

tent, and with the same equities, as it now does in cases of admiralty and maritime jurisdiction; saving, however, to the parties the right of trial by jury of all facts put in issue in such suits, where either party shall require it; and saving also to the parties the right of a concurrent remedy at the common law, where it is competent to give it, and any concurrent remedy which may be given by the State laws, where such steamer or other vessel is employed in such business of commerce and navigation.

APPROVED, February 26, 1845.

STATUTE II.
Feb. 26, 1845.

CHAP. XXII.—*An Act explanatory of an act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine."* (a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in the second section of the act entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-nine," approved on the third day of March, one thousand eight hundred and thirty-nine, shall take away, or be construed to take away or impair, the right of any person or persons who have paid or shall hereafter pay money, as and for duties, under protest, to any collector of the customs, or other person acting as such, in order to obtain goods, wares, or merchandise, imported by him or them, or on his or their account, which duties are not authorized or payable in part or in whole by law, to maintain any action at law against such collector, or other person acting as such, to ascertain and try the legality and validity of such demand and payment of duties, and to have a right to a trial by jury, touching the same, according to the due course of law. Nor shall any thing contained in the second section of the act aforesaid be construed to authorize the Secretary of the Treasury to refund any duties paid under protest; nor shall any action be maintained against any collector, to recover the amount of duties so paid under protest, unless the said protest was made in writing, and signed by the claimant, at or before the payment of said duties, setting forth distinctly and specifically the grounds of objection to the payment thereof.

Construction of 2d section of act 3d March 1839, ch. 82, sec. 2, relative to duties paid under protest.

APPROVED, February 26, 1845.

STATUTE II.
Feb. 26, 1845.

CHAP. XXIV.—*An Act to authorize the South Carolina Railroad Company to import certain pipes and machinery free of duty.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the South Carolina Railroad Company be, and hereby is, authorized to import into the United States, without payment of duties thereon, all such pipes as have been or may be invented or used for the application of the atmospheric pressure as a propelling power on railroads, not to exceed what is sufficient for a road one mile in length, and also all the machinery connected therewith, or which is necessary for the use and working thereof, under such regulations as the Secretary of the Treasury may prescribe.

APPROVED, February 26, 1845.

Sec. Treas. to prescribe the regulations of importation.

STATUTE II.
Feb. 26, 1845.

CHAP. XXV.—*An Act to amend an act entitled "An act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States with regard to the five per cent. fund and the school reservations."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the

Act of July 4, 1836, ch. 355.

(a) See notes to the act of March 3, 1839, chap. 82, ante, p. 349.

So much of the 4th sec. of the act as requires the Sec. Treas. to select the lands granted for schools in the Chickasaw purchase, repealed.

Proviso.

Governor of Alabama authorized to select the lands within two years.

What is required to perfect the selections.

1819 ch. 47.

Land to vest in Alabama, subject to the uses, &c. of 16th sections.

Gov. of Alabama to notify the Register of the Land Office of his selections.

fourth section of the act entitled "An act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States with regard to the five per cent. fund and the school reservations," as purports to require that a quantity of land, equal to the one thirty-sixth part of the lands lying within the State of Alabama, which were disposed of, or directed to be disposed of, in and by the treaty between the United States and the Chickasaw Indians, made and concluded at the city of Washington, on the twenty-fourth day of May, one thousand eight hundred and thirty-four, shall be selected, under the direction of the Secretary of the Treasury, within any land district in said State of Alabama, contiguous to said lands within said State so disposed of, &c., by the said Chickasaws, as aforesaid, be, and the same is hereby, repealed: *Provided*, That nothing herein contained shall be so construed as in any wise to affect the validity and binding force of any such selections as may heretofore have been made, in virtue of said fourth section, and sanctioned and accepted by the inhabitants of those surveyed townships, respectively, for whom they may have been made, as an equivalent and substitute for section number sixteen, within such surveyed township.

