

FAUVEL GOURAND DE LA MARTINIQUE.

JANUARY 23, 1839.

Laid on the table.

Mr. MASON, of Virginia, from the Committee on Commerce, made the following

REPORT :

The Committee on Commerce, to which was referred the memorial of Fauvel Gourand de la Martinique, praying the remission of certain duties, report as follows :

It appears that the French ship Adolphe, belonging to Nantz, in the kingdom of France, was wrecked on the coast of Patagonia, in February, 1837, and abandoned by her officers and crew; that, soon afterwards, the wreck was fallen in with by the American barque Triton, Caleb Williams, jr., master, who took from the wreck a quantity of wine, with other merchandise and stores, and brought the same, as part of his cargo, to Providence, in the State of Rhode Island, where they were landed in May, 1837; and the duties on which, amounting to the sum of \$937 69, are those which it is prayed to have remitted.

The prayer of the memorialist is founded on the alleged "usage of the American Government to remit the duties on goods belonging to the subjects of foreign nations, brought into the courts of the United States as salvage property"—the property in question belonging, as is alleged, to subjects of the King of the French.

By the annexed letter from the Comptroller of the Treasury, it will be seen that no such usage prevails with this Government; nor is there any such comity extended by the Government of France towards citizens of the United States having property within the dominion of that country similarly situated.

Whether such "usage" as that spoken of in the memorial should pertain between the Governments of different nations, is a matter upon which the committee do not feel at liberty to express an opinion. At any rate, it should be reciprocal, which can be made only by treaty stipulation.

The committee recommend that the prayer of the memorial be not allowed.

TREASURY DEPARTMENT,

Comptroller's Office, January 14, 1839.

SIR: The Secretary of the Treasury having referred to me your communication of the 12th instant, transmitting the memorial of M. Gourand

de la Martinique, vice-consul of France at Newport, R. I., to have remitted certain duties assessed on merchandise saved by an American vessel from the wreck of the French ship Adolphe, on the coast of Patagonia, and brought into the port of Providence, R. I., I have the honor to reply that it has been the usage of the Department, in cases such as the one presented, to exact the duties to which the merchandise might be liable; and that, so far as known to it, the commercial regulations of France would not seem to justify a relaxation of the rule. It will be perceived, therefore, to be a case in which it is the province of Congress to determine whether their interposition, in granting the prayer of the petitioner, would be proper, or reciprocated.

In regard to the expediency of providing for such cases by a general law, I have to observe that the existing laws appear to have made all the provision necessary or proper under the system of reciprocity established with other nations by treaty stipulations.

The memorial is herewith returned.

I have the honor to be, very respectfully, your obedient servant,
J. N. BARKER, *Comptroller*.

Hon. JAMES M. MASON,
Committee on Commerce, H. R.