

C H A P. XXI.

An ACT to grant to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this state the machines herein described.

Passed May
21.

WHEREAS Oliver Evans, of the county of Newcastle, in the state of Delaware, miller, hath represented to this general assembly, that he hath invented, discovered, and introduced into exercise, two machines for the use of merchant-mills, one of which, denominated by the said Oliver Evans an Elevator, is calculated by its own motion to hoist the wheat or grain from the lower floor, and the meal or flour from the stones of any mill to the upper floor or loft of such mill; the other denominated an Hopper-Boy, so constituted as to spread the meal over the floor of a mill to cool, gather it up again to the bolting hopper, and attend the same regularly without the assistance of manual labour; also one other machine, denominated a Steam-Carriage, so constructed as to move by the power of steam and the pressure of the atmosphere, for the purpose of conveying burthens without the aid of animal force; and as the said inventions of the said Oliver Evans will greatly tend to simplify and render cheap the manufacture of flour, which is one of the principal staples of this state, as also render the use of land carriages more convenient and less expensive, in order to make adequate compensation to the said Oliver Evans for his ingenuity, trouble and expence, in the said discoveries,

Preamble.

II. *Be it enacted, by the general assembly of Maryland,* That from and after the passing this act, the said Oliver Evans, his heirs and assigns, shall have the sole and exclusive right of making and selling, within this state, the said machines above described, agreeably to his new method of constructing and making the same, for and during the full space and term of fourteen years from thence next ensuing, and fully to be completed and ended.

Exclusive
right vested in
O. Evans,
&c.

III. *And be it enacted,* That if any person or persons shall make, sell or use, or cause to be made, sold or used, within this state, any hopper-boy or elevator, upon the plan of the said Oliver Evans, or any steam-carriage to be propelled by the power of steam or the pressure of the atmosphere, constructed as the said hopper-boy, elevator or steam-carriage, of said Oliver Evans are, or in form, similitude or likeness thereof, during the said term of fourteen years, without the consent of the said Oliver Evans, his certain attorney, heirs or assigns, first had and obtained in writing, he, she or they, so offending, shall forfeit and pay to the said Oliver Evans, his heirs or assigns, for every such machine so made, sold or used, or caused to be made, sold or used, respectively, the sum of one hundred pounds current money of Maryland, to be recovered with costs of suit by action of debt, bill, plaint or information, in any competent court of record in any county of this state in which the offence shall be committed, wherein no essoin, protection, or wager of law, nor more than one emparlance, shall be allowed; provided always, that if on any action brought for the recovery of the said penalty, it shall be proved that the said Oliver Evans was not the original inventor of the machines, for the making, using or selling of which, such action shall be brought, that the jury shall find their verdict for the defendant, and such defendant shall recover his costs.

Penalty on o-
thers making,
&c.

IV. *Provided,* That nothing in this act contained shall prevent any future general assembly of this state from abolishing this exclusive right granted to the said Oliver Evans by this act, upon their paying to him, his executors, administrators or assigns, the sum of five thousand pounds current money.

Proviso.

V. *And be it enacted,* That if any person or persons who shall be convicted of having made, sold or used, within this state, either of the aforesaid machines, without the consent of the said Oliver Evans, his heirs or assigns, in writing, shall afterwards, without such consent, make, sell or use, such machine or machines again, he, she or they, so offending, shall forfeit and pay to the said Oliver Evans, his heirs and assigns, the sum of one hundred and fifty pounds

Penalty on
persons con-
victed again
making, &c.