Private Act.

An Act to secure to William Dinham for a term of fourteen Years, the exclusive right to use within the Province of South Australia certain Improvements in the construction of Railways, and in the construction of the Wheels of Carriages for travelling thereon.

[Assented to, 27th January, 1858.]

WHEREAS William Dinham, of Kenningstock, near Port Adelaide, in the Province of South Australia, gentleman, is the inventor of certain improvements in the construction of railways, and in the construction of the wheels of carriages for travelling thereon, and is willing to make such, his discovery, public, upon having the exclusive right to use such improvement as aforesaid secured to him within the Province of South Australia, for the term of fourteen years, subject to the provisions hereinafter contained, and it would be highly advantageous to the said Province that such discovery should be made public: Be it therefore Enacted, by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province in this present Parliament assembled, as follows—

1. That, from and after the passing of this Act, the full power, exclusive right, and sole privilege of using the said invention and improvements according to the specification or description thereof, to be made and enrolled as hereinafter provided, shall belong to and be vested and enjoyed by the said William Dinham, his executors, administrators, and assigns, by himself or themselves, his or their deputies, servants, or agents, or such others, as the said William Dinham, his executors, administrators, and assigns, shall from time to time agree with or
or license for that purpose, and no others, from time to time and at all

times hereafter, during the term of fourteen years from the day of the
date of the passing this Act, and he, the said William Dinham, his
executors, administrators, and assigns, and no others, except as
aforesaid shall and lawfully may make, use, exercise, and vend the
said invention within the said Province, and for and during the said
term of fourteen years shall have and enjoy the whole profit and
advantage arising by reason of the said invention.

Persons using or
counterfeiting without
licence liable to action.

2. If any person or persons, body or bodies politic or corporate,
shall at any time within the said period of fourteen years, either
directly or indirectly, do make, use, or put in practice the said
invention, or shall in anywise counterfeit, imitate, or resemble the
same without the licence, consent, or agreement of the said William
Dinham, his executors, administrators, or assigns, in writing, first had
and obtained, such person or persons, body or bodies politic or cor-
porate so doing, making, using, counterfeit, imitating, or resembling,
without such licence as aforesaid, shall be liable in damages to the
said William Dinham, his executors, administrators, or assigns, in
like manner, and not otherwise, as if the rights, powers, and privileges
hereby granted to, or conferred upon, the said William Dinham, his
executors, administrators, and assigns had been granted and conferred
by Her Majesty’s Letters Patent under the great seal.

Terms and conditions.

3. If it shall be made to appear to the Governor that the rights,
powers, and privileges, hereby granted to, and conferred upon, the
said William Dinham, his executors, administrators, and assigns,
are contrary to law; or that the same are, or may be hurtful,
prejudicial, or inconvenient to the subjects of Her Majesty residing
within the said Province; or that the said invention is not a new
invention, or not the invention of the said William Dinham; or
if the said William Dinham, his executors, administrators, or assigns
shall, under color of using the said invention, use or practise any
invention or work which hath been invented by any of Her Majesty’s
subjects other than the said William Dinham, and publicly practised
within any part of Her Majesty’s dominions; or if the said William
Dinham, his executors, administrators, or assigns, shall not within
six months from the passing of this Act fully and particularly
describe and ascertain, and make a sufficient specification of the
nature of the said invention, and in what way the same is to be
performed, by an instrument in writing under his hand and seal, or
under the hand and seal of some person authorized in that behalf,
and cause the same to be enrolled in the General Registry of the
said Province, then and in either of the said cases the rights, powers,
and privileges hereby granted to the said William Dinham, his
executors, administrators, and assigns, shall cease, determine, and be
utterly void and of none effect.

4. Nothing herein contained shall affect or be construed to apply
to the rights of Her Majesty, Her heirs, successors, or assigns, or of
any body politic or corporate, or any of Her Majesty’s subjects, save
and
and except such as are mentioned herein, and those claiming by, from, through, or under them.

5. This Act shall be a Public Act, and a copy thereof printed by the Government Printer shall be admitted as evidence thereof, and shall be judicially taken notice of as such by all Judges, Justices, or others within the said Province, without being specially pleaded.