

**REBATE OF CERTAIN COAL DUTIES:
HEARINGS BEFORE THE COMMITTEE ON
WAYS & MEANS OF THE
HOUSE OF REPRESENTATIVES, 60TH
CONGRESS, 1ST SESSION, ON H. R.
11325, JANUARY 22, 1908**

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Rebate of Certain Coal Duties: Hearinhs Before the Committee on Ways & Means of the house of representatives, 60th Congress, 1st Session, on H. R. 11325, January 22, 1908 by Various

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HEARINGS

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U.S.
BEFORE THE COMMITTEE ON WAYS AND MEANS
OF THE HOUSE OF REPRESENTATIVES

60TH CONGRESS, 1ST SESSION

ON

H. R. 11325

INTRODUCED BY MR. WEEKS, OF MASSACHUSETTS

JANUARY 22, 1908

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COMMITTEE ON WAYS AND MEANS,

HOUSE OF REPRESENTATIVES.

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REBATE OF CERTAIN COAL DUTIES.

COMMITTEE ON WAYS AND MEANS,
Wednesday, January 22, 1908.

The CHAIRMAN: A hearing is requested on the bill H. R. 11325, introduced by Mr. Weeks of Massachusetts, providing—

That the Secretary of the Treasury be, and he is hereby, authorized and directed to make full rebate of all duties imposed by law on anthracite coal imported into any port of the United States from foreign countries from October sixth, nineteen hundred and two, to January fifteenth, nineteen hundred and three, and to repay all money paid as duties upon anthracite coal at any port of the United States to the person, persons, or corporations who paid the same upon anthracite coal imported from the sixth day of October, nineteen hundred and two, to January fifteenth, nineteen hundred and three: *Provided*, That the person or persons so to be paid shall produce satisfactory proof to the Secretary of the Treasury that they were not reimbursed for said tariffs in the sales to the consumer.

I understand Mr. Hellier is here to speak on that.

Hon. JOHN W. WEEKS, a Representative from Massachusetts: Yes; he will speak on that.

Mr. COCKRAN. What is the object of that bill, Mr. Chairman?

The CHAIRMAN. To refund certain duties paid upon coal brought into certain ports of the United States. We had it up before the committee in the last Congress. It was claimed that at some of the ports they were required to pay duty on coal and that at other ports it was allowed to come in. It would have to pay duty if it was regarded as bituminous coal, but if it was anthracite coal it came in free of duty. It was claimed that there was discrimination between the different ports.

Mr. GRANGER. Is it not the fact, Mr. Chairman, that at certain ports the officers did not enforce the laws of the United States, and at other ports they did? Is not that it?

The CHAIRMAN. We will hear these gentlemen on that subject.

STATEMENT OF HON. JOHN W. WEEKS, A REPRESENTATIVE FROM MASSACHUSETTS.

Mr. WEEKS. Mr. Chairman, argument on this bill, I think, has already been heard by the committee, and last year they decided that they wanted more information. I think the gentlemen of the committee are entitled to have that information. Duties were paid on this coal at Boston and at Baltimore, and were not paid at New York and Philadelphia and other ports. I think that the gentlemen can show that the coal they brought in should not have been dutiable under the law.

Mr. COCKRAN. Let me ask you: Was this duty collected on the theory that the coal belonged to a certain class, whereas you claimed that it belonged to another?

Mr. WEEKS. There is a question of analysis that comes in, which explains that.

Mr. COCKRAN. It is a question of reviewing the analysis made by the customs authorities at these ports?

Mr. WEEKS. At two ports the duty was not collected at all. The coal came in free at those ports, but the duty was paid at other ports. The gentlemen who paid this duty claim that the analysis showed that the coal should have come in without duty.

Mr. COCKRAN. That is the analysis?

Mr. WEEKS. Yes.

Mr. McCALL. As I understand, this coal was brought in as duty-free coal, and sold on that basis. It was brought in on the foreign analysis, and subsequently an analysis was made here, and the importers were required to pay duty?

Mr. WEEKS. I think that is true.

Mr. CLARK. Did these coal merchants mark their coal up and get the price they would have got if the tariff had been collected?

Mr. WEEKS. I have not those facts readily in mind at this time, but—

Mr. NEEDHAM. Was this duty paid under protest or not at the time?

Mr. WEEKS. I think it was.

The CHAIRMAN. Mr. Hellier knows all about those details. Mr. Weeks probably does not.

Mr. WEEKS. I was in possession of them last year, but I am bound to say I am not now. Mr. Hellier, of Boston, and Mr. Dallam, of Baltimore, and Mr. Hamlin, of Boston, are here to represent the dealers who handled this coal, and I will be glad to have them heard. I will ask that you first hear Mr. Hellier.

The CHAIRMAN. We will hear him.

STATEMENT OF MR. CHARLES E. HELLIER, ATTORNEY FOR THE METROPOLITAN COAL COMPANY, OF BOSTON, MASS.

Mr. HELLIER. Mr. Chairman and gentlemen of the committee, this coal was admitted at certain ports of the United States as free coal under a letter of the Secretary of the Treasury, written October 6, 1902, to Hon. N. N. Stranahan, collector of customs in New York City. It was published in the papers and sent to all the collectors. (Reads):

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, October 6, 1902.

MY DEAR SIR: Reports indicate that quite a large quantity of coal is being imported. If any portion of this should arrive at the port of New York, the Department desires every facility afforded for its prompt delivery. So far as may be, give consignments of coal the preference over everything else, and solve all reasonable doubts for the present in favor of the coal importer. •

Very truly, yours,

L. M. SHAW.

HON. N. N. STRANAHAN,
Collector of Customs, New York City.

