

## STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CLXXIII.—*An Act making appropriations for certain fortifications of the United States for the year one thousand eight hundred and thirty-eight.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the Treasury, for certain fortifications, viz :

Fort Warren.  
Castle Island  
and Fort Independence.  
Fort Adams.  
New London harbor.  
Fort Schuyler.

For Fort Warren, Boston harbor, one hundred thousand dollars;  
For the preservation of Castle island, and repairs of Fort Independence, Boston harbor, fifty thousand dollars;

Ft. Delaware.  
Fort McHenry,  
Redoubt Wood, and Covington battery.  
Fort Monroe.  
Fort Calhoun.  
Charleston harbor.  
Fort Moultrie.  
Fort Pulaski.

For Fort Adams, Rhode Island, one hundred thousand dollars;  
For fortifications at New London harbor, Connecticut, twenty-five thousand dollars;  
For Fort Schuyler, East river, New York, one hundred thousand dollars;

Fort at Foster's bank.  
Fort Marion, and sea-wall at St. Augustine.  
Bridge at Fort Monroe.  
Fort Caswell.

For Fort Delaware, Delaware river, forty thousand dollars,  
For Fort McHenry, Redoubt Wood, and Covington Battery, near Baltimore, thirty-two thousand four hundred and fifteen dollars;

Old fort at the Barancas.  
Fort Niagara.

For Fort Monroe, Virginia, one hundred thousand dollars;  
For Fort Calhoun, Virginia, thirty thousand dollars;  
For fortifications in Charleston harbor, and for the preservation of the site of Fort Moultrie, one hundred and seventy-five thousand dollars;  
For Fort Pulaski, Cockspur Island, Georgia, one hundred thousand dollars;

Contingencies.  
How to be expended.

For the fort at Foster's bank, Florida, thirty-three thousand dollars;  
For repairs of Fort Marion and of the sea-wall at St. Augustine, twenty-nine thousand five hundred dollars;

For the purchase of the charter right to the bridge across Mill creek, at Fort Monroe, four thousand dollars;  
For securing the site of Fort Caswell, Oak Island, North Carolina, eight thousand five hundred dollars;

For repairs of the Old Fort at the Barancas, Pensacola, seventy-five thousand dollars;

For repairing Fort Niagara in the State of New York, three thousand dollars;

For contingencies of fortifications, ten thousand dollars.

SEC. 2. *And be it further enacted,* That of the sums appropriated by this bill a portion not to exceed fifty per centum upon all the items above fifteen thousand dollars, shall be drawn from the Treasury during the present year, and the balance of the said appropriations shall be expended for the objects designated, during the year one thousand eight hundred and thirty-nine.

APPROVED, July 7, 1838.

## STATUTE II.

July 7, 1838.

[Obsolete.]

CHAP. CLXXIV.—*An Act to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York.*

The Collector, Naval Officer, and District Attorney of New York to constitute a commission to ascertain the amount of goods destroyed by the great conflagration in New York, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the collector of the customs for the port of New York, the naval officer of the said port, and the district attorney for the southern district of the State of New York, be, and they are hereby, constituted a commission to ascertain the amount of duties paid, or secured to be paid, upon all goods, wares, and merchandise destroyed, in unbroken and original packages as imported, by the great conflagration which took place in the city of New York on the sixteenth and seventeenth days of December in the year one thousand eight hundred and thirty-five, and the name or names and places of residence of the several persons entitled, as owners of the said goods, or otherwise, to receive or have remitted to them the amount

of the duties so paid or secured to be paid, upon the several parcels and packages of goods so destroyed, pursuant to the provisions of this act.

SEC. 2. *And be it further enacted*, That the said commissioners shall meet at such time and place in the city of New York, as shall be appointed by the Secretary of the Treasury by a notice for that purpose, to be published in at least five of the public newspapers printed in the said city, for the period of at least ten days before the time appointed for the said meeting; and, when so convened, shall proceed to take testimony in relation to the goods so destroyed, and the amount of duties paid, or secured to be paid, to the United States thereupon, and to the persons entitled to receive or have remitted to them the amount of such duties; and shall continue the examination and investigation as constantly as their other official duties will permit, until all the claims presented to them for the remission or refunding of duties provided for by this act, which may be presented to them, shall be examined to their satisfaction; but no claim shall be received which shall not be presented within four months from and after the time appointed by the Secretary for the first meeting of the commissioners; and each of the said commissioners shall be, and is hereby, authorized to administer the necessary oaths to all persons who are to give testimony in the premises; and all the testimony presented to or taken before the said commission, shall be committed to writing, and signed by the respective witnesses giving the same; and any wilful false swearing before the said commission, or in any affidavit or deposition taken before any one of the said commissioners, shall subject the person guilty of the offence, upon conviction before any court of competent jurisdiction, to the punishment prescribed by the laws of the United States for wilful perjury.

