



The Tarborough Press,
BY GEORGE HOWARD,

Is published weekly at Two Dollars and Fifty Cents per year, if paid in advance—or, Three Dollars at the expiration of the subscription year. For any period less than a year, Twenty-five Cents per month. Subscribers are at liberty to discontinue at any time, on giving notice thereof and paying arrears—those residing at a distance must invariably pay in advance, or give a responsible reference in this vicinity. Advertisements not exceeding a square will be inserted at One Dollar the first insertion, and 25 cents for every continuance. Longer advertisements in like proportion. Court Orders and Judicial advertisements 25 per cent. higher. Advertisements must be marked the number of insertions required, or they will be continued until otherwise ordered and charged accordingly. Letters addressed to the Editor must be post paid or they may not be attended to.



[BY AUTHORITY.]

LAW OF THE UNITED STATES,
PASSED AT THE THIRD SESSION OF THE
TWENTY-FIFTH CONGRESS.

[PUBLIC—No. 31.]

AN ACT in addition to "An act to promote the progress of the useful arts.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be appointed, in manner provided in the second section of the act to which this is additional, two assistant examiners, each to receive an annual salary of twelve hundred and fifty dollars.

Sec. 2. *And be it further enacted,* That the Commissioner be authorized to employ temporary clerks to do any necessary transcribing whenever the current business of the office requires it; *Provided, however,* That instead of salary, a compensation shall be allowed, at a rate not greater than is charged for copies now furnished by the office.

Sec. 3. *And be it further enacted,* That the Commissioner is hereby authorized to publish a classified and alphabetical list of all patents granted by the Patent Office previous to said publication, and retain one hundred copies for the Patent Office and nine hundred copies be deposited in the library of Congress, for such distribution as may be hereafter directed; and that one thousand dollars, if necessary, be appropriated, out of the patent fund, to defray the expense of the same.

Sec. 4. *And be it further enacted,* That the sum of three thousand six hundred and fifty-nine dollars and twenty-two cents be, and is hereby, appropriated from the patent fund, to pay for the use and occupation of rooms in the City Hall by the Patent Office.

Sec. 5. *And be it further enacted,* That the sum of one thousand dollars be appropriated from the patent fund, to be expended under the direction of the Commissioner, for the purchase of necessary books for the library of the Patent Office.

Sec. 6. *And be it further enacted,* That no person shall be debarred from receiving a patent for any invention or discovery, as provided in the act approved on the fourth day of July, one thousand eight hundred and thirty-six, to which this is additional, by reason of the same having been patented in a foreign country more than six months prior to his application; *Provided,* That the same shall not have been introduced into public and common use, in the United States, prior to the application for such patent; *And provided, also,* That in all cases every such patent shall be limited to the term of fourteen years from the date of publication of such foreign letters patent.

Sec. 7. *And be it further enacted,* That every person or corporation who has, or shall have, purchased or constructed any newly invented machine, manufacture, or composition of matter, prior to the application by the inventor or discoverer for a patent, shall be held to possess the right to use, and vend to others to be used, the specific machine, manufacture, or composition of matter so made or purchased, without liability therefor to the inventor, or any other person interested in such invention; and no patent shall be held to be invalid by reason of such purchase, sale, or use prior to the application for a patent as aforesaid, except on proof of abandonment of such invention to the public; or that such purchase, sale, or prior use has been for more than two years prior to such application for a patent.

Sec. 8. *And be it further enacted,* That so much of the eleventh section of the above recited act as requires the payment of three dollars to the Commissioner of Patents for recording any assignment, grant, or conveyance of the whole or any part of the interest or right under any patent, be, and the same is hereby, repealed; and all

such assignments, grants, and conveyances shall, in future, be recorded without any charge whatever.

Sec. 9. *And be it further enacted,* That a sum of money not exceeding one thousand dollars, be, and the same is hereby, appropriated, out of the patent fund, to be expended by the Commissioner of Patents in the collection of agricultural statistics, and for other agricultural purposes; for which the said Commissioner shall account in his next annual report.

