

SAMUEL PERRY.

[To accompany bill H. R. No. 643.]

FEBRUARY 25, 1845.

Mr. THOMASSON, from the Committee of Claims, made the following

**REPORT :**

*In the case of Samuel Perry, the Committee of Claims report :*

J. H. McClure & Co. (Samuel Perry being the company) undertook, by written agreement, to transport a large quantity of Indian supplies "from some point on the Ohio river, not higher than Cincinnati, to Fort Coffee, Arkansas." A portion of the supplies was lost by the sinking of a boat on the Mississippi river, for which loss \$638 98 was deducted from the freight. The proof is clear that the loss was not on account of negligence or want of care on the part of the carrier; and as, by agreement between the government and said J. H. McClure & Co., the freighter was to be chargeable only for damages which could be "avoided by ordinary care and attention," the committee are of opinion this amount was improperly deducted. They therefore report a bill for the amount.

Blair & Rives, print.