

REPORT

Of the Committee of Ways and Means on the Petition of Jonathan Battelle.

JANUARY 28, 1822.

Read, and ordered to lie on the table.

The Committee of Ways and Means, to whom was referred the petition of Jonathan Battelle,

REPORT:

That the petitioner states, that he imported into Savannah, on the 24th day of August, 1818, fifty-three pipes gin, and deposited them in the public warehouses, agreeably to law; and, at the same time, he entered at the custom house other goods, secured the duties, and intended to export the same. That, on the 16th September, he also entered twenty five boxes of Havanna sugar, for which he gave temporary bonds, estimated on a supposed weight, to be corrected when the weight should be ascertained; that a rain commenced on its landing, which compelled the officers to put it in the public store before it could be weighed. That the surveyor of the port had in charge the sugar and gin; and that, on the night of the 19th day of November, of the same year, all the articles were consumed by fire. He, the petitioner, therefore, asks a remission of the duties on the said articles. The committee submit the following resolution.

Resolved, That the prayer of the petitioner ought not to be granted.

DOCUMENTS

To be annexed to the Report on the Petition of Jonathan Battelle.

FEBRUARY 6, 1822.

Printed by order of the House of Representatives.

SAVANNAH, 20th November, 1818.

SIR: I had the misfortune, last evening, to witness the destruction, by fire, of that part of the gin imported in the Sally-Ann by me in August last, which remained in charge of the surveyor of this port, stored at Telfair's upper wharf, and intended for exportation. I have now to request, (presuming I am authorized in it,) that you will deduct the amount of duty on the same from my general bond, presuming I cannot be placed on a worse footing than if it had been sunk at sea, the same not having been used in the country; besides, I never have felt accountable for the duty, until the gin should be delivered to me, having considered it merely pledged for the payment thereof.

There were also consumed in the same store, and received by the same vessel, a quantity of violins, liquor cases, gin cases, and hampers of seltzer water, (besides those exported in the Emily to Havanna,) which were intended to be exported to Matanzas.

The sugar received per schooner Emily, from Havanna, was also in the same store, and consumed, (say 25 boxes,) which had not been weighed, it having been placed there to avoid the rain, which was falling fast when the officer was about to weigh it. All which, I trust, will be considered subject to the remission of duties.

Respectfully,

J. BATTELLE.

A. S. BULLOCH, Esq. *Collector.*

COLLECTOR'S OFFICE, SAVANNAH,
23d November, 1818.

The facts represented in the within letter from Mr. Jonathan Battelle, being within our knowledge, we do most respectfully recom-

mend to the honorable the Secretary of the Treasury, a remission of the duties on the articles of merchandise consumed by fire, as stated by Mr. Battelle.

A. S. BULLOCH,
Collector.

ALEX'R IRVINE,
Naval Officer.

THO'S BOURKE,
Surveyor & Inspector.

To the honorable the Members of the Senate and House of Representatives of the United States, in Congress assembled.

The petition of Jonathan Battelle, of Savannah, in the state of Georgia, merchant, respectfully sheweth: That, on the 24th day of August last past, your petitioner imported into the district of Savannah, fifty-three pipes second proof gin, containing six thousand three hundred and ninety-seven gallons, by custom house measurement; that the said gin was entered at the custom house for exportation, placed in charge of the surveyor of the port, and a general bond given, agreeably to the terms of the late law regulating the same. That your petitioner, at the same time and place, imported nine hampers of seltzer water, five large cases of violins, twenty mahogany liquor cases, twenty iron bound liquor cases, thirty gin cases, twenty-five demijohns; that your petitioner secured the duties payable thereon, and intended to export the same to Havanna, for which purpose they were stored. That your petitioner also imported into the district of Savannah, on the 16th of November last, twenty-five boxes of white Havana Sugar, which was landed and immediately put in store for preservation (the rain having commenced to fall as soon as it was landed) without having been weighed by the proper officer, or by any person; that, previous to the landing of said sugar, temporary bonds were given to the Collector, as is customary in such cases, which were intended to be cancelled and permanent bonds given, as soon as the sugar should be weighed, and the amount of duty ascertained for which they were to be given. That the surveyor of the port of Savannah had the charge and possession of the aforesaid gin and sugar. That, on the night of the nineteenth of November last, all of the preceding enumerated articles were consumed and destroyed by fire, which accidentally occurred in the city of Savannah aforesaid. Your petitioner, therefore, does respectfully ask of your honorable body, a remission of the duties on said articles of merchandise, that he may not be placed in worse situation in relation to said goods, than if they had been lost at sea. Had they not have been burnt, they doubtless would have been exported; and your petitioner cannot believe, that, in addition to the heavy loss he has already sustained, he will be called

on to pay an amount for duties which would not have been due, had the accident not have happened, which deprived him of his property.

