

after shall in like manner pronounce the prize to which each ticket shall be entitled, according to the plan to be published by the said managers, which said tickets so drawn shall be filed and the same entered in the book of the said managers, and if any dispute shall arise in adjusting the property of the said fortunate tickets, the said managers or a majority of them shall adjudge to whom it doth or ought to belong, and the said managers and all other persons concerned in conducting or drawing the said lottery, in buying or selling tickets or in any other manner promoting the same, are hereby declared free and exonerated from all fines and penalties inflicted by any law of this state on any person or persons who shall draw, promote, or encourage any lottery within this commonwealth, any law, usage, or custom to the contrary in anywise notwithstanding.

Passed September 28, 1789. Recorded L. B. No. 3, p. 555.

CHAPTER MCDL.

AN ACT FOR VESTING IN JAMES RUMSEY, ESQUIRE, THE EXCLUSIVE RIGHT AND PRIVILEGE OF MAKING, USING AND VENDING DIVERS ENGINES, MACHINES AND DEVICES BY HIM INVENTED OR IMPROVED, FOR A TERM OF YEARS THEREIN MENTIONED.

(Section I, P. L.) Whereas James Rumsey of Berkley county in Virginia hath represented to this house that he hath invented or improved divers engines, machines and devices hereinafter particularly mentioned upon principles and constructions not before used and by actual experiments hath demonstrated the practicability and utility thereof, which engines, machines and devices are called by the following names and known by the following distinguishing characters, viz:

Rumsey's boilers, for the more ample and easy generating of steam by enclosing a small quantity of water in incurvated tubes or in several connected receivers or projections placed in a furnace, whereby the action of fire is communicated to the

water and steam in all its passage from the entrance to the exit and which kind of boilers can be easily adapted to every species of fire or steam engine.

Rumsey's boilers, for the more ample and easy generating engine, whereby water may be raised in great quantities to any reasonable height for the turning of mills or for agricultural or other purposes.

Rumsey's improvement upon Doctor Barker's mill, a mode by which mill stones and other machinery requiring a circular or retrograde motion may be turned by or worked with a smaller quantity of water than by any plan yet exhibited to the public and entirely free from the difficulties which prevented Doctor Barker's invention from coming into use.

Rumsey's double piston machine with two connected cylinders for applying the force of steam immediately to the forcing of water without the intervention of any mechanical power to a great distance horizontally, obliquely or perpendicularly with or without air vessels through one or more tubes.

Rumsey's pendulum mill for working mill saws or any other machinery requiring an alternately opposite motion whether perpendicular or horizontal, constructed on the principle of Doctor Barker's mill.

Rumsey's cylindric saw mill or a mode by which mill saws and all other machinery requiring an alternately opposite motion, whether perpendicular or horizontal, may be worked without the loss of the weight or force of any part of the water used.

Rumsey's steam and pump cylinders engine, with two or more connected pistons for the purpose of forcing water in any direction or to any required height:

And whereas it is highly proper that ingenious men who by their labors and study contrive and invent improvements in arts and sciences should be rewarded by the community in proportion to the advantages resulting from the usefulness of their inventions, and as the most proper mode of ascertaining the utility of any new invention or improvement must be experience, and as the exclusive right and privileges of making, using and vending to others such newly invented engines,

machines and inventions is not only the most cheap and frugal but the most certain way of rewarding inventors according to their several merits:

[Section I.] (Section II, P. L.) Be it therefore enacted and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met and by the authority of the same, That from and after the passing of this act the said James Rumsey, his executors, administrators and assigns, shall have the sole and exclusive right, liberty and privileges within this state of making, using and vending to others the said boilers for generating steam called "Rumsey's boilers;" the said improvement of Savery's engine for raising water for the turning of mills or for agricultural or other purposes called "Rumsey's improvement upon Savery's machine, or steam engine;" the said mode for turning mill stones and other machinery requiring a circular or retrograde motion called "Rumsey's improvement upon Doctor Barker's mill;" the said mode of raising water called "Rumsey's double piston machine for raising water;" the said mode of working saw mills and other machines requiring an alternately opposite motion, perpendicular or horizontal, called "Rumsey's cylindric saw-mill;" the said mode of working saw mills or other machines requiring an alternately opposite motion called "Rumsey's pendulum mill;" and the said double cylinders engine with two or more connected pistons called "Rumsey's steam and pump cylinder engine."

