

the Circuit court of the United States for the Southern District of New York, against Samuel Swartwout, late collector of the port of New York, for the recovery of duties illegally exacted on the importation of certain wheat and flour of American growth or origin, in the years eighteen hundred and thirty-six and eighteen hundred and thirty-seven, a part of which judgment has been heretofore paid.

APPROVED, August 10, 1846.

Aug. 10, 1846.

CHAP. CLXXXVI. — *An Act for the Relief of James Erwin, of Arkansas, and others.*

Secretary of War authorized to allow and pay James Erwin for losses sustained on a contract.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, directed to investigate, audit, allow, and pay, out of any money in the treasury not otherwise appropriated, to James Irwin, of Arkansas, a fair and full remuneration for the actual losses he sustained in consequence of a contract he made with the United States in September, eighteen hundred and thirty-four, to supply provisions and transportation for the use of the Creek Indians expected to emigrate from the eastern to the western side of the Mississippi River, but who did not emigrate.

Also to allow and pay him and the heirs of D. Greathouse for losses sustained on a contract.

SEC. 2. *And be it further enacted,* That the Secretary of War be, and he is hereby, directed to investigate, audit, allow, and pay, out of any money in the treasury not otherwise appropriated, to James Erwin, and to the heirs or legal representatives of Daniel Greathouse, deceased, a full and fair remuneration for the actual losses sustained in consequence of a contract made by said Erwin and said Daniel Greathouse, in his lifetime, and the United States, in December, eighteen hundred and thirty-five, to supply provisions and transportation for the use of the Seminole Indians expected to emigrate from the eastern to the western side of the Mississippi River, but who failed to emigrate: *Provided,* The amount allowed as damages, in consequence of the non-use of the provisions furnished, shall not exceed the difference between their cost at the place or places where they were to have been delivered, and the amount for which they were afterwards sold.

Proviso.

APPROVED, August 10, 1846.

Aug. 10, 1846.

CHAP. CLXXXVII. — *An Act for the Relief of John Jones, surviving Partner of John Jones and Charles Souder.*

Secretary to ascertain and pay J. Jones amount of damages sustained as contractor, &c.; also the amount for extra work and materials in constructing a wall around Peapatch Island.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury be, and he is hereby, directed to ascertain the actual amount of damages sustained by John Jones and Charles Souder, contractors with others for constructing a stone wall and embankment around the Peapatch Island, in the State of Delaware, in the year eighteen hundred and thirty, caused by the storm and overflow of that island on the twenty-ninth of November of that year, to which the works of the constructors of said wall and embankment were exposed by the failure on the part of the United States to furnish stone sufficient to construct said wall within the time limited in said contract; as well as the amount of extra work done and materials furnished and used, or conveyed to the place of construction by them, in repairing said damages or building said wall and embankment, upon such evidence as is usually received by the accounting officers of the departments in similar cases.