

these appropriations.

into effect the foregoing appropriations, for the repayment of which the aforesaid duties on imports and tonnage shall be, and are hereby pledged.

APPROVED, March 26, 1790.

STATUTE II.

April 2, 1790.

Repealed by Act of March 2, 1799, chap. 22, sec. 93 and 112. Collectors, &c. not to grant clearances, until a certificate of inspection is produced.

CHAP. V.—*An Act to prevent the exportation of goods not duly inspected according to the laws of the several States.*

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the collectors and other officers of the customs in the several ports of the United States, be, and they are hereby directed to pay due regard to the inspection laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master or other proper person shall have produced such certificate, that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs. (a)

APPROVED, April 2, 1790.

STATUTE II.

April 2, 1790.

Recital of the deed of cession, by the senators of N. Carolina, to the United States; and

CHAP. VI.—*An Act to accept a cession of the claims of the state of North Carolina to a certain district of Western territory.*

A deed of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the state of North Carolina, to a district of territory therein described; which deed is in the words following, viz.

To all who shall see these Presents

We the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the legislature of the State of North Carolina, send greeting.

Whereas the General Assembly of the State of North Carolina, on the day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to wit:

of the act of the legislature of that state, by which the execution of the said deed is authorized.

Whereas the United States in Congress assembled, have repeatedly and earnestly recommended to the respective states in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: now this state, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens; *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Senators of this state, in the Congress of the United States, or one of the Senators and any two of the Representatives of this state in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this state, conveying to the United States of America, all right, title

(a) The laws of the United States do not require a person, in order to entitle himself to a clearance, to produce to the collector a certificate of his having complied with the inspection laws of the State, unless the law of the State requires it. *Bass et al. v. Steele*, 3 Wash. C. C. R. 331.

and claim which this state has to the sovereignty and territory of the lands situated within the chartered limits of this state, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Watango river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad river; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain: thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this state, upon the following express conditions, and subject thereto—that is to say: *First*, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this state with the United States, in the common expense occasioned by the late war. *Secondly*, That the lands laid off, or directed to be laid off by any act or acts of the General Assembly of this state, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the continental line of this state, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled “An act for opening the land-office for the redemption of specie and other certificates, and discharging the arrears due to the army,” passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground, on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on

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any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this state. *Thirdly*, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. *Fourthly*, That the territory so ceded, shall be laid out and formed into a state or states, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress, for the government of the western territory of the United States, that is to say; whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this state, an authenticated copy of the act to be passed by the Congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified; the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: *Provided always*, That no regulations made or to be made by Congress, shall tend to emancipate slaves. *Fifthly*, That the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this state. *Sixthly*, That all persons indebted to this state, residing in the territory intended to be ceded by virtue of this act; shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties as if this act had never been passed. *Seventhly*, That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this state, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever. *Eighthly*, That the laws in force and use in the State of North Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory. *Ninthly*, That the lands of non-resident proprietors within the said ceded territory, shall not be taxed higher than the lands of residents. *Tenthly*, That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this state, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly, the
day of December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*

Now therefore know ye, That we, Samuel Johnston and Benjamin Hawkins, senators aforesaid, by virtue of the power and authority com-

mitted to us by the said act, and in the name, and for and on behalf of the said state, do, by these presents, convey, assign, transfer, and set over unto the United States of America, for the benefit of the said states, North Carolina inclusive, all right, title, and claim which the said state hath to the sovereignty and territory of the lands situated within the chartered limits of the said state, as bounded and described in the above recited act of the General Assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

Boundaries and conditions of the cession.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the senate-chamber, at New York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM. JOHNSTON. (L.S.)

BENJAMIN HAWKINS. (L.S.)

Signed, sealed, and delivered
in the presence of
SAM. A. OTIS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby accepted.

Accepted.

APPROVED, April 2, 1790.

STATUTE II.

April 10, 1790.

CHAP. VII.—An Act to promote the progress of useful Arts.(a)

SECTION I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the petition of any person or persons to the Secretary of State, the Secretary

Patents for useful discoveries, how applied for, and granted.

(a) The acts passed by Congress, subsequent to this statute, relating to patents for useful inventions, have been:

1. An "act to promote the progress of useful arts; and to repeal the act heretofore made for this purpose," passed February 21, 1793. Repealed by act of July 4, 1836.

2. An act supplementary to the act entitled an "act to promote the progress of useful arts," passed June 7, 1794. Repealed by act of July 4, 1836.

3. An act to extend the privilege of obtaining patents for useful discoveries and inventions to certain persons therein mentioned, and to enlarge and define the penalties for violating the rights of patentees, passed April 17, 1800. Repealed by act of July 4, 1836.

4. An act concerning patents for useful inventions, passed July 3, 1832. Repealed by act of July 4, 1836.

5. An act concerning the issuing of patents to aliens for useful discoveries and inventions, passed July 13, 1832. Repealed by act of July 4, 1836.

6. An act to promote the progress of useful arts, and to repeal all acts heretofore made for that purpose, passed July 4, 1836, ch. 357.

7. An act authorizing the commissioner of the patent office to issue patents to Angier Marsh Perkins, and John Howard Ryan, passed March 31, 1838.

8. An act in addition to an act to promote the progress of the useful arts, passed March 3, 1839, chap. 27. Altered by act of August 29, 1842, chap. 263.

9. An act in addition to an act to promote the progress of the useful arts, and to repeal all acts heretofore made for that purpose, passed August 29, 1842, chap. 263.

The following cases have been decided in the courts of the United States, upon the laws granting patents for new and useful inventions:—

1. On the form and subjects of patents.—*Invention and Discovery,—the Specification and Description.*—*Evans v. Eaton*, 3 Wheat. 454; 4 Cond. Rep. 291. *Pennock v. Dialogue*, 2 Peters, 16. *Grant et al. v. Raymond*, 6 Peters, 218. *Shaw v. Cooper*, 7 Peters, 292. *Prouty v. Ruggles*, 16 Peters, 336. *Whittemore v. Cutter*, 1 Gallis. C. C. R. 429, 478. *Odiome v. Winkley*, 2 Gallis. C. C. R. 51. *Stearns v. Barrett*, 1 Mason's C. C. R. 153. *Lowell v. Lewis*, 1 Mason's C. C. R. 182. *Bedford v. Hunt*, 1 Mason's C. C. R. 302. *Kness v. The Schuykill Bank*; 4 Wash. C. C. R. 9. *Barrett et al. v. Hall et al.*, 1 Mason's C. C. R. 447. *Odiome v. The Amesbury Nail Factory*, 2 Mason's C. C. R. 28. *Moody v. Fisk et al.*, 2 Mason's C. C. R. 112. *Langdon v. De Groot*, Paine's C. C. R. 203. *Goodyear v. Matthews*, Paine's C. C. R. 300. *Morris v. Huntington*, Paine's C. C. R. 348. *Sullivan v. Redfield et al.*, Paine's C. C. R. 441. *Rutgen v. Kanowers*, 1 Wash. C. C. R. 168. *Evans v. Chambers*, 2 Wash. C. C. R. 125. *Evans v. Eaton*, 3 Wash. C. C. R. 443; *Peters' C. C. R.* 322. *Dixon v. Moyer*, 4 Wash. C. C. R. 68. *Gray et al. v. James et al.*, *Peters' C. C. R.* 394. *Mellus v. Silsbee*, 4 Mason's C. C. R. 108. *Ames v. Howard*, 1 Sumner's C. C. R. 482. *Delano v. Scott*, *Gilpin's D. C. R.* 483. *Wood v. Williams*, *ibid.* 517. *Evans v. Jordan et al.*, 1 Brockenb. C. C. R. 248. *Davis v. Palmer*, 2 Brockenb. C. C. R. 298. *Ryan v. Goodwin*, 3 Sumner's C. C. R. 514. *Blanchard v. Sprague*, 3 Sumner's C. C. R. 279. *Alden v. Dewey*, 1 Story's C. C. R. 336. *Prouty v. Draper*, *ibid.* 568. *Reed v. Cutter*, *ibid.* 590. *Stone v. Sprague*, *ibid.* 270.

Infringement of Patent Rights.—*Evans v. Jordan et al.*, 9 Cranch, 199; 3 Cond. Rep. 358. *Keplenger v. De Young*, 10 Wheat. 358; 6 Cond. Rep. 135. *Shaw v. Cooper*, 7 Peters, 292. *Whittemore v. Cutter*,