Sec. 10. *And be it further enacted,* That the provisions of the sixteenth section of the before recited act shall extend to all cases where patents are refused for any reason whatever, either by the Commissioner of Patents or by the chief justice of the District of Columbia, upon appeals from the decision of said Commissioner, as well as where the same shall have been refused on account of, or by reason of, interference with a previously existing patent; and in all cases where there is no opposing party, a copy of the bill shall be served upon the Commissioner of Patents, when the whole of the expenses of the proceeding shall be paid by the applicant, whether the final decision shall be in his favor or otherwise.

Sec. 11. *And be it further enacted,* That in all cases where an appeal is now allowed by law from the decision of the Commissioner of Patents to a board of examiners provided for in the seventh section of the act to which this is additional, the party, instead thereof, shall have a right to appeal to the chief justice of the district court of the United States for the District of Columbia, by giving notice thereof to the Commissioner, and filing in the Patent Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing, and also paying into the Patent Office, to the credit of the patent fund, the sum of twenty-five dollars. And it shall be the duty of said chief justice, on petition, to hear and determine all such appeals, and to revise such decisions in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as he may appoint, first notifying the Commissioner of the time and place of hearing, whose duty it shall be to give notice thereof to all parties who appear to be interested therein, in such manner as said judge shall prescribe. The Commissioner shall also lay before the said judge all the original papers and evidence in the case, together with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal, to which the revision shall be confined. And at the request of any party interested, or at the desire of the judge, the Commissioner and the examiners in the Patent Office, may be examined under oath, in explanation of the principles of the machine or other thing for which a patent, in such case, is prayed for. And it shall be the duty of said judge, after a hearing of any such case, to return all the papers to the Commissioner, with a certificate of his proceedings and decision, which shall be entered of record in the Patent Office; and such decision, so certified shall govern the further proceedings of the Commissioner in such case; *Provided, however,* That no opinion or decision of the judge in any such case, shall preclude any person interested in favor or against the validity of any patent which has been or may hereafter, be granted, from the right to contest the same in any judicial court, in any action in which its validity may come in question.

Sec. 12. *And be it further enacted,* That the Commissioner of Patents shall have power to make all such regulations in respect to the taking of evidence to be used in contested cases before him, as may be just and reasonable. And so much of the act to which this is additional, as provides for a board of examiners, is hereby repealed.

Sec. 13. *And be it further enacted,* That there be paid annually, out of the patent fund, to the said chief justice, in consideration of the duties herein imposed, the sum of one hundred dollars.

JAMES K. POLK,

Speaker of the House of Representatives.

RH. M. JOHNSON,

Vice President of the United States, and

President of the Senate.

APPROVED, March 3d, 1839.

M. VAN BUREN.

[PUBLIC—No. 32.]

AN ACT giving to the President of the United States additional powers for the defence of the United States, in certain cases, against invasion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized to resist any attempt on the part of Great Britain, to enforce, by arms, her claim to exclusive jurisdiction over that part of the State of Maine which is in dispute between the United States and Great Britain; and, for

that purpose, to employ the naval and military forces of the United States and such portions of the militia as he may deem it advisable to call service.

Sec. 2. *And be it further enacted,* That the militia, when called into the service of the United States by virtue of this act, or of the act entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for these purposes," may, if in the opinion of the President of the United States the public interest require it, be compelled to serve for a term not exceeding six months after the arrival at the place of rendezvous, in any one year unless sooner discharged.

Sec. 3. *And be it further enacted,* That in the event of actual invasion of the Territory of the United States by any foreign power, or of imminent danger of such invasion discovered, in his opinion, to exist before Congress can be convened to act upon the subject, the President be, and he is hereby, authorized if he deem the same expedient, to accept the services of any number of volunteers not exceeding fifty thousand, in the manner provided for in an act entitled "An act authorizing the President of the United States to accept the service of volunteers, and to raise an additional regiment of dragoons or mounted riflemen, approved May twenty-third, eighteen hundred and thirty-six.

Sec. 4. *And be it further enacted,* That in the event of either of the contingencies provided for in this act the President of the United States shall be authorized to complete the public armed vessels now authorized by law, and to equip, man and employ, in actual service, all the naval force of the United States, and to build, purchase, or charter, arm, equip, and man, such vessels and steamboats on the northern lakes and rivers, whose waters communicate with the United States and Great Britain as he shall deem necessary to protect the United States from invasion from that quarter.

