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February 28, 1822

# Report of the Committee of Claims on the Petition of Archibald S. Bulloch and Others

Committee of Claims, U.S. House of Representatives

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UUID: 4d5c3776-dd82-407b-8182-57e6b0e33368

**Recommended Citation:**

Archibald S. Bulloch. Report of the Committee of Claims on the Petition of Archibald S. Bulloch and Others (1822). <http://hdl.handle.net/10428/1049>.

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## REPORT

*Of the Committee of Claims on the petition of Archibald S. Bulloch,  
and others.*

FEBRUARY 28, 1822.

Read, and ordered to lie on the table:

MARCH 11, 1822.

Printed by order of the House of Representatives.

DECEMBER 12, 1822.

Reprinted by order of the House of Representatives.

The Committee of Claims, to whom was referred the petition of Archibald S. Bulloch, collector of the port of Savannah, James S. Bulloch, administrator of Alexander Irvine, late of the city of Savannah, naval officer, and Alexander Hunter, surveyor of the port of Savannah, have had the same under consideration, and submit to the House the following

### REPORT:

The petitioners state, that, in October, 1819, by information they furnished, the schooner *Montevediana*, alias *Libertad*, or *Liberty*, was libelled in the admiralty court for the district of Georgia; that the said libel was sustained so far as respected the interest of certain persons named in the decree, and the sum of \$197 28, ordered to be paid over to the collector. After the first information was lodged, and before the rendition of the judgment, another libel was filed against the said vessel, for violating the laws of the United States prohibiting the slave trade. This was likewise sustained, and so much of the vessel and cargo as had not been affected by the first decree was condemned, and the sum of \$1176 70, paid over to the district attorney for the use of the United States.

The petitioners further state, that they incurred great expense and trouble in prosecuting the second libel; that the act prohibiting the slave trade makes no provision for those who, like themselves, may cause offenders to be brought to justice, and they ask Congress to grant them suitable indemnity out of the sum of \$1176 70, paid over to the district attorney for the use of the United States.

The act of 1799, regulating duties on imports and tonnage, gives to collectors, &c. a moiety of forfeitures, but the law prohibiting the slave trade makes no such allowance. The committee, therefore, think it inexpedient to extend the provisions of the last mentioned act; and therefore, submit the following resolution:

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

## TREASURY DEPARTMENT,

18th February, 1822.

SIR: I have the honor to return the petition of Archibald S. Bulloch, James S. Bulloch, and Alexander Hunter, with the papers by which it was accompanied.

It is ascertained that there has been paid into the Treasury the sum of \$1176 70, of the proceeds of the sale of the schooner *Montevediana* and cargo, the vessel described in the petition.

By the act of the 24th of February, 1819, for the relief of Thomas Hall Jervey, one half of the nett proceeds of the *Lovely Cordelia*, and of the *James and Elizabeth*, were directed to be paid to the said Jervey, who was the surveyor of the port of Charleston. These vessels had been condemned for violations of the laws prohibiting the slave trade. The said Jervey, in his petition, alleged that he had seized the said vessels upon his own responsibility, and against the opinion of the collector, and that the prosecution had been carried on wholly by his determination and exertions. This allegation was supported by unquestionable evidence. Hence, the other officers of the customs were excluded from any participation in the liberality of Congress.

It is highly probable that there have been other cases of a nature similar to that of the petitioners. The case of Jervey is the only case which occurs to my recollection at this time, in which relief has been given, and the facts in that case were very peculiar.

As a general principle, it is expedient to interest the officers employed in the execution of penal statutes, by giving them a part of the penalties. Where this has not been done by the law creating penalties, it is believed to be inexpedient to make such provision by law in particular cases, after the penalties have been incurred, unless where the circumstances are of a very peculiar nature, as in the case of Mr. Jervey.

It is for the committee to determine whether there is any thing peculiar in the case of the petitioners.

I am, with respect,

Your most obedient servant,

WM. H. CRAWFORD.

Hon. LEWIS WILLIAMS,

*Chairman Committee of Claims.*

## TREASURY DEPARTMENT,

*Register's Office, February 6th, 1822.*

The Register begs leave, respectfully, to report to the Secretary of the Treasury, that, on an examination of the accounts of Archibald S. Bulloch, collector of the port of Savannah, there does not appear to have accrued to the United States any portion of the fine or forfeiture incurred by the Portuguese schooner *Liberty*, so far as the accounts of the said collector have been received in his office, which is to the 31st March, 1821. The whole amount of duties accruing to the United States on goods imported in said vessel, appears, from the collector's abstract of merchandise imported during the fourth quarter of 1819, to amount to fourteen dollars and ten cents.

