

Calendar No. 809

69TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 808

CAPITAL PAPER CO.

MAY 10 (calendar day, MAY 11), 1926.—Ordered to be printed

Mr. WATSON, from the Committee on Finance, submitted the following

REPORT

[To accompany S. 3064]

The Committee on Finance, to whom was referred the bill (S. 3064) for the relief of the Capital Paper Co., having considered the same, report favorably thereon without amendment, with the recommendation that the bill do pass.

The bill was referred to the Treasury Department, and the Secretary of the Treasury furnished the committee with the following report thereon:

TREASURY DEPARTMENT,
Washington, March 24, 1926.

MY DEAR SENATOR: I am in receipt of a request from your committee, dated the 26th ultimo, for such suggestions as I may deem proper touching the merits of the bill S. 3064, authorizing and directing the refund of \$706.87 to the Capital Paper Co., of Indianapolis, Ind., excess duties collected upon certain wrapping paper imported through the port of Indianapolis and covered by entry No. 344 of November 12, 1924.

The records of this department show that in the liquidation of the entry the paper was assessed with duty as imitation parchment paper under paragraph 1305 of the tariff act of 1922 at the rate of 3 cents per pound and 15 per cent ad valorem and that no protest was filed by the importer as provided in section 514 of the said act.

Section 514 provides that the decision of the collector as to the rate and amount of duty assessed upon imported merchandise shall be final and conclusive upon the importer, consignee, or owner, unless within 60 days after the liquidation of the entry the person making entry shall file with the collector of customs a written protest setting forth therein distinctly and specifically the reasons for his objections to the rate and amount of duty assessed, and as the Capital Paper Co. did not file this protest there is no provision of law under which it could enforce its claim for refund. However, under the provisions of section 521 of the tariff act the collector, on his own motion, may, notwithstanding protest has not been filed, reliquidate an entry for the purpose of correcting an error in the original liquidation thereof, for or against the Government, at any time within one year from the date of entry.

In the present case the importing company did not bring to the attention of the department the error in the liquidation of the entry until November 10,

1925, and as the time in which the entry could be reliquidated under the provisions of section 521 expired on November 11, 1925, the department was unable to authorize the reliquidation of the entry within the year mentioned.

Referring to your request for the department's views as to the merits of this bill, I deem it proper to state that the importers in this case are in the same position as other importers who fail to protect their legal rights by filing a protest and where, because of inadvertence or other reasons, the error is not brought to the attention of the department or the collector so that the entry may be reliquidated within the year.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

Hon. REED SMOOT,
*Chairman of the Committee on Finance,
United States Senate.*

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