SEC. 3. *And be it further enacted*, That, as soon as the said commissioners shall have finally closed the taking of testimony in relation to any one or more claims, they shall cause to be made a full and perfect statement of the goods, wares, and merchandises proved in said claim or claims, to their satisfaction, to have been destroyed at the conflagration aforesaid, in the unbroken and original packages in which the same were imported, designating in such statement the number of packages, the rate and amount of duty upon each, and the name of the person or persons entitled to receive or have remitted to him or them the duties paid, or secured to be paid, upon each package, and the fact whether such duty has been paid or remains unpaid and secured in the ordinary manner, and shall ascertain and report whether any and what part of the merchandise so destroyed was insured or sold, what proportion of the insurance has been paid, or is secured to be paid in consequence of its destruction by the conflagration aforesaid, and shall deduct from the certificate to be granted under the provisions of this act, the amount paid on such insurance and the amount of duties paid on the goods sold. And the said commissioners shall cause three fair copies of such statement to be made and certified by themselves to be the true and correct results of their investigations, one of which copies they shall file with the collector of the customs for the port of New York, another with the naval officer of the said port, and the third together with the testimony taken before the said commission they shall transmit to the Secretary of the Treasury, to be by him kept on file in his Department.

SEC. 4. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, with as little delay as practicable, to examine the testimony taken before the said commission, from time to time, as the same shall be returned to him, to compare the same with the said statement and adjudications of the said commissioners, and to signify to them his approval or disapproval of their determination as to each claim; and as soon as the determination of the Secretary shall be

Time and place of meeting of said commissioners.

Notice of to be given.

Duty of the commissioners.

Claims must be presented within four months.

Commissioners empowered to administer oaths.

Testimony to be committed to writing.

Penalty for false swearing.

Commissioners to make a full statement of their investigation.

Three copies of said statement to be made and certified by the commissioners.

Sec. Treas. to examine the testimony from time to time, and signify his approval or disapproval of the determination of the commis-

sioners as to each claim.

Commissioners to deliver the approval, with a certificate, to each claimant.

Proviso.

Proviso.

1836, ch. 42.

Certificates to be received in payment of duties.

Certificates, after being cancelled, shall be transmitted to the Secretary of the Treasury.

Proportionate remission on packages only partially destroyed.

A clerk may be employed—his salary.

officially communicated to the said commissioners, as to any one or more of the said claims, they shall forthwith execute and deliver to each claimant, whose claim has received the approval of the Secretary, a certificate, signed by them, and stating the amount of duties which the claimant has paid, and is entitled to have refunded to him, and the amount he has secured to be paid, and is entitled to have remitted upon his bonds: *Provided*, That no such certificate shall be delivered to any claimant, his agent or attorney, or to his order, until he, or some person on his behalf, shall have executed and delivered to the collector of the customs for the port of New York, a bond, with sureties to the satisfaction of the said collector, in a penalty of double the sums to be refunded or remitted, as shown by the said certificate, and conditioned for the repayment, to the United States, of the whole amount refunded or remitted to such claimant, with interest from the date of the said bond, in case it shall thereafter be made to appear that the goods upon which the duties so remitted or refunded were chargeable, were not in fact destroyed at the conflagration aforesaid. *Provided*, That in all cases when the applicant for relief under this act shall have had bonds other than those given for duties on goods destroyed by said fire, suspended under the act entitled "An act for the relief of the sufferers by fire in the city of New York," approved nineteenth March eighteen hundred and thirty-six, the amount of twenty-four per cent. on the amount of duties secured by such bonds shall be deducted from the sum which would otherwise be remitted to such applicants under this act.

SEC. 5. *And be it further enacted*, That upon the presentation by any person to the collector of New York, of any certificate so issued by the said commissioners, showing that a remission is to be made upon any unpaid bond given to secure duties, and then in the hands of the said collector, it shall be his duty to make the requisite endorsement upon the said bond or bonds, and likewise so far to cancel the said certificate by a proper endorsement thereon as his endorsement upon the bond or bonds shall require, and so far as any such certificate shall show that duties paid are to be refunded, the said collector of the port of New York shall receive such certificate in lieu of money for the payment of duties at all times endorsing upon the certificate the amount of duties thus cancelled by its presentation; and as fast as the said certificates shall be thus fully cancelled the said collector shall retain and transmit [them] to the Secretary of the Treasury to be by him placed upon the files of the Department, with the statement from which they were issued, and the testimony upon which the duties are refunded or remitted.

SEC. 6. *And be it further enacted*, That in all cases where any article or package, as imported, shall have been partially and not entirely destroyed by the said conflagration, the remission or refunding of duties upon such article or package shall be in proportion to the destruction by the said fire, as that proportion shall be ascertained and certified to the said commissioners by the appraisers for the port of New York; but this section shall not be so construed as to extend to any merchandise or property destroyed or damaged other than in the original and unbroken packages as imported.

SEC. 7. *And be it further enacted*, That the said commissioners may employ a clerk who shall be paid for his services out of any unappropriated money in the Treasury such reasonable compensation as the Secretary of the Treasury shall allow, which payment the said Secretary is hereby authorized and directed to make, not to exceed the rate of two thousand dollars per annum.

APPROVED, July 7, 1838.