Sec. 5. *And be it further enacted,* That the sum of ten millions of dollars is hereby appropriated, and placed at his disposal for the purpose of executing the provisions of this act; to provide for which the Secretary of the Treasury is authorized to borrow money on the credit of the United States, and to cause to be issued certificates of stock signed by the Register of the Treasury, for the sum to be borrowed, or any part thereof; and the same to be sold upon the best terms that may be offered after public notice for proposals for the same; *Provided,* That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums thus borrowed after the expiration of five years from the first of January next; and that the rate of interest shall not exceed five per cent. payable semi-annually.

Sec. 6. *And be it further enacted,* That the sum of eighteen thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for outfit and salary of a special minister to Great Britain; *Provided,* the President of the United States shall deem it expedient to appoint the same.

Sec. 7. *And be it further enacted,* That in the event of either of the contingencies provided for in the first and third sections of this act, the President of the United States shall be authorized to apply a part not exceeding one million of dollars of the appropriation made in this act to repairing or arming fortifications along the seaboard and frontier.

Sec. 8. *And be it further enacted,* That whenever militia or volunteers are called into the service of the United States, they shall have the organization of the army of the United States, and shall receive the same pay and allowances.

Sec. 9. *And be it further enacted,* That the several provisions of this act shall be in force until the end of sixty days after the meeting of the first session of the next Congress and no longer.

APPROVED, March 3d, 1839.

[PUBLIC—No. 33.]

AN ACT to alter and amend the organic law of the Territories of Wisconsin and Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin shall, before it become a law, be presented to the Governor of the Territory; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise

be reconsidered; and if approved by two-thirds of that House it shall become a law. But, in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Assembly by a journal prevent its return, in which case it shall not be a law.

Sec. 2. *And be it further enacted,* That this act shall not be so construed as to deprive Congress of the right to disapprove of any law passed by the said Legislative Assembly, or in any way to impair or alter the power of Congress over laws passed by said Assembly.

APPROVED, March 3d, 1839.

[PUBLIC—No. 34.]

AN ACT to define and establish the eastern boundary line of the Territory of Iowa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the middle or centre of the main channel of the river Mississippi shall be deemed, and is hereby declared, to be the eastern boundary line of the Territory of Iowa, so far or to such extent as the said Territory is bounded eastwardly by or upon said river; *Provided, however,* That the said Territory of Iowa shall have concurrent jurisdiction upon the said Mississippi river with any other contiguous State or Territory so far or to such extent as the said river shall form a common boundary between the aforesaid Territory of Iowa and any other such contiguous State or Territory.

APPROVED, March 3d, 1839.

[PUBLIC—No. 35.]

AN ACT to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislative Assembly of the Territory of Iowa shall be, and are hereby, authorized to provide by law for the election or appointment of sheriffs, judges of probate, justices of the peace, and county surveyors, within the said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above-named officers thereafter to be had or made shall be in pursuance of such law.

Sec. 2. *And be it further enacted,* That the term of service of the present Delegate for said Territory of Iowa shall expire on the twenty-seventh day of October, eighteen hundred and forty; and the qualified electors of said Territory may elect a Delegate to serve from the said twenty-seventh day of October to the fourth day of March thereafter, at such time and place as shall be prescribed by law by the Legislature Assembly, and thereafter a Delegate shall be elected, at such time and places, as the Legislative Assembly may direct, to serve for a Congress, as members of the House of Representatives are now elected.

APPROVED, March 3d, 1839.

[PUBLIC—No. 36.]

AN ACT making appropriations for preventing and suppressing Indian hostilities for the year eighteen hundred and thirty-nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums amounting to one million eight hundred and four thousand seven hundred and seventy-four dollars, be, & the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses, which have been, or may be, incurred, in preventing or suppressing the hostilities of any Indians, in the year eighteen hundred and thirty-nine; to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July, eighteen hundred and thirty-six, and of the acts therein referred to:

For forage for the horses of the second dragoons, mounted volunteers and militia officers entitled to forage in kind, and for horses, mules, and oxen, in the service of trains, three hundred and ninety-two thousand eight hundred and thirty-one dollars;

