

is authorized, if in his opinion the said fine, penalty, or forfeiture was incurred without wilful negligence or intention of fraud, to prescribe such rules and mode of proceeding, to ascertain the facts, as in his opinion may be convenient and proper, without regard to the provisions of the act above referred to; and upon the said facts, so to be ascertained as aforesaid, the said secretary may exercise all the power conferred upon him in and by said act, as fully as he might have done had said facts been ascertained under and according to the provisions of said act.

Secretary to exercise power conferred by said act, &c.

APPROVED, July 14, 1832.

STATUTE I.

July 14, 1832.

CHAP. CCXXXIV.—*An Act further to provide for the relief of distressed American seamen in foreign countries.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the sum of three thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated, to the fund for the relief of distressed American seamen; and that the said amount be distributed among the owners, officers, and crew of the Spanish brig Leon, in such proportion as shall be directed by the President of the United States, for services rendered and losses incurred, in saving and transporting to the island of Cuba the officers and crew of the American ship Minerva, wrecked and burnt on the Bahama bank.

Appropriation for distribution among the owners, officers, and crew of the Spanish brig Leon.

APPROVED, July 14, 1832.

STATUTE I.

July 14, 1832.

CHAP. CCXXXVI.—*An Act for the relief of the invalid pensioners of the United States.*

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That an act, entitled "An act regulating the payments to invalid pensioners," approved the third day of March, one thousand eight hundred and nineteen, be, and the same is hereby, repealed.

Act of March 3, 1819, ch. 81, repealed.

APPROVED, July 14, 1832.

the collector is gone; if of a part only, his title attaches to the remainder, and, by a judgment of condemnation, becomes fixed and indissoluble. *The Margareta*, 2 Gallis. C. C. R. 515.

If there is no informer, the United States have one-half, and the officers of the customs the other. If there is an informer, the informer has a fourth, and the custom-house officers a fourth. If the informer is an officer of a revenue cutter, the United States have a fourth, one-fourth to the custom-house officers, and the officer of the revenue cutter one-half. *Sawyer et al. v. Steele*, 3 Wash. C. C. R. 464.

The consent of the claimants that the vessel should be sent into another district for adjudication, or a disavowal by them of having instituted the suit, does not amount to a waiver by them, of their right to a share of the forfeiture. *Ibid.*

But the collector is not responsible for such part of the forfeiture as he may have paid over, bona fide, to other officers, for their shares, before notice of the plaintiff's claim. *Ibid.*

The Secretary of the Treasury has no power to remit penalties, unless in cases provided for by law. If he recites his authority under a special act, and remits in pursuance of that act, the remission, if unsupported by that act, cannot be supported under the general act of March 3, 1797, ch. 13. Under the act of February 27, 1813, ch. 33, the Secretary of the Treasury had no authority to remit penalties for goods subsequently imported, contrary to the non-importation act. Under the act of March 3, 1797, ch. 13, the district judge is bound, upon a petition for remission, to state the facts, and not merely the evidence of the facts; and the Secretary of the Treasury is bound by this statement of facts, and cannot legally act upon any other evidence. *The Margareta*, 2 Gallis. C. C. R. 515.

The district judge, in stating such facts, acts judicially; and the proof before him must be made by competent, as well as credible testimony. A statement by the district judge that the claimant only swore to the facts before him, is no legal proof under the act of 1797, upon which the Secretary of the Treasury is authorized to remit. Under the act of February 27, 1813, ch. 33, the Secretary of the Treasury had no authority to make a remission of part only of the property forfeited; if he remitted at all, he was bound to remit the whole penalty or forfeiture. Neither under the act of 1797, nor the act of 1813, had the Secretary of the Treasury any authority to remit the collector's share of the forfeiture, nor any part of it, *eo nomine*. *Ibid.*

Fines imposed by the act of March 2, 1799, ch. 22, for obstructing officers of the customs, as well as penalties, are to be received by the collector of the customs, and distributed by him. *Ex parte Marquand*, 2 Gallis. C. C. R. 552.