SEC. 2. *And be it further enacted*, That said lands, equal in quantity to one thirty-sixth part of the lands so, in virtue of said treaty, disposed of, &c., within said State of Alabama, (deducting therefrom such quantity, if any, as may have been selected, as aforesaid, under the authority of said fourth section, and accepted, as aforesaid, in lieu of said section number sixteen, by the inhabitants of the proper surveyed township,) may be selected, under the direction of the Governor of Alabama, at any time within two years from the passing of this act, in sections, half-sections, quarter-sections, or previously defined fractions, out of any of the surveyed public lands, within any of the land districts in the States of Alabama or Mississippi, subject to sale at private sale, and not in any wise encumbered by any prior claim, lien, or reservation, as the Governor of the said State of Alabama may direct. But the same selections, respectively, shall not be holden to have been perfected, until the same, as from time to time they shall have been made, shall have been reported to the Commissioner of the General Land Office, together with proofs, taken in such manner as the Legislature of the State of Alabama shall prescribe, of the assent of the inhabitants of the surveyed townships, respectively, for whose benefit the same may have been selected; and that the said inhabitants consent to and accept the same, in lieu of, and as a full equivalent for, the school section which, by the sixth section of the act entitled "An act to enable the people of the Alabama territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," was guarantied to them.

SEC. 3. *And be it further enacted*, That when the land shall have been so as aforesaid selected and reported, and, as aforesaid, so accepted by said inhabitants of said surveyed township, respectively, the same shall vest in the State of Alabama, subject to the same disposition and uses, and shall be holden subject to the same conditions and terms, in all respects whatsoever, as, by the said sixth section of the act herein above referred to, were prescribed or intended in relation to sections number sixteen, within said State of Alabama. And it shall be competent for the said Governor of Alabama, as from time to time such selections may be made, and before they are perfected as aforesaid, to give notice thereof to the register of the proper land office of the land district in which such selection may be made, in such form as the Commissioner of the General Land Office shall prescribe; and, thereupon, the land so selected shall, during such convenient time as such Com-

missioner of the General Land Office may prescribe, be considered, for the time being, as withdrawn from sale, and not subject to entry.

APPROVED, February 26, 1845.

STATUTE II.
Feb. 26, 1845.

CHAP. XXVI.—*An Act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending the thirtieth day of June, one thousand eight hundred and forty-five."*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the act entitled "An act making appropriations for the naval service for the fiscal year ending the thirtieth day of June, one thousand eight hundred and forty-five," approved June seventeen, one thousand eight hundred and forty-four, shall not be understood or construed to apply to the claim of an officer employed on a foreign station who would be entitled, under the provisions of previous acts of Congress, to receive the pay of a higher grade, while temporarily performing the duties of such higher grade, until information of the passage of the said act shall have been received on board of the vessel to which such officer was or is attached.

APPROVED, February 26, 1845.

3d sec. act 17th June 1844, ch. 107, not applicable to officers on foreign stations, until after receipt of information of its passage.

STATUTE II.
Feb. 26, 1845.

CHAP. XXVIII.—*An Act to authorize a relocation of land warrants number three, four, and five, granted by Congress to General Lafayette.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legal holders or assignees of land warrants numbered three, four, and five, granted by the act of Congress of twenty-seventh March, one thousand eight hundred and four, to General Lafayette, and located at Point Coupee, in the State of Louisiana, in three adjoining surveys of one thousand acres each, and which locations are shown to have been made in material conflict with several older and better grants, shall, upon exhibiting to the register and receiver of any land office within the State of Louisiana, his or their evidence of right to the warrants above described, be permitted, under the same rules and restrictions of the original law under which said locations were authorized, to enter and locate a like quantity of land on any of the unappropriated public lands in the State of Louisiana: *Provided,* That, before any such register and receiver shall issue to such holders or assignees any certificate of relocation, the holders or assignees shall deposit a copy of their derangement of title from General Lafayette, and a release of title to the lands located at Point Coupee.

APPROVED, February 26, 1845.

Act of March 27, 1804, ch. 61, sec. 14. Holders of the warrants authorized to enter other lands, &c.

Proviso.

STATUTE II.
March 1, 1845

CHAP. XXXV.—*An Act to change the time for holding the Circuit and Criminal Courts in the county of Washington.*

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Circuit Court of the United States for the county of Washington, District of Columbia, shall hereafter be held on the third Monday of October of each year, instead of the fourth Monday of November designated by law.

SEC. 2. *And be it further enacted,* That hereafter there shall be but three terms of the criminal court for Washington county, in the District of Columbia, instead of the four terms of said court now fixed by law; and that said three terms hereafter shall commence and be held on the first Monday in March, the third Monday in June, and the first Monday in December, in each and every year. All process whatsoever in the said criminal court now issued or which may be issued in the county of Washington, in said District, returnable to the days now fixed by law

Time of holding fall term of circuit court changed.

Times of holding criminal court now fixed

Process returnable on days now fixed.