For freight or transportation of military supplies of every description from the places of purchase to Florida, two hundred and fifty-four thousand six hundred and twenty-eight dollars;

For the purchase of wagons, harness, boats and lighters, horses to keep up the trains, tools, leather and other materials for repairs, ninety-two thousand dollars;

For the transportation of supplies from

the principal depots, to the several posts, as well as troops, when they move by water, including the hire of steamboats and other vessels for the service in the rivers and on the coasts, and the expenses of maintaining and sailing the several steamers and transport schooners connected with the operations of the army, three hundred thousand dollars;

For the hire of mechanics, laborers, mule-drivers, teamsters, and other assistants, including their subsistence, and for soldiers on extra duty, conformably to law, one hundred thousand dollars;

For the transportation of the militia or volunteers while marching to and from the scene of operations, thirty thousand dollars;

For miscellaneous expenses of all kinds, not embraced under the foregoing heads, and which, from their contingent character, cannot be specified, four hundred thousand dollars;

For accoutrements and arms for infantry, and cavalry, including militia infantry and cavalry ammunition for men and field artillery, and repairs of arms, and for contingencies, seventy-one thousand dollars;

For the pay of such militia and volunteers as may have been or may be called into the service of the United States, in addition to the unexpended balance of the appropriation for the payment of four thousand volunteers for the year eighteen hundred and thirty-eight, one hundred and fourteen thousand three hundred and fifteen dollars;

For the purpose of holding a treaty with the Seminole Indians, five thousand dollars;

For the purchase and maintaining in active service three vessels of light draught of water, to cruise along the coast of Florida, for the protection of the lives and property of the citizens, fifty thousand dollars.

For paying the value of the horses and equipage of the Tennessee and other volunteers who have at any time been in the service of the United States in the Territory of Florida, and which were turned over to the Government, by the order of the commanding officer, said value to be ascertained by the appraisement of said value when the [the] volunteers entered the service, fifty-two thousand dollars. And the provisions of acts approved and in force at various periods since eighteen hundred and twelve, authorizing payment for horses lost in the service of the United States by rangers, militia, and volunteers, are hereby revived and extended for two years from and after the passage of this act, and under the action of the Third Auditor, shall be deemed to embrace all cases not already satisfied, of horses lost to their owners in service as aforesaid, in battle or otherwise, when care and diligence be rendered manifest on the part of the owner; and if the death or loss of ranger's horses shall have occurred for want of forage, it be at places where acting in obedience to the orders of commanding officers forage could not have been procured by proper vigilance on the part of the owner: No payment, however, shall be made for horses or other property lost or destroyed, when the loss or destruction shall have been occasioned by the fault or neglect of the owner, or where by the terms of the contract, the risk was upon the owner of the property and no greater sum of money than the fifty-two thousand dollars appropriated by this section, shall be drawn from the Treasury by reason of its provisions.

Sec. 2. *And be it further enacted,* That no part of the money appropriated by this act shall be applied to the payment of any volunteers, except for arrearages; or for any expenses growing out of the employment of any volunteers for the year eighteen hundred and thirty-eight.

APPROVED, March 3d, 1839.

Peru and Chili.—By the arrival of the ship Natchez, at New York from Valparaiso, the New York Commercial has received official confirmation of the great battle between the Chilians and the army of the Protector, Santa Cruz, in which the latter was completely routed. The spoils of the victors were 3,400 prisoners, all the Protector's artillery, horses, &c. and \$900,000 in money. Generals Moran and Urdinenea were killed, and five other generals were made prisoners. Santa Cruz escaped with only twenty men.

After the battle, General Santa Cruz issued a proclamation to the people of Peru and Bolivia, from which it appears that he is determined to make another effort to retrieve his fallen fortunes.

Mexico.—Information from Vera Cruz, by way New Orleans, confirms the report of the defeat of the Revolutionary party in Mexico, and the execution of Gen. Mexia. Urrea and his companions had taken flight. The battle which led to this result lasted several hours, and was decided against the insurgents by the arrival and charge of a body of cavalry commanded by Gen. Santa Ana in person. Mexia was tried forthwith by a court martial, sentenced to death, and shot at 5 o'clock the same day.—*Nat. Int.*