

C H A P.  
XXI.  
Penalty on o-  
thers making,  
&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 imparlance, 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 and 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.

Proviso.

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.

Penalty on persons convicted again making, &c.

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 like money, to be recovered in like manner as aforesaid, and so *toties quoties*.

C H A P. XXII.

Passed 21st of  
May, 1787.

An ACT to appoint commissioners to make a correct survey of the town of Upper-Marlborough, in Prince-George's county. Lib. TBH. No. B. fol. 221.

Preamble.

WHEREAS David Craufurd, William Sprigg Bowie, Edward Nicholls, Benjamin Brookes, Elizabeth Brookes, John Smith Brookes, William Beanes, junior, Bernard Shanley and Frank Leeke, proprietors of part of the town of Upper-Marlborough, in Prince-George's county, by their petition to this general assembly, have set forth, that great inconveniencies have arisen from the uncertain location of the said town, the boundaries thereof being decayed, and prayed that an act may pass, empowering commissioners for the purpose of making an accurate survey of the said town, and establishing permanent boundaries throughout the same, to perpetuate and ascertain the true location thereof, having regard to the former streets, lanes and alleys, and not incommoding the present buildings, the expences of such resurvey to be defrayed by the petitioners, and such others as shall be benefitted thereby; which being thought reasonable,

Persons appointed to make a survey, &c.

II. BE IT ENACTED, *by the General Assembly of Maryland*, That doctor William Beanes, David Craufurd, John Smith Brookes, Benjamin Brookes and William Sprigg Bowie, or a majority of them, be and they are hereby authorized and required, after giving three weeks notice in the most convenient public manner within the said county, and also in the Maryland Gazette, of the time, place and intentions, of their meeting, and after having taken an oath before some magistrate of Prince-George's county, well and truly to execute the trust reposed in them by this act without prejudice, partiality or favour, to cause a correct survey to be made of the said town, and of the lots, streets, lanes and alleys thereof, according to the true original location of the same, to be fixed and ascertained by proof of such location, where it can be had, or a proper allowance for a variation of the compass where such proof cannot be had, having regard in the calculation of the variation of the compass to any proof which may be made to parts of such original location, so as to make the lines upon which an allowance for variation may be made correspond as nearly as may be with the parts proved as aforesaid, and to establish and fix permanent boundaries of stone throughout, with proper marks and devices thereon, to ascertain in future the true location of the streets, lanes and alleys, of the said town, and to cause a correct plot and certificate of the same, with proper explanations, to be returned to the clerk of Prince-George's county under their hands, who is hereby required to receive and