

SAMUEL PERRY.

[To accompany Bill H. R. No. 782.]

JANUARY 13, 1859.

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

REPORT.

The Committee of Claims, to whom was referred the petition of Samuel Perry, have had the same under consideration and beg leave to report:

That the same subject matter has been before Congress for several years, and has been reported on favorably at several sessions by this committee. The report made in 1849 presents the merits of the case, and your committee therefore adopt it as follows:

IN THE HOUSE OF REPRESENTATIVES, *January 3, 1849.*

Mr. J. A. ROCKWELL, from the Committee of Claims, made the following report.

The Committee of Claims, to whom was referred the petition of Samuel Perry, report:

That nothing new having been brought to the attention of this committee in relation to the claim of the petitioner, the former report from this committee is adopted, and made part of this, as fully expressive of the views now entertained. The bill reported at the last Congress is again most respectfully submitted, and its passage recommended.

IN THE HOUSE OF REPRESENTATIVES, *June 17, 1846.*

The Committee of Claims, to whom was referred the petition of Samuel Perry, report:

This case was reported favorably upon by this committee at the last session of Congress. That report is concurred in, except in so far as it allowed payment for that portion of the freight which was lost by the sinking of the boat. A deduction of \$250 has been made for the

loss of the 30 barrels of pork and the 20 barrels of salt. With the above exception, the bill herewith reported is like the one of last year.

FEBRUARY 25, 1845.

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 the 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.

Your committee therefore report back the case with the accompanying bill and recommend its passage.