



1855-6.

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*Private Act.*

*An Act to secure to James Hadden Young, for the residue of a term of fourteen years, the exclusive right to use, within the Province of South Australia, certain improvements in the construction of Railways.*

[Assented to, June 18, 1856.]

**W**HEREAS James Hadden Young, of Camden Town, in the County of Middlesex, and Kingdom of England, is the original and true inventor of certain improvements in the construction of Railways, and the sole right to use such improvements hath been secured to him within the United Kingdom of Great Britain and Ireland by Her Majesty's Letters Patent, bearing date the twenty-third day of August, in the year of our Lord one thousand eight hundred and fifty-four, upon certain conditions and stipulations, which conditions and stipulations have been performed and fulfilled by the said James Hadden Young: And whereas the said James Hadden Young hath presented his Petition to the Legislative Council of the Province of South Australia, praying that an Act might be passed to secure to him the sole use of such his invention during the term of fourteen years, or such other term as might seem fit, upon such terms and conditions as are usual in like cases: And it is just and expedient that the sole and exclusive right to use such improvements within the said Province should be secured by law to the said James Hadden Young, upon condition of his making the same public within the said Province in manner hereinafter mentioned, and upon other the terms and conditions hereinafter expressed—Be it therefore granted by the Governor-in-Chief of the Province

Preamble.

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Province of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

Inventor to have sole use of invention.

1. 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 in, and enjoyed by the said James Hadden Young, his executors, administrators, and assigns, by himself or themselves, his or their deputies, servants, or agents, or such others as the said James Hadden Young, his executors, administrators, and assigns, shall from time to time agree with, 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 twenty-third day of August, one thousand eight hundred and fifty-four, being the day of the date of such Letters Patent, and he, the said James Hadden Young, 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 license, consent, or agreement, of the said James Hadden Young, his executors, administrators, or assigns, in writing first had and obtained, such person or persons, body or bodies politic or corporate, so doing, making, using, counterfeiting, imitating, or resembling, without such licence as aforesaid, shall be liable in damages to the said James Hadden Young, 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 James Hadden Young, 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 James Hadden Young, 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 James Hadden Young, or if the said James Hadden Young, his executors, administrators, or assigns, shall, under color of using the said invention, use or practice any invention or work which hath been invented by any of Her Majesty's subjects other than the said James Hadden Young, and publicly practised within any part of Her Majesty's dominions, or if the said James Hadden Young, his executors, administrators,

ministrators, 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 Office of the said Province, then, and in any or either of the said cases, the rights, powers, and privileges hereby granted to the said James Hadden Young, his executors, administrators, and assigns, shall cease and 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 of any of Her Majesty's subjects, save and except such as are mentioned herein, and those claiming by, from, through, or under them. Saving clause.

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