the eleventh section of the act of fifth February, eighteen hundred and fifty-nine, excepting twelve copies to be sent to the library of Congress for the use of the Supreme Court during its sessions; and two copies for use in said library.

Sec. 9. And be it further enacted, That all acts or parts of acts inconsistent with the provisions hereof are hereby repealed.

Approved, March 2, 1861.

March 2, 1861.

Chap. LXXXVIII. — 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 the Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent Office, and such affidavits and depositions may be taken before any justice of the peace, or other officer authorized by law to take depositions to be used in the courts of the United States, or in the State courts of any State where such officer shall reside; and in any contested case pending in the Patent Office it shall be lawful for the clerk of any court of the United States for any district or Territory, and he is hereby required, upon the application of any party to such contested case, or the agent or attorney of such party, to issue subpoena for any witnesses residing or being within the said district or Territory, commanding such witnesses to appear and testify before any justice of the peace, or other officer as aforesaid, residing within the said district or Territory, at any time and place in the subpoena to be stated; and if any witness, after being duly served with such subpoena, shall refuse or neglect to appear, or, after appearing, shall refuse to testify, (not being privileged from giving testimony,) such refusal or neglect being proved to the satisfaction of any judge of the court whose clerk shall have issued such subpoena, said judge may thereupon proceed to enforce obedience to the process, or to punish the disobedience in like manner as any court of the United States may do in case of disobedience to process of subpoena ad testificandum issued by such court; and witnesses in such cases shall be allowed the same compensation as is allowed to witnesses attending the courts of the United States: Provided, That no witnesses shall be required to attend at any place more than forty miles distant; nor to disclose secret invention.

Travel and attendance to be paid or tendered.

Three examiners-in-chief to be appointed.

Salary.

Duty.

Appeals from their decisions.
examiners-in-chief shall be governed in their action by the rules to be
prescribed by the Commissioner of Patents.

Sec. 3. And be it further enacted, That no appeal shall be allowed to
the examiners-in-chief from the decisions of the primary examiners, ex-
cept in interference cases; until after the application shall have been twice
rejected; and the second examination of the application by the primary
examiner shall not be had until the applicant, in view of the references
given on the first rejection, shall have renewed the oath of invention, as
provided for in the seventh section of the act entitled "An act to promote
the progress of the useful arts, and to repeal all acts and parts of acts
heretofore made for that purpose," approved July fourth, eighteen hun-
dred and thirty-six.

Sec. 4. And be it further enacted, That the salary of the Commissi-
oner of Patents, from and after the passage of this act, shall be four
thousand five hundred dollars per annum, and the salary of the chief
clerk of the Patent Office shall be two thousand five hundred dollars, and
the salary of the Librarian of the Patent Office shall be eighteen hundred
dollars.

Sec. 5. And be it further enacted, That the Commissioner of Patents
is authorized to restore to the respective applicants, or when not removed
by them, to otherwise dispose of such of the models belonging to rejected
applications as he shall not think necessary to be preserved. The same
authority is also given in relation to all models accompanying applications
for designs. He is further authorized to dispense in future with models
of designs when the design can be sufficiently represented by a drawing.

Sec. 6. And be it further enacted, That the tenth section of the act
approved the third of March, eighteen hundred and thirty-seven, author-
izing the appointment of agents for the transportation of models and
specimens to the Patent Office, is hereby repealed.

Sec. 7. And be it further enacted, That the Commissioner is further
authorized, from time to time, to appoint, in the manner already provided
by law, such an additional number of principal examiners, first assist-
ant examiners, and second assistant examiners as may be required to
transact the current business of the office with dispatch, provided the
whole number of additional examiners shall not exceed four of each class,
and that the total annual expenses of the Patent Office shall not exceed
the annual receipts.

Sec. 8. And be it further enacted, That the Commissioner may require
all papers filed in the Patent Office, if not correctly, legibly, and clearly
written, to be printed at the cost of the parties signing such papers; and
for gross misconduct he may refuse to recognize any person as a patent
agent, either generally or in any particular case; but the reasons of the
Commissioner for such refusal shall be duly recorded, and subject to the
approval of the President of the United States.

