

Case No. 14,793. UNITED STATES V. CHOTEAU ET AL.  
[32 Hunt. Mer. Mag. 715.]

District Court, S. D. New York.

1855.

CUSTOMS DUTIES—EXCESS IN WEIGHT—ABSORPTION OF MOISTURE.

This was a suit to recover duty upon the alleged weight of a quantity of wool imported by the defendants [Pierre Choteau and others]. The custom house weighers made returns showing an excess over the weights specified in the invoice, which would amount to about \$300.

Mr. Joachimsen, Asst. U. S. Atty. produced witnesses to prove that the weight of the wool on its arrival here exceeded that specified in the invoice.

Messrs. Porter & Sanford, for defendants, produced evidence to show that wool, by absorbing moisture while at sea, becomes heavier from one to five per cent.; that the wool in question was weighed in England, and the weighers gave the weight mentioned in the invoice; that the wool was kept here in a dry place after its arrival, and so decreased in weight that it was sold at a less weight than that mentioned in the invoice.

THE COURT (BETTS, District Judge) charged the jury that although the increased weight may have accrued from moisture or any other action of the elements,—except being exposed to or injured by sea water,—the wool was liable to pay duty at this port on the weight here.

The jury brought in a sealed verdict for plaintiff.

Mr. Joachimsen moved for a reference to ascertain the amount of duty to which the wool was liable, and named Mr. Bridgham as the reference.