[Section II.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no person or persons whomsoever shall make, use or vend to others to be used any or either of the inventions or improvements so as aforesaid described or defined in this act or in the plans or explanations thereof to be filed of record in the office of the prothonotary of the court of common pleas for the county of Philadelphia and hereby referred unto, under the penalty of forfeiting to the said James Rumsey, his executors, administrators or assigns the sum of one hundred pounds lawful money of this state and moreover forfeiting to him and them [all and every such engine, machine and device] so as aforesaid to be con-

trived, made, used or vended within this state and the said penalty to be recovered by action of debt founded upon this act wherein no [session] protection or wager of law, nor more than one imparlance, shall be allowed, and in the execution to be issued upon any judgment obtained in pursuance of this act, a clause shall be inserted commanding the sheriff or other proper officer to deliver the said engine, device or machine to the plaintiff if it can be conveniently removed, but if not, that then and in such case the said sheriff or other proper officer shall cause the same to be prostrated, destroyed and rendered useless.

[Section III.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the sole exclusive right and privileges for making, using and vending the engines, machines and devices aforesaid by this act granted to the said James Rumsey his executors, administrators and assigns shall continue for the term of fourteen years from the time of passing this act and no longer, and that all actions to him or them accrued or accruing within the said term shall remain in full force during and after the expiration of this act. Provided that the said James Rumsey or his certain attorney shall within four months after the passing of this act file of record in the office of the said prothonotary such specimens, draughts or models of the above mentioned engines, machines and devices as shall clearly and fully distinguish and ascertain their form and the principles upon which they operate. Provided likewise, if any person or persons shall at any time hereafter within the said term of fourteen years claim to have invented or used the aforesaid inventions or improvements or either of them before the said James Rumsey, it shall be lawful for him or them so claiming to sue forth and prosecute one or more writ or writs of scire facias returnable before the justices of the supreme court of this commonwealth to be devised or approved by the chief justice or one of the justices of the said court, warning the said James Rumsey, his executors, administrators or assigns then having the sole and exclusive right aforesaid to be and appear before the said justices at the next supreme court to be held for the said com-

monwealth to show cause why the grant of the said sole and exclusive right and benefit of constructing, making, using and selling such inventions, improvement or improvements should not be repealed and made void, and upon such writ the proceeding shall be such as in other writs of scire facias in the said court shall be used and accustomed and if judgment shall thereupon be rendered by default, confession or upon verdict or demurrer for the plaintiff, judgment shall be entered that so much of the grant herein contained as shall be alleged by the plaintiff and so confessed or found against the defendant shall be repealed and made null and void and thenceforth so much of the said grant shall be and the same is hereby repealed and made null and void to all intents and purposes whatsoever, and the said court shall award such and the same costs to be recovered in the like manner as in other suits or actions brought and determined in the said court.

[Section IV.] (Section V, P. L.) And provided also, That in all suits or actions to be brought by the said James Rumsey, his executors, administrators or assigns for any penalty or forfeiture in pursuance of this act, it shall and may be lawful for the defendant or defendants to plead the general issue and give this act (and any special matter whereof notice shall be given to the plaintiff or his attorney at least sixty days before the trial) in evidence and if upon the trial it shall be made to appear to the satisfaction of the said court and jury that the defendant or any other person whatsoever than the said James Rumsey was the true and original inventor of the inventions and improvements in question, the verdict shall be found and judgment entered for the defendant and he shall be acquitted of all the penalties and forfeitures demanded against him and shall recover his costs and charges by him expended in defending such suit or action in the same manner as in other suits or actions determined in said court.

Passed September 28, 1789. Recorded L. B. No. 4, p. 1.