



1848.

No. 1.

(PRIVATE ACT.)

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

To secure to Andrew John Murray, during the Term of Ten Years, within the Province of South Australia, the Exclusive Right to Manufacture and Use a certain New and Improved Windlass.

[20th June, 1848.]

WHEREAS ANDREW JOHN MURRAY, of the City of Adelaide, Gentleman, has presented his Petition to the Governor of South Australia, stating that he is the Original and True Inventor of a certain Windlass, for a more cheap, easy, and expeditious mode of raising Weights in all operations in which Windlasses or Winches are at present usually used, and that he is willing to make such his discovery public, upon having the Exclusive Right to Manufacture and Use such Newly Constructed Windlass as aforesaid, secured to him 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—

Patentee to have
sole use of his
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 Andrew John Murray, his Executors, Administrators, and Assigns, by himself, his Deputy, or Deputies, Servants or Agents, or such others as the said Andrew John Murray, 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 Ten Years, from the commencement of this Ordinance, to be fully complete and ended; and he the said Andrew John Murray, 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 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 same,
liable in 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 anywise counterfeit, imitate, or resemble the same, within the Province of South Australia, without the license, consent, or agreement of the said Andrew John Murray, 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 license as aforesaid, shall be liable in damages to the said Andrew John Murray, his 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 Andrew John Murray, his 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 Andrew John Murray, 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 in the Province of South Australia, or that the said Invention is not a New Invention, or is not the Invention of the said Andrew John

John

John Murray; or if the said Andrew John Murray, his 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 Andrew John Murray, his 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 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 Andrew John Murray, his 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.

VII. AND BE IT ENACTED, that the said Andrew John Murray 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 Manufacture or Use Machines made after the Plan and according to such Specification. Patentee may Enrol Specification immediately, and Manufacture Machines according thereto.

VIII. PROVIDED

Enrolment of Specification to be Gazetted, and Machines to be marked "Registered."

* VIII. PROVIDED ALWAYS, AND BE IT ENACTED, that the said Andrew John Murray shall give notice by advertisement in the *Government Gazette* of the Enrolling of such Specification as aforesaid: AND PROVIDED ALSO, that the said Andrew John Murray shall cause to be Marked, Embossed, or otherwise affixed, the word "Registered" on some conspicuous part of each and every of the Machines so made after the plan of his Enrolled Specification.

FREDK. H. ROBE,
Lieutenant-Governor.

Passed the Legislative Council, this Twentieth day of June, One Thousand Eight Hundred and Forty-eight.

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