

SAMUEL PERRY.

[To accompany Bill H. R. No. 678.]

APRIL 20, 1860.

Mr. S. MOORE, from the Committee of Claims, made the following

REPORT.

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

That the claim has been several times presented to Congress, and always reported on favorably by this committee. The petitioner 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 any negligence or want of care on the part of the carrier; and as, by agreement between the government and the petitioner, 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, and they therefore report a bill for the amount and recommend its passage.