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### Report : Petition of J. Scranton and J. Hunt

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IN THE SENATE OF THE UNITED STATES.

MAY 14, 1856.—Ordered to be printed.

Mr. YULEE made the following

**R E P O R T .**

[To accompany Bill S. 308.]

*The Committee of Claims, to whom was referred the petition of John H. Scranton and James M. Hunt, report:*

It appears from the papers in the case, that the steamship "Southerner," having on board the United States mail, sundry passengers, and \$6,500 in money belonging to the pay department of the army, left the harbor of San Francisco, California, on the 20th December, 1854, for Fort Vancouver, Washington Territory. When two days out the "Southerner" met a severe gale, by which she was disabled, and notwithstanding the most vigorous efforts to make a harbor, she was finally wrecked, on the 27th of the same month, being driven upon the beach near the entrance to Puget's Sound. The passengers, (including women and children,) with such of the freight as could be saved from the wreck, were landed upon the beach, nearly 150 miles from any white settlement, from which they were separated by nearly impassable mountains, covered with snow.

In this situation, surrounded by Indians of doubtful friendship, with provisions for only eleven days, on half rations, in the midst of winter and with no means of escape but a single small boat, (for fifty persons,) it was determined that Captain Sampson, master of the Southerner, with six men, should proceed to Fort Townsend, 150 miles distant, in search of relief. After an incessant toil of four days and nights, they reached the fort, and applied to Captain Pease, in command of the revenue cutter "Jeff. Davis," for relief. Captain Pease being unable to get to sea, in consequence of head winds, entered into an agreement, subject to the approval of the department, with the petitioners, owner and master of the steamer "Major Tompkins," to tow the "Jeff. Davis" to Fort Townsend, a distance of 75 miles, for \$600, which service was performed. The "Jeff. Davis" now proceeded to the scene of the wreck, but found it impracticable to land or to take off the passengers of the Southerner, and returned to Fort Townsend without them. It was now agreed, in consultation of the several United States officers at that place, that the "Major Tompkins" should at once proceed to the relief of the sufferers.

This perilous undertaking was finally accomplished by the "Major Tompkins," amidst great difficulties and dangers. Having succeeded in taking on board the passengers and crew of the wrecked vessel, fifty-three in number, and the treasure belonging to the government, and after encountering a severe gale, she landed them safely at Olympia, on the 19th of January, having been engaged in this latter service fifteen days, and suffering damage to her machinery requiring thirteen days to repair.

These facts are sustained by the statements of Major Alvord, paymaster United States army, and by R. McLaren, esq., a passenger on the "Southerner," and by an extract from the journal of the United States revenue cutter "Jeff. Davis," certified to by the Assistant Secretary of the Treasury, and their credibility are certified by Hon. J. P. Anderson, delegate from Washington Territory, and by Hon. Joseph Lane, delegate from Oregon Territory.

The petitioners further represent, that "in consequence of the severity of the storm, (to which they were exposed in the performance of this service,) and which continued with increased fury on the night of the rescue, they were under the necessity of carrying so high a pressure of steam as materially to injure the steamer's boilers, and to such an extent as to be capable of only temporary repairs; and that the vessel was lost, in a similar gale, on her next voyage, chiefly or wholly in consequence of those injuries.

The committee are satisfied that it is a meritorious case, and one in which the valuable services rendered should be recognized and remunerated by the government. These views are in accordance with the action of Congress in other and similar cases. The following are referred to, as showing the principles heretofore recognized.

In 1848, the American ship "Caleb Grimshaw," took fire at sea and threw out signals of distress. The British barque Sarah discovered the signals and proceeded, at considerable peril, to rescue the passengers and crew of the Grimshaw, and took them to Fayal and subsisted them at considerable expense.

By this detention of the Sarah, her insurance was lost and she suffered damage by a gale, and lost the advantage of a return voyage with freight.

The committee say, "an act of such marked humanity ought not to be left to involve the owner of the barque in any loss." They accordingly reported a bill authorizing the Secretary of the Treasury to audit and pay the moneys actually expended, and the losses actually sustained.—(32d Congress, 1st Session, No. 112.)

In 1831, two American vessels were wrecked on one of the Feejee islands. This fact having been communicated to the master of the American ship "Peru," recently arrived on a trading voyage in those seas, he immediately directed his efforts to the rescue of his countrymen from their perilous condition, and succeeded in getting on board of his vessel to the number of twenty-six. The Peru not being provided with supplies for this additional number of persons, was under the necessity of abandoning her trading expedition and returning to Manilla.

The committee say, "as the rescue and subsistences (of these

wrecked officers and seamen) seems to have been the cause of breaking up the voyage," "the committee think they should be fully remunerated."—(*Senate Doc., 23d Congress, 1st Session, No. 126.*)

An act was passed, in conformity with this report, for the payment of \$3,240.—(*6 Statutes at Large, 595.*)

The petitioners in this case claim for—

15 days use of steamer, at \$400 per day	-	-	-	\$6,000	00
13 days time lost in repairing	-	-	-	2,314	00
Provisions and other necessary articles furnished the passengers	-	-	-	1,734	00
Wood and coal	-	-	-	1,380	00
Wages paid officers and crew	-	-	-	1,214	00
Salvage on \$6,500, at 40 per cent.	-	-	-	2,600	00
Towing revenue cutter Jefferson Davis, as per agreement				600	00
				<u>15,842</u>	<u>00</u>

The Hon. Messrs. Anderson and Lane, the delegates from the Territories of Washington and Oregon, state that they regard this account, after deducting the item for salvage, to be reasonable and just, and such as is usual in that country for similar services. The committee, however, are not satisfied that some of the charges are not excessive. They have, therefore, adopted an amount for allowance to the owners of the steamer, which, upon consideration, they believed would be a just, and at the same time sufficiently liberal compensation for the service rendered and damages and expenditure incurred by them, and accordingly report a bill authorizing the sum of nine thousand six hundred dollars to be paid to them.