Sec. 9. And be it further enacted, That no money paid as a fee, on any
application for a patent after the passage of this act, shall be withdrawn
or refunded, nor shall the fee paid on filing a caveat be considered as
part of the sum required to be paid on filing a subsequent application for
a patent for the same invention. That the three months' notice given to
any caveator, in pursuance of the requirements of the twelfth section of
the act of July fourth, eighteen hundred and thirty-six, shall be computed
from the day on which such notice is deposited in the post office at Wash-
ington, with the regular time for the transmission of the same added
thereto, which time shall be indorsed on the notice; and that so much
of the thirteenth section of the act of Congress, approved July fourth,
eighteen hundred and thirty-six, as authorizes the annexing to letters-
patent of the description and specification of additional improvements is
hereby repealed, and in all cases where additional improvements would
now be admissible, independent patents must be applied for.
SEC. 10. And be it further enacted, That all laws now in force fixing
the rates of the Patent Office fees to be paid, and discriminating between
the inhabitants of the United States and those of other countries, which
shall not discriminate against the inhabitants of the United States, are
hereby repealed, and in their stead the following rates are established:

On filing each caveat, ten dollars.

On filing each original application for a patent, except for a design, fif-
teen dollars.

On issuing each original patent, twenty dollars.

On every appeal from the examiners-in-chief to the Commissioner, twen
ty dollars.

On every application for the reissue of a patent, thirty dollars.

On every application for the extension of a patent, fifty dollars; and
fifty dollars in addition, on the granting of every extension.

On filing each disclaimer, ten dollars.

For certified copies of patents and other papers, ten cents per hundred
words.

For recording every assignment, agreement, power of attorney, and
other papers of three hundred words or under, one dollar.

For recording every assignment, and other papers, over three hundred
and under one thousand words, two dollars.

For recording every assignment or other writing, if over one thousand
words, three dollars.

For copies of drawings, the reasonable cost of making the same.

SEC. 11. And be it further enacted, That any citizen or citizens, or
alien or aliens; having resided one year in the United States, and taken
the oath of his or their intention to become a citizen or citizens, who
by his, her, or their own industry, genius, efforts, and expense, may have
invented or produced any new and original design, or a manufacture,
whether of metal or other material or materials, and original design for a
bust, statue, or bas relief, or composition in alto or basso relievo, or any
new and original impression or ornament, or to be placed on any article
of manufacture, the same being formed in marble or other material, or
any new and useful pattern, or print, or picture, to be either worked into
or worked on, or printed, or painted, or cast, or otherwise fixed on, any
article of manufacture, or any new and original shape or configuration of
any article of manufacture, not known or used by others before his, her,
or their invention, or production thereof, and prior to the time of his, her,
or their application for a patent therefor, and who shall desire to obtain
an exclusive property or right therein to make, use, and sell, and vend
the same, or copies of the same, to others, by them to be made, used, and
sold, may make application, in writing, to the Commissioner of Patents,
expressing such desire; and the Commissioner, on due proceedings had,
may grant a patent therefor as in the case now of application for a pat-
ent, for the term of three and one half years, or for the term of seven
years, or for the term of fourteen years, as the said applicant may elect
in his application: Provided, That the fee to be paid in such application
shall be, for the term of three years and six months, ten dollars, for seven
years, fifteen dollars, and for fourteen years, thirty dollars: And provided,
That the patentees of designs under this act, shall be entitled to the ex-
tension of their respective patents for the term of seven years, from the
day on which said patents shall expire, upon the same terms and restric-
tions as are now provided for the extension of letters-patent.

SEC. 12. And be it further enacted, That all applications for patents
shall be completed and prepared for examination within two years after
the filing of the petition, and in default thereof, they shall be regarded as
abandoned by the parties thereto; unless it be shown to the satisfaction of
the Commissioner of Patents that such delay was unavoidable; and all ap-
plications now pending shall be treated as if filed after the passage of this
act, and all applications for the extension of patents, shall be filed at least ninety days before the expiration thereof; and notice of the day set for the hearing of the case shall be published, as now required by law, for at least sixty days.

