

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.

Proviso.

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 And so much of the act to which this is additional, as provides for a board of examiners, is hereby repealed.

Commissioner may make regulations respecting contested cases.

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.

Compensation of chief justice.

APPROVED, March 3, 1839.

STATUTE III.

CHAP. LXXXIX. — *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.*

March 3, 1839.

[Expired.]

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 into service.

Disputed territory in Maine.

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.

Militia, when called into service.

1795, ch. 36.

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 if 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 ac-

In event of actual invasion, &c.

Act of 1836,
ch. 80.

The President
authorized to
complete the
public armed
vessels now au-
thorized, &c.

Appropriation.

Proviso.

Outfit, &c. of
special minister
to Gr. Britain.

Proviso.

President au-
thorized to ap-
ply \$1,000,000
to repairing for-
tifications, &c.

Militia or vol-
unteers, when
called into ser-
vice of the Uni-
ted States, &c.

To continue in
force until, &c.

cept the services of any number of volunteers not exceeding fifty thousand, in the manner provided for by 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 3, 1839.

STATUTE III.

March 3, 1839.

Act of April
20, 1836, ch. 54.

Act of April
12, 1838, ch. 96.

Bills passed by
Council, &c. of
Iowa and Wis-
consin, before
becoming laws,
to be approved
by the govern'r.

CHAP. XC. — *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