



1850.

No. 10.

Private Act.

ORDINANCE Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof.

To Secure to William Bennett Hays, during the term of Ten Years, within the Province of South Australia, the exclusive right to an improved method of Manufacturing Charcoal, for making available most of the other component parts of Wood, and for applying the gaseous products of such Wood.

[17th July, 1850.]

WHEREAS William Bennett Hays, of the City of Adelaide, Preamble.
Civil Engineer, has presented his petition to the Governor of South Australia, stating that he has had a communication made to him of an invention by a foreigner, not being a subject of Her Majesty, of an improved method of Manufacturing Charcoal, of making available most of the other component parts of wood, and of applying the gaseous products of such wood; and that he is willing to make such his discovery public upon having the exclusive right to Manufacture Charcoal, and use such newly-invented method as aforesaid secured

secured to him within the said Province for the term of Ten Years, subject to the provisions hereinafter contained, and it would be advantageous to the said Province that such discovery should be made public :

Grant of the Invention.

Be it therefore Enacted by the Governor of South Australia, with the advice and consent of the Legislative Council thereof— That from and after the commencement of this Ordinance, 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 William Bennett Hays, his executors, administrators, and assigns, by himself, his deputy or deputies, servants, or agents, or such others as the said William Bennett Hays, his executors, administrators, and assigns, shall from time to time agree with, or licence for that purpose, and no others, from time to time and at all times hereafter during the term of Ten Years from the commencement of this Ordinance to be fully complete and ended; and he the said William Bennett Hays, 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 William Bennett Hays, 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.

Persons using or infringing the invention, liable to damages.

II. And be it Enacted, That if any person or persons, bodies politic or corporate, shall, at any time during the said period of Ten Years, either directly or indirectly do, make, use, or put in practice the said invention or any part of the same, or shall in any wise counterfeit, imitate, or resemble the same, within the Province of South Australia, without the licence, consent, or agreement of the said William Bennett Hays, his executors, administrators, and assigns, in writing under their 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 licence as aforesaid, shall be liable in damages to the said William Bennett Hays, 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 William Bennett Hays, his executors, administrators, and assigns, had been granted and conferred by Her Majesty's Letters Patent, under the Great Seal.

III. And

III. 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 William Bennett Hays, 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 William Bennett Hays, or if the said William Bennett Hays, 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 William Bennett Hays, his executors, administrators, and assigns shall not, within Six Months from the commencement of this Ordinance, 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 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 William Bennett Hays, his executors, administrators, and assigns, shall cease and determine, and be utterly void and of none effect.

Terms and conditions.

IV. 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.

Saving rights of the Crown, &c.

V. And be it Enacted, That this Ordinance 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*.

Commencement of Ordinance.

VI. And be it Enacted, That immediately upon the publication of the notification in manner aforesaid, this Ordinance 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.

Ordinance to be deemed a Public Act.

VII. And

Specification may be enrolled, and invention used immediately after passing.

VII. And be it Enacted, That the said William Bennett Hays may, without invalidating the rights, powers, and privileges, hereby granted to and conferred upon him, enrol, 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 Ordinance, and before Her Majesty has signified her Royal approbation of the same, and after having so enrolled the specification of the said invention, may make, use, exercise, and vend the said invention within the said Province.

Enrolment of specification to be Gazetted.

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

H. E. F. YOUNG,
Lieutenant-Governor.

Passed the Legislative Council,
this Seventeenth day of July,
One Thousand Eight Hundred
and Fifty.

W. L. O'HALLORAN,
Clerk of Council.