SEC. 13. And be it further enacted, That in all cases where an article is made or tended by any person under the protection of letters-patent, it shall be the duty of such person to give sufficient notice to the public that said article is so patented, either by fixing thereon the word patented, together with the day and year the patent was granted; or when, from the character of the article patented, that may be impracticable, by enveloping one or more of the said articles, and affixing a label to the package or otherwise attaching thereto a label on which the notice, with the date, is printed; on failure of which, in any suit for the infringement of letters-patent by the party failing so to mark the article the right to which is infringed upon, no damage shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued after such notice to make or vend the article patented. And the sixth section of the act entitled "An act in addition to an act to promote the progress of the useful arts," and so forth, approved the twenty-ninth day of August, eighteen hundred and forty-two, be, and the same is hereby repealed.

SEC. 14. And be it further enacted, That the Commissioner of Patents be, and he is hereby, authorized to print, or in his discretion to cause to be printed, ten copies of the description and claims of all patents which may hereafter be granted, and ten copies of the drawings of the same, when drawings shall accompany the patents: Provided, The cost of printing the text of said descriptions and claims shall not exceed, exclusive of stationery, the sum of two cents per hundred words for each of said copies, and the cost of the drawing shall not exceed fifty cents per copy; one copy of the above number shall be printed on parchment to be affixed to the letters-patent; the work shall be under the direction and subject to the approval of the Commissioner of Patents, and the expense of the said copies shall be paid for out of the patent fund.

SEC. 15. And be it further enacted, That printed copies of the letters patent of the United States, with the seal of the Patent Office affixed thereto, and certified and signed by the Commissioner of Patents, shall be legal evidence of the contents of said letters-patent in all cases.

SEC. 16. And be it further enacted, That all patents hereafter granted shall remain in force for the term of seventeen years from the date of issue; and all extension of such patents is hereby prohibited.

SEC. 17. And be it further enacted, That all acts and parts of acts heretofore passed, which are inconsistent with the provisions of this act, be, and the same are hereby repealed.

APPROVED, March 2, 1861.
RESOLUTIONS.

January 19, 1861. [No. 1.] A Resolution authorizing the Secretary of the Treasury to permit the Owners of the Steamboat "John C. Fremont" to change the Name of the same to that of "Horizon."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to permit the owners of the steamboat "John C. Fremont" to change the name of the same to that of "Horizon."

APPROVED, January 19, 1861.

January 19, 1861. [No. 2.] Joint Resolution authorizing the Secretary of the Treasury to change the Name of the Schooner "Spring Hill" to that of the "United States."

Be it Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to change the name of the schooner "Spring Hill" to that of the "United States."

APPROVED, January 19, 1861.

February 18, 1861. [No. 6.] A Resolution authorizing Lieut. T. A. M. Craven, United States Navy, to receive certain Marks of Distinction tendered him by the Spanish Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant T. A. M. Craven, of the navy of the United States, be, and he is hereby, authorized to accept from the Spanish Government a medal and diploma, tendered him in acknowledgment of the services rendered by him to the seamen of the Spanish vessel "Bella," wrecked on Cayo Guinichos in June last.

APPROVED, February 18, 1861.

February 21, 1861. [No. 9.] Joint Resolution giving the Assent of Congress to certain Acts passed, or to be passed, by the Legislatures of the States of Arkansas, Louisiana, and Texas, or any two of them, in Relation to the "Raft" of Red River, and for other Purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress be, and the same is hereby, given, to any acts that have been, or may be, passed by the Legislatures of the States of Arkansas, Louisiana, and Texas, or of any two of them, having for their object the improvement of the navigation of Red River by the removal of the "Raft" thereof.

SEC. 2. And be it further resolved, That Congress hereby assents, that Tolls may be charged, &c. for thirty years, after and so soon as any company incorporated by the States aforesaid, or any two of them, for the purpose, shall have removed the obstructions to navigation in Red River caused by the "Raft," and have rendered the