



1847.

No. 17.

(PRIVATE ACT.)

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

To secure to Charles Mounsey Penny and William Owen, during the term of Ten Years, within the Province of South Australia, the Exclusive Right to use a certain New and Improved Process of Smelting Copper and Lead Ores.

[18th November, 1847.]

WHEREAS CHARLES MOUNSEY PENNY, of the Town of Adelaide, Gentleman, and WILLIAM OWEN, of the same place, Chemist, have presented their Petition to the Governor of South Australia, stating that they are the Original and True Inventors of a certain Process for the more cheap and easy Smelting or Reducing of Metallic Ores, and particularly the Ores of Copper and Lead, and that they are willing to make such their discovery public, upon having the Exclusive Right to Smelt or Reduce the said Ores, by such Process as aforesaid, secured to them within the said Province, for the Term of Ten 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 of South Australia, with the advice and consent of THE LEGISLATIVE COUNCIL thereof—

Patentees to have
sole use of their
Invention.

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 Charles Mounsey Penny and William Owen, their Executors, Administrators, and Assigns, by themselves, their Deputy, or Deputies, Servants or Agents, or such others, as the said Charles Mounsey Penny and William Owen, their 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 Ten Years, from the commencement of this Ordinance, to be fully complete and ended; and they, the said Charles Mounsey Penny and William Owen, their 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 for and during the said period of Ten Years, shall have and enjoy the Whole Profit and Advantage arising by reason of the said Invention.

Persons using or
counterfeiting with-
out License, to be
liable to action.

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 shall in anywise counterfeit, imitate, or resemble the same, without the license, consent, or agreement of the said Charles Mounsey Penny and William Owen, their 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 license as aforesaid, shall be liable in damages to the said Charles Mounsey Penny and William Owen, their Executors, Administrators, and Assigns, in the same manner and no otherwise, as if the Rights, Powers, and Privileges hereby granted to and conferred upon the said Charles Mounsey Penny and William Owen, their Executors, Administrators, and Assigns, had been granted and conferred by HER MAJESTY'S Letters Patent under the Great Seal.

Terms and Condi-
tions.

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 Charles Mounsey Penny and William Owen, their 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 in the Province of South Australia, or that the said

said Invention is not a New Invention, or is not the the Invention of the said Charles Mounsey Penny and William Owen; or if the said Charles Mounsey Penny and William Owen, their Executors, Administrators, or 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 Charles Mounsey Penny and William Owen, their Executors, Administrators, or 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 their Hands and Seals, 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 Charles Mounsey Penny and William Owen, their Executors, Administrators, and Assigns, shall cease and determine, and be utterly void, and of none effect.

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, and under them. Saving clause.

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 as soon as this Ordinance shall have received the Royal Approbation, and the Notification of such Approbation shall have been made as aforesaid by His Excellency the Governor, 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.

FREDK. H. ROBE,
Lieutenant-Governor.

*Passed the Legislative Council, this
Eighteenth day of November, One Thou-
sand Eight Hundred and Forty-seven.*

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