And your petitioner, as in duty bound, will ever pray, &c.

JONA. BATTELLE.

Sworn to before me, this 23d December, 1818.

JAMES MORRISON,

Notary Public.

Collector's Office, Savannah, Dec. 23, 1818.

We certify that the foregoing statement of facts are within our knowledge, and we do most respectfully recommend a compliance with the prayer of the petitioner.

A. S. BULLOCH, *Coll.*

ALEX. IRVINE, *Na. Off.*

THOS. BOURKE, *Sur. & Insp'tr.*

WM. DAVIES, *Dist. Attorney.*

THO'S U. P. CHARLTON.

The undersigned citizens of Savannah do most earnestly recommend that this petition be granted.

W. B. BULLOCH,

GEO. JONES,

JOHN BOLTON,

C. HARRIS.

TREASURY DEPARTMENT,

Comptroller's Office, 31st January, 1820.

SIR: The preparation of some lengthy reports to Congress, which ought, ere this, to have been laid before that body, has prevented an earlier reply to your letter of the 8th instant, enclosing a memorial of Jonathan Battelle, for relief.

Recollecting that his case was last year referred to this department by the Secretary of the Treasury, on examining the records, I find that a communication was made by me, on the subject, to the Secretary, under date of the 3d December, 1818, a copy of which I take leave to enclose for your information.

From an examination of that communication, you will perceive that none of the cases in which the Treasury considered itself authorized to afford relief, are analogous to the case of Mr. Battelle.

When goods are lost in the harbor, in attempting to land them from on board the vessel of importation, the case is considered in the same point of view as if they had been lost at sea, and, in that event, would not be liable to duty.

So, if goods be shipped for the benefit of drawback, all the prerequisites of the law being complied with, and the goods lost in the harbor, before the sailing of the vessel, the shipper would be considered entitled to the drawback equally as if the goods had been lost at sea.

But the case of Mr. Battelle differs materially from the cases alluded to, so far as respects the interposition of this department.

When merchandise is landed and stored under the charge of a customhouse officer, the law says it shall be at the expense and risk of the owner.

From this positive language of the law, you will, I feel persuaded, readily accord with me in opinion, that it is not in the power of this department to afford the relief which Mr. Battelle has applied for, and that the case remains for the equitable consideration of Congress.

I return, enclosed, the documents received with your letter.

With great respect,

JOSEPH ANDERSON,
Comptroller.

Hon. W. H. CRAWFORD.

P. S. By an act Congress, passed on the 9th May, 1794, the duties on eleven hogsheads of coffee, destroyed by fire, were *remitted*.

I also find that several acts of Congress have been passed for *extending* the time for payment of duty bonds, viz. the act for the relief of the sufferers, by fire, in the town of Norfolk, dated 19th March, 1804; the act for the relief of the sufferers, by fire, in the town of Portsmouth, New Hampshire, dated 10th February, 1807.

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE.

3rd of December, 1818.

SIR: I have examined the case represented in Mr. Battelle's letter to the Hon. Mr. Crawford, in relation to which, you have requested me to state the practice of the Treasury, if any similar case had occurred.

It appears, that some pipes of gin, belonging to Mr. Battelle, stored under the charge of the surveyor of the port of Savannah, with a view of securing for them the benefit of drawback, were consumed by fire; that a quantity of other goods, in the same store, intended to be exported with that benefit, were destroyed at the same time, together with some sugars which had been put into it, in consequence of bad weather coming on whilst the custom house officer was about to weigh the sugars.

I find, that the duties on goods lost in attempting to land them, have been remitted; and that a drawback has been allowed on merchandise lost in the harbor, before the sailing of the vessel on board of which it had been regularly shipped to be entitled to that benefit.

I have the honor further to state, that I do not find a case on record, where a remission of duties, or drawback, has been *applied* for on goods consumed by fire, whilst stored under the charge of a custom house officer.

The documents referred to me I have the honor to return herewith.

With great respect,

JOS. ANDERSON.

HON. WM. H. CRAWFORD,
Secretary of the Treasury.





