

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.

Sec. Treas. to prescribe the regulations of importation.

APPROVED, February 26, 1845.

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.