JOSEPH NOURSE, *Register.*

*To the Honorable the President and Members of the Senate, and the Speaker and Members of the House of Representatives, of the United States of America in Congress assembled:*

The petition of Archibald S. Bulloch, collector of the port of Savannah, James S. Bulloch, administrator of Alexander Irvine, late of the city of Savannah, naval officer, and Alexander Hunter, surveyor of the port of Savannah,

**HUMBLY SHEWETH:**

That, in the month of October, 1819, a certain schooner, called the *Monteviediana*, alias *Libertad*, or *Liberty*, arrived in the port of Savannah, from sea, laden with an assorted cargo; that, soon after her arrival in the said port, it was discovered by the officers of the revenue, that the person, or persons, having charge of the said vessel, were in the act of smuggling goods from on board the same; that information of this fact was immediately given, by your petitioners, to the attorney of the United States, who, thereupon, filed a libel in the court of admiralty, against the said vessel, her tackle, apparel, and furniture, and the goods so unladen, alleging that the same became forfeited to the United States, under the act of Congress, entitled "An act to regulate the collection of duties on imports and tonnage," passed the 2d day of March, 1799; that the said libel was, by a decree of the district court, sustained, so far as the same respected the interest of certain persons in the said decree named, and the sum of one hundred and ninety-seven dollars and twenty-eight cents ordered to be paid over to the collector of the port of Savannah, all which will more fully appear to your honorable bodies by the exemplification of the proceedings in the cause, which is most respectfully submitted herewith.

That, shortly after the filing of the said libel against the said vessel and goods, and long before the decree of the court thereon, it was discovered by the officers of the revenue of the port of Savannah, that a certain African slave was introduced into the said port by the person, or persons, having charge of the said vessel, in the said vessel, with intent to sell the same, contrary to the provisions of the several acts of Congress to prohibit the slave trade; that the said African was seized, but made his escape; was secreted by the person, or persons, having charge of the said vessel, and was removed by them into the country, at a distance from the city and port aforesaid; that, after great trouble and expense, your petitioners succeeded in apprehending the said African, and lodging him with the jailer of the said city for safe keeping, to abide the order of court; that information of this further violation of the law was immediately given by your petitioners to the attorney of the United States, who, thereupon, filed another libel against the said vessel, under the act of Congress, entitled "An act to prohibit the importation of slaves into any port and place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," passed on the second day of March, eighteen hundred and seven; that the last mentioned libel was, by a decree of the court aforesaid, sustained, against so much of the cargo of the said vessel as was unaffected by the decree of condemnation against the vessel and part of the cargo, under the libel for smuggling; that, by the last decree, after certain sums were ordered to be paid into the registry of the court for its further order, the sum of eleven

hundred and seventy-six dollars and seventy cents was decreed to be paid over to the district attorney, for the use of the United States.

Your petitioners humbly shew, that the expenses incurred and borne by them in the prosecution of the said libels, amount to a sum larger than the sum of one hundred and ninety-seven dollars and twenty-eight cents, decreed to the collector under the libel for smuggling, and that, as your petitioners, under the last decree, on the libel under the *slave act*, have no provision made for them, they have, by their information and testimony, procured the condemnation of the said vessel and goods, for a violation of the laws, without *any remuneration therefor*. Your petitioners humbly and respectfully contend, that they are entitled, in justice, to some compensation for their labors; and, although in this particular case, there may be no law which authorizes the payment to them of a moiety of the forfeiture, yet your petitioners fully believe that your honorable bodies will grant them a reward for their exertions, and relief in the premises.

Your petitioners, therefore, humbly pray the passage of an act or resolution of your honorable bodies, which will authorize the payment to them of a moiety of the said forfeiture, or of such other sum as may seem right and just.

And they will ever pray, &c.

A. S. BULLOCH,

*Collector,*

JAMES S. BULLOCH,

*Adm'r. estate A. Irvine, Naval Officer,*

A. HUNTER,

*Surveyor Revenue.*

PORT OF SAVANNAH, *January 3, 1822.*