ANNO VICESIMO PRIMO

VICTORIÆ REGINÆ.

Private Act.

An Act to secure to Henry William Peryman, during the term of fourteen Years, within the Province of South Australia, the exclusive right to make, use, exercise, and vend an invention whereby the escape of Fire or Sparks from the Funnels of Locomotive Engines is prevented.

[Assented to, 27th January, 1858.]

WHEREAS Henry William Peryman, of North Adelaide, builder, has presented his petition to the House of Assembly of the said Province, stating that he is the original and true inventor of a certain plan, scheme, or contrivance, for preventing the escape of fire or sparks from the funnels of locomotive engines, and that he is willing to make such his discovery public upon having the exclusive right to manufacture, use, exercise, and vend such invention for preventing the escape of fire or sparks from the funnels of locomotive engines as aforesaid, secured to him within the said Province 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 commencement of this Act the full power, exclusive right and sole privilege of using the said invention, according to the specification or description thereof, to be made and enrolled as hereinafter provided, shall belong to and be vested in and enjoyed by the said Henry William Peryman, his executors, administrators, and assigns, by himself, his deputy, or deputies, servants,
servants, or agents, or such others as the said Henry William Peryman, his executors, administrators, and assigns, shall from time to time agree with, a licence for that purpose, and no others, from time to time, and at all times hereafter during the term of fourteen years from the commencement of this Act to be fully complete and ended; and he the said Henry William Peryman, 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 of South Australia, and he the said Henry William Peryman, his 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.

2. And be it Enacted, That, if any person or persons, bodies politic or corporate, shall at any time, during the said period of fourteen years, either directly or indirectly, do, make, use, or put in practice the said invention, or any part of the same, or shall in anywise counterfeit, imitate, or resemble the same within the Province of South Australia without the license, consent, or agreement of the said Henry William Peryman, his executors, administrators, and assigns in writing under his or their hand and seal, or hands and seals, first had and obtained, such person or persons, bodies politic or corporate, so doing, making, using, counterfeiting, imitating, or resembling without such license as aforesaid shall be liable in damages to the said Henry William Peryman, his executors, administrators, and assigns in the same manner and not otherwise as if the rights, powers, and privileges hereby granted to and conferred upon the said Henry William Peryman, his executors, administrators, and assigns had been granted and conferred by Her Majesty's letters patent under the great seal.

Terms and conditions. 3. And be it Enacted, That if it shall appear to Her Majesty, or to any person or persons duly acting under the authority or on behalf of Her Majesty, that the rights, powers, and privileges hereby given to and conferred upon the said Henry William Peryman, his executors, administrators, and assigns are contrary to law, or prejudicial or inconvenient to the subjects of Her Majesty residing in the said Province of South Australia, or that the said invention is not a new invention as to the public use and exercise thereof, or is not the invention of the said Henry William Peryman, or if the said Henry William Peryman, his executors, administrators, and assigns shall use or imitate any invention or work which hath been invented by any of Her Majesty's subjects, and publicly used and practised within any part of Her Majesty's dominions, or if the said Henry William Peryman, his executors, administrators, and assigns shall not, within six months from the commencement of this Act, fully and particularly describe and ascertain, and make a sufficient specification of the nature of the said invention, and in what manner the same is to be performed, by an instrument in writing under his hand
hand and seal, and cause the same to be enrolled in the General Registry Office of the said Province of South Australia, that then and in any or either of the said cases, the rights, powers, and privileges hereby granted to the said Henry William Peryman, his executors, administrators, and assigns shall cease, determine, and be utterly void and of none effect.

4. Provided always and be it Enacted, That nothing herein contained shall affect or be construed to apply to the rights of Her Majesty, Her heirs, successors, or assigns, or of any bodies politic or corporate, or of any of Her Majesty's subjects save and except such as are mentioned herein, and those claiming by, from, through, or under them.

5. And be it Enacted, That this Act shall not commence or take effect until the same shall have received the Royal approbation, and the notification of such approbation shall have been made by His Excellency the Governor in the *South Australian Government Gazette*.

6. And be it Enacted, That immediately upon the publication of the notification in manner aforesaid, this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others within the Province of South Australia, without being specially pleaded.

7. And be it Enacted, That the said Henry William Peryman may, without invalidating the rights, powers, and privileges hereby granted to and conferred upon him, enrolling in manner aforesaid the specification of his said invention in the General Registry Office of this Province at any time after the passing of this Act, and before Her Majesty has signified her Royal approbation of the same; and after having so enrolled the said specification of the said invention may make, use, exercise, and vend the said invention within the said Province in the same manner and with the same rights and privileges in all respects as he would have if Her Majesty had signified her Royal approbation.

8. Provided always and be it Enacted, That the said Henry William Peryman shall give notice by advertisement in the *South Australian Government Gazette* of the enrolment of such specification as aforesaid.

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