Copies of the above were sent to collectors of customs in other ports.

This letter was made public through the press, and immediately considerable importations of anthracite coal from foreign countries were made, as hereinafter set forth, up to the date of January 15, 1903, at which date Congress passed an act removing all duties from anthracite coal. Some of the collectors of customs did not collect any duties from importers of anthracite coal during that period, notably at New York and Philadelphia, while others collected duty on some of such imports and allowed other imports to come in free of duty.

The CHAIRMAN. What is the date of that letter?

Mr. HELLIER. The 6th of October, 1902.

Mr. COCHRAN. What period do you say there?

Mr. HELLIER. Between October 6, 1902, and January 15, 1903, when anthracite was made free by Congress (reads):

Some of the collectors of customs did not collect any duties from importers of anthracite coal during that period, notably at New York and Philadelphia, while others collected duty on some of such imports and allowed other imports to come in free of duty. There was no uniformity of action in this particular among the collectors of customs. At the port of Boston quite an importation of anthracite coal was made without any duty being charged or collected at the time, but a few months afterwards the collector made demand on the importer for the duty on that importation, and on failure to pay it the United States brought an action therefor against the importer, which action is now pending. A summary of the existing conditions is to be found in the following letters written by the Assistant Secretary of the Treasury and by the Assistant Secretary of Commerce.

Mr. NEEDHAM. What are you reading from—an official document?

Mr. HELLIER. This is the report^a on the matter, containing information prepared by the Committee on Claims in a prior Congress. I am reading it because the information is more convenient. This is the letter referred to (reads):

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, December 22, 1903.

SIR: Referring to your letter of the 5th instant, with which you inclose S. 1379, for the repayment of duties collected upon anthracite coal from October 6, 1902, to January 15, 1903, and request that you be informed for what reasons such bill should be enacted and as to the amount of money that would be involved by its passage, I have to state that at some of the ports of the United States, after the 6th day of October, 1902, no analysis was made of imported anthracite coal to ascertain whether or not the same was subject to the payment of duty, and it was, consequently, entered free of duty, while at other ports analysis was made and duty collected upon all of such coal containing more than 92 per cent of fixed carbon.

The Committee will recall that under the tariff act coal containing 92 per cent of fixed carbon was admitted free anywhere (reads):

This variance in the practice as to the analysis of such coal at the various ports resulted in some importers being compelled to pay duty upon their importations, while others received theirs duty free, and it is the purpose of the bill to return to the former the duties so collected from them.

As to the amount of money involved by the passage of said act, I am informed by the Secretary of Commerce and Labor that between October 1, 1902, and January 15, 1903, duties amounting to \$82,982 were collected upon 123,553 tons of anthracite coal imported at various ports, that for the reason that the statistics of said Department are kept only by complete quarters, the amount collected from October 6, 1902, can not be segregated, and therefore the amount collected after October 1 is given as above indicated.

Respectfully,

R. B. ARMSTRONG,
Assistant Secretary.

Mr. ARTHUR B. SHELTON,
Clerk Committee on Finance, United States Senate.

Washington, D. C.

^a H. R. Report 4646, 58th Cong., 3d session.

Here also is a letter from the Department of Commerce and Labor (reads):

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 14, 1905.

SIR: In response to your letter of the 13th instant I have to inform you that according to the returns of collectors of customs the imports of anthracite coal dutiable by reason of containing less than 92 per cent of fixed carbon, at the following ports, during the period from October 1, 1902, to January 15, 1903, were as follows:

	Tons.	Value.	Duty collected.
Boston, Mass.....	50,923.0	\$271,190.00	\$34,111.71
Los Angeles, Cal.....	3,196,966	12,098.00	2,081.69
Memphremagog, Vt.....	14.43	116.00	9.67
New York, N. Y.....	34,500.0	151,936.00	23,181.33
Portland and Falmouth, Me.....	6,834.95	37,482.00	4,444.81
San Francisco, Cal.....	28,549.0	115,098.00	18,127.83

With respect to the imports of dutiable anthracite coal at Baltimore, I can this morning only give you information for the period from July 1, 1902, to January 15, 1903, which is as follows:

Tons.....	20,985.65
Value.....	\$117,541.00
Duty collected.....	\$14,060.39

I have this morning telegraphed to the collector of customs at Baltimore to give me the amount from July 1 to September 30, 1902, which, deducted from the amount just given, would leave a balance covering the period to which you refer.

I also inclose to you herewith a table showing the amount of anthracite coal free of duty imported into the United States, by customs districts, from October 1, 1902, to January 30, 1903. With respect to anthracite coal free of duty entered during the month of January, this information can not readily be given for a portion of a month.

Very truly, yours,

LAWRENCE O. MURRAY,
Assistant Secretary.

HON. JOSEPH V. GRAFF,
House of Representatives, Washington, D. C.

[Inclosure.]

Coal, anthracite (free of duty), imported into the United States from October 1, 1902, to January 30, 1903, by customs districts.

	Tons.	Value.
Aroostook.....	18	888
Baltimore.....	17,541	92,011
Boston and Charlestown.....	2,339	9,323
New York.....	78,196	341,068
Philadelphia.....	8,574	36,870
Portland and Falmouth.....	2,899	13,717
Cape Vincent.....	1	3
Detroit.....	30	157
Minnesota.....	3	48
Vermont.....	71	377
Total (4 months).....	109,368	491,155