

**T H E**  
**REPORTS OF COMMITTEES**

**OF THE**  
**HOUSE OF REPRESENTATIVES**

**FOR THE**  
**FIRST SESSION OF THE FIFTY-SECOND CONGRESS.**

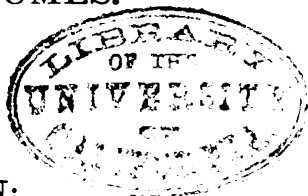
**1891-'92.**

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**IN TWELVE VOLUMES.**

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**WASHINGTON:**  
**GOVERNMENT PRINTING OFFICE.**  
**1892.**



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EDWARD CAHALAN.

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MARCH 9, 1892.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. COBB, of Missouri, from the Committee on War Claims, submitted the following

REPORT:

[To accompany H. R. 7021.]

The Committee on War Claims, to whom was referred the bill (H. R. 6498) for the relief of Edward Cahalan, respectfully report:

The claim arises under the following circumstances: In 1864 Edward Cahalan was master and owner of the steamboat *John H. Dickey*. On the 3d of November of that year the boat was impressed into the service of the United States by order of Maj. Gen. Canby. The boat thereupon proceeded as directed to the mouth of the White River and reported for duty to Capt. Martin, A. Q. M. and master of transportation. On the 9th day of January, 1865, the boat, being still in the service of the Government, while descending the Mississippi River at a point about 20 miles below Vicksburg, collided with the United States steamer *John Raines*, and sustained very considerable damage in consequence, so much so that the boat had to be towed back to St. Louis.

On February 22, 1865, by order of Maj. Gen. Dodge, a board of survey was directed to investigate the facts relative to the collision above referred to. This board reported, but having failed to adduce sufficient evidence to clearly fix the responsibility of the collision, were directed to again convene and make a further investigation into the circumstances. Another report was made by the board finding the officers of the *John Raines* to blame for the collision. The agents of the Government at first proposed to repair the damages to the steamer *John H. Dickey*, but finally concluded to turn over the boat to the claimant and pay him \$4,173.60. The claimant received the money under protest, claiming that the damage was considerably greater.

Subsequently he instituted in the Court of Claims suit for the per diem for the ninety-eight days' use of the boat, and also for some small items of towage. In the court he received judgment for \$275 on account of the towage, but the item for the per diem was disallowed.

The proof shows that the steamer *John H. Dickey* was impressed into the Government service November 3, 1864, and was kept in that service until June 7, 1865, but the claimant was only paid to March 1, 1865. The boat was carried on the Government rolls down to June 7, 1865, as a steamer hired by the Government. If he was entitled to be paid for the detention of the boat from November 3, 1864, to March 1, 1865, he was equally entitled to be paid to June 7, 1865. The only rational date at which pay should cease was the date when detention

ceased, namely, June 7, 1865. That was the date when the Government gave up the control of the boat and restored it to the owner.

Your committee is of opinion that the claimant should be paid for the use and detention of the boat from March 1, 1865, to June 7, 1865, at \$104.34 per diem, and report herewith a bill as a substitute for the bill referred to them, and recommend its passage.

