston's objection (bottom left)

described. And it would also appear from the details that these two inventions are in some respects dissimilar.⁶

Wollaston's objection, dated 22 September 1863⁷, transcribed a letter printed in the *Times* of London on 8 April 1863 entitled 'Laying the Ghost' which refers to the ghost who "now regularly presents himself before large and bewildered audiences in Regent Street by day as well as by night". The letter writer then goes on to explain that the ghost "is nothing more than the reflected image of a brightly illuminated object, living or dead, from the surface of a flat piece of glass" and how he is projected for the audience to see. The writer finishes: "Dear Sir, let me add our ghost, it is reported, is protected by a patent – fancy a patent ghost. What next?" Wollaston also noted that copies of this edition of the *Times* arrived and were distributed in the city of Melbourne on or about 18 June and the letter was copied and published in the *Melbourne Herald* in early August.

The objection also described the improvements in the method of producing spectral illusions:

"To produce spectral illusions without using any opaque medium or invisible means of concealment of lay figure on the stage excepting the usual Proscenium. The same to be accomplished as described in the following specification and drawing. [Fig. 3]

"SSSSS is the usual arrangement of scenery PP the proscenium, across the stage in the positions shown in the drawing are placed two pieces of plate glass – The lay figures of which it is desired to throw the image is then placed at O and a stream of light from the electric or Oxy Hydrogen light is thrown upon it causing it to be reflected on the front glass F which conveys the reflection to the back glass G behind which at the same distance that the glasses are apart the figure appears to stand. The movements of the phantom image are then performed by the actions of the lay figure and by shifting one or both pieces of glass according to the position and locality in which it is desired to represent the phantom image.

"The following method is adopted for further stage effects – A stage or platform is lodged on top of the proscenium across the stage on which the lay figure walks – on each side of the top of the stage are erected platforms from which respectively streams of light are thrown on the lay figure, the shadow or image of the lay figure is then reflected on a glass situated in the centre or any other part of the stage and from thence the shadow appears as a real phantom at a certain distance from the glass."

An internal memo, dated 25 September 1863, to the Attorney General states that it is probable that both applicants will apply for leave to lodge amended specifications and this should not be allowed unless under order of the Attorney General, as this may present very different circumstances than those under which the decision of the Attorney General was arrived at.

On 25 September 1863 Mason and Martin's agents, Hart and Waters, wrote to the Attorney General: "We beg respectfully to apply for leave to deposit drawings & amended specification describing same, so that the Invention may be more clearly comprehended." A note by the Attorney General, also dated 25 September, states he could not grant this application and each party must abide by their original specifications. To allow amendments would have the effect of depriving the opponents of Messrs Mason and Martin of the warrant already granted.

A warrant was also granted to Mason and Martin on 25 September for their patent so it appears the Attorney General considered the two applications to be sufficiently different to allow separate patents.⁸ Merlin appears to have travelled rural towns with the Ghost for some time during 1863⁹ and Wollaston did continue his involvement with the theatre. It was reported that he was the originator of chemical lighting effects in the early Melbourne theatres, and was also responsible for the illuminated fountain in the Fountain Court of the Exhibition Building, Melbourne, during the visit of the Duke of Edinburgh during January 1868.¹⁰ He was also fined 15 shillings for having sold fireworks to the management of the Theatre Royal without a licence, for the purpose of an exhibition on the eruption of Vesuvius.¹¹

NOTES AND REFERENCES

1. National Archives of Australia (NAA): A13150, 642
2. *Victorian Government Gazette* 11 August 1863, p.1765
3. NAA, A13150, 642
4. This notice also lists Woollaston, Merlin and Smith's application on 6 August, 15 days later.
5. NAA, A13150, 642
6. NAA, A13150, 637
7. NAA, A13150, 637
8. NAA, A13150, 637
9. nla.gov.au/nla.news-article265166541
10. *Pharmacy History of Australia*, journal of the Australian Academy of the History of Pharmacy, Vol. 3, No. 32, June 2007
11. nla.gov.au/nla.news-article241860005