AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Counterfeiting, etc., registered trade-marks.

same to merchandise of substantially the same descriptive properties as those described in the registration, shall be liable to an action on the case for damages for the wrongful use of said trade-mark, at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of such trade-mark used in foreign commerce or commerce with Indian tribes, as aforesaid, and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful act; and courts of the United States shall have original and appellate jurisdiction in such cases without regard to the amount in controversy.

United States courts to have jurisdiction.

Restriction upon actions for infringement.

SEC. 8. That no action or suit shall be maintained under the provisions of this act in any case when the trade-mark is used in any unlawful business, or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or under any certificate of registry fraudulently obtained.

Fraudulent trade-marks.

SEC. 9. That any person who shall procure the registry of a trade-mark, or of himself as the owner of a trade-mark or an entry respecting a trade-mark, in the office of the Commissioner of Patents, by a false or fraudulent representation or declaration, orally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered in an action on the case

Former rights and remedies preserved.

SEC. 10. That nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this act had not been passed.

Saving as to rights after expiration of term for which a trade-mark has been registered.

SEC. 11. That nothing in this act shall be construed as unfavorably affecting a claim to a trade-mark after the term of registration shall have expired; nor to give cognizance to any court of the United States in an action or suit between citizens of the same State, unless the trade-mark in controversy is used on goods intended to be transported to a foreign country, or in lawful commercial intercourse with an Indian tribe.

Regulations for transfer of rights to trade-marks.

SEC. 12. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the right to use trade-marks and for recording such transfers in his office.

Foreign trade-marks.

SEC. 13. That citizens and residents of this country wishing the protection of trade-marks in any foreign country, the laws of which require registration here as a condition precedent to getting such protection there, may register their trade-marks for that purpose as is above allowed to foreigners, and have certificate thereof from the Patent Office.

Approved, March 3, 1881.

March 3, 1881.

CHAP. 139.—An act for the ascertainment of the amount due the Choctaw Nation.

Preamble.

Choctaw Nation, claim of, ascertainment of amount due.

Whereas, the Choctaw Nation, for itself and in behalf of individual members thereof, makes claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore,

Court of Claims to have jurisdiction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the Choctaw Nation, and to render judgment thereon; power is hereby granted the said court to review the entire question of differences de novo, and it shall not be estopped by any action had or award made by the Senate of the United States in pursuance of the treaty of eighteen hundred and fifty-five; and the Attorney-General is hereby directed to appear in behalf of the government; and if said court shall decide against the United States the Attorney-General shall, within thirty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered, the said Choctaw Nation may also appeal to said Supreme Court: *Provided*, The appeal

Claim reviewed de novo.

Proviso.

of said Choctaw Nation shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such cause precedence.

SEC. 2. Said action shall be commenced by a petition stating the facts on which said nation claims to recover and the amount of its claim; and said petition may be verified by either of the authorized delegates of said nation as to the existence of such facts, and no other statements need be contained in said petition or verification.

Approved, March 3, 1881.

CHAP. 140.—An act to amend section twenty-three hundred and twenty-six of the Revised Statutes relating to suits at law affecting the title to mining claims.

March 3, 1881.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if, in any action brought pursuant to section twenty-three hundred and twenty-six of the Revised Statutes, title to the ground in controversy shall not be established by either party, the jury shall so find, and judgment shall be entered according to the verdict. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the land-office or be entitled to a patent for the ground in controversy until he shall have perfected his title

R. S. 2326. Amended. Title to mining claims.

Approved, March 3, 1881.

CHAP. 141.—An act to amend the act entitled "An act to encourage the establishment of public marine schools", approved June twentieth, eighteen hundred and seventy-four, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narragansett Bay.

March 3, 1881.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to encourage the establishment of public marine schools", approved June twentieth, eighteen hundred and seventy-four, be, and the same is, amended so that it shall extend to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narragansett Bay.

Public marine schools, establishment of, at Ports of: Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narragansett Bay. 1874, ch. 339, 18 Stat., 121.

Approved, March 3, 1881.

CHAP. 142.—An act to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes.

March 3, 1881.

Whereas, the United States heretofore through the intervention of trustees acquired title for debt to certain real estate situate in and near the city of Vincennes, in the county of Knox, and State of Indiana, described as follows: The southeast half of lot number one and the whole of lot number eight in Harrison's addition to the borough, now city, of Vincennes, and also survey number five in upper prairie surveys, in township three north, range ten west, containing eighty-two acres and eighty-one hundredths of an acre, known as the "Steam Mill Tract", and situate in Knox County, Indiana; and

Preamble. Sale of government lands in Vincennes, Indiana; vesting title of certain lands in the city of Vincennes.

Whereas the said eighty-two and eighty-one hundredths acre tract of land consists of a strip of about twenty-six rods in width commencing on the Wabash River, thence running in a southerly direction through said city of Vincennes and far beyond its limits; that said city has been built up on both sides of said land and its streets abut thereon, said city not having the legal right to lay out and improve her streets through the same; in consequence whereof that part of said city through which said land is located has been greatly hindered and obstructed in its growth; and

Description.