Mr. Capper, from the Committee on Claims, submitted the following

REPORT
[To accompany S. 1632]

The Committee on Claims, to whom was referred the bill (S. 1632) for the relief of the estate of C. C. Spiller, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

A similar bill passed the Senate in the Sixty-seventh and Sixty-eighth Congresses.

The facts are fully set forth in Senate Report No. 39, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

The Committee on Claims, to whom was referred the bill (S. 867) for the relief of the estate of C. C. Spiller, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 875, Sixty-seventh Congress, second session, which is appended hereto and made a part of this report.

The Committee on Claims, to whom was referred the bill (S. 2078) for the relief of the estate of C. C. Spiller, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

Spiller was, during the early days of the Civil War, a captain in the Confederate Army, from which he was discharged, afterwards entering the service of the Federal Government in a civilian capacity as pilot of a small steamer known as the Paint Rock, of which he was also two-thirds owner. Spiller's loyalty to the Federal Government from the date of his discharge from the Confederate service in 1863 to the time of the destruction of the Paint Rock is amply attested by Maj. Gen. J. B. Steedman, Maj. Gen. George H. Thomas, and other less prominent Union officers. The fact of the destruction of the boat while in the Federal service is clearly established, and the Court of Claims finds that the fair value of the boat at the time of its destruction was $12,000. It would therefore appear that the claim of $8,000 made in the interest of the Spiller estate for two-thirds ownership is fair and equitable. There is abundant evidence to show that much of Spiller's property, consisting of farm products and cattle, was taken by Federal soldiers, both before and after he left the service of the Confederacy, for which a claim was allowed by a board of inquiry consisting of Federal officers. There is no record, however, of anything having been paid for this loss. The estate of Spiller is not asking anything for the stores and supplies taken for the use of the Federal forces, but is simply asking that they be reimbursed for the accidental destruction of the Paint Rock while in the service of the Federal Government, during which time it is fully established that Spiller was absolutely loyal to the Union.
The deceased claimant, Capt. C. C. Spiller, served in the Confederate Army as captain of a battalion for a term of one year, and from September, 1863, to the close of the war in the Union Army in the quartermaster's branch of the service, Army of the Cumberland. He had been out of the Confederate Army for about two months when the Army of the Cumberland, under General Rosecrans, occupied Chattanooga, about the middle of September, 1863. On the 15th day of September, 1863, Captain Spiller took the oath of allegiance to the United States Government and immediately entered into its employment in the Quartermaster's Department at Chattanooga, as pilot and master of the steamboat Paint Rock, of which he was a two-thirds owner, employed in transporting food and supplies on the Tennessee River, between Bridgeport and Chattanooga, for the Union Army, and afterwards as master and pilot farther up the Tennessee River.

During a portion of the time which intervened between the defeat of the Union Army at Chickamauga, September 20, 1863, and the victory of the Union forces at the Battle of Chattanooga, under Generals Grant, 25th, and 26th, Confederate, under General Bragg, occupying Lookout and Raccoon Mountains, commanded the railroad, river, and the shortest and best wagon roads both south and north of the Tennessee River, between Chattanooga and Bridgeport—the subdepot of supplies—placing the Army of the Cumberland under the perils of threatened starvation, inevitable retreat, or surrender.

In this emergency Captain Spiller, as master and pilot, ran the Paint Rock past the Confederate batteries planted on the south side of the Tennessee River to Bridgeport, bringing supplies back to Chattanooga for the Union Army in its distress, at the peril of his life and the destruction of the Paint Rock. During these trips one of the steam pipes was shot off and on another the pilot house, where Spiller was located, was shattered by a ball from the rebel batteries.

The loyalty of Captain Spiller to the cause of the Union from the time he took the oath of allegiance to the Government of the United States to the end of the war was beyond question, and stood the highest tests of loyalty known to the service. He enjoyed the esteem and respect of the commanding officers of the Army of the Cumberland, not only for his loyalty but his personal worth and integrity. That this was the case is shown by the fact that Major General Thomas, from the headquarters of the Department of the Cumberland, at Chattanooga, April 12, 1864, issued special field order No. 104, appointed a board of claims to fix the amount of damage sustained by the loyal citizens of that region in consequence of military occupation and detailed for the board Maj. William B. Sturges, Twenty-fourth Ohio Infantry; Capt. Daniel O'Connor, Tenth Ohio Infantry; Capt. Charles A. Barton, First Ohio Sharpshooters; and First Lieut. A. W. Reed, Forty-fourth Indiana Infantry, as recorder of the board, confining the board to the examination of such claims only as may be presented from the headquarters of the commanding general. The claim of Captain Spiller was classed as that of a loyal citizen, upon which the board passed, found the claimant loyal to the Government of the United States, and found upon the proofs and testimony presented the amount of $10,118.50 due him for supplies furnished to the Army. The award of this board was duly filed in the War Department at Washington, where it has remained unpaid, but was submitted to the Court of Claims on the trial of the claim as submitted there by Congress, upon the call of the Assistant Attorney General, and it is on file with the papers in the case. As a part of this report may be found letters of James B. Steedman, and certificates of Gen. George H. Thomas, the commanding general, as to the unquestioned loyalty of Captain Spiller. The claim as presented to the Court of Claims and contained in the present findings of that court was for supplies taken in the latter part of the year 1863 and the early part of 1864 from the claimant and used by the Army of the Cumberland, after Captain Spiller took the oath of allegiance and while risking his life in the military service of the United States, as well as that part of the claim for the loss of the steamboat Paint Rock found by the court to have been accidentally destroyed while in the possession of the United States, and for which an allowance was made for the sum of $8,000 by the Court of Claims.

In justice to the claimant, attention is called to an important distinction between the Bowman Act and the fourteenth section of the Tucker Act upon the question of loyalty.
Under the Bowman Act, loyalty was a jurisdictional question and, when existing, the court was estopped from any further proceeding in the case. Under the fourteenth section of the subsequent act, known as the Tucker Act, loyalty was not made a jurisdictional question, and the court was required to proceed with the case, adjudicate the facts, and certify them back to Congress. This case was under the fourteenth section of the Tucker Act, and a finding by the court that the claimant was not loyal throughout the war was not within the spirit or letter of the fourteenth section of the Tucker Act, as it is admitted by the Government that the claimant, C. C. Spiller, was loyal at the time the property was taken for the use of the Army, and the steamboat was lost by the neglect of the Government.

WAR DEPARTMENT,
Washington, June 17, 1902.

I hereby certify that the attached papers are true copies and extracts from papers of record in the War Department.

M. I. LUDINGTON,
Quartermaster General, United States Army.

Be it known that M. I. Ludington, who signed the foregoing certificate, is the Quartermaster General of the Army of the United States, and that to his attestation as such full faith and credit are and ought to be given.

In witness whereof I have hereunto set my hand, and caused the seal of the War Department to be affixed, on this 18th day of June, 1902.

[SEAL.]

WM. CAREY SANGER,
Assistant Secretary of War.

SPECIAL FIELD ORDERS, Headquartes DEPARTMENT OF THE CUMBERLAND,
No. 104. Chattanooga, April 12, 1864.

[Extract.]

V. A board of claims is hereby appointed to meet at 10 o'clock a. m., on Thursday, the 14th instant, or as soon thereafter as practicable, at such place as may be designated by the commanding officer of this post, to fix the amount of damage sustained by the loyal citizens of this region in consequence of military occupation.

Detail for the board: Maj. William B. Sturges, Twenty-fourth Ohio Infantry; Capt. Daniel O’Connor, Tenth Ohio Infantry; Capt. Charles A. Barton, First Ohio Sharpshooters; First Lieut. A. W. Reed, Forty-fourth Indiana Infantry, recorder.

The board will examine such claims only as may be presented from these headquarters.

By command of Major General Thomas.

WM. D. WHIPPLE,
Assistant Adjutant General.

BOARD OF CLAIMS,
Chattanooga, Tenn., June 27, 1864.

The board met pursuant to adjournment. Present, all the members except Captain Robinson, who was absent with leave, viz.: Maj. William H. Hoyt, One hundred and thirty-fourth New York Volunteers; Capt. E. P. Safford, Company F, Fourteenth United States Colored Troops; Capt. C. W. Baker, Company A, Fourteenth United States Colored Troops.

The board then proceeded to the consideration of the claim of C. C. Spiller, ordered before it from department headquarters, and hereto annexed marked “Exhibit D” and “Exhibit E.”

The said C. C. Spiller, being called into the room, was asked if he had any objection to any member of the board and replied in the negative. He was also asked if he had any objection to having his claim investigated during the absence of Captain Robinson, to which he replied in the negative.

The board having been previously duly sworn, proceeded to hear the evidence.

C. C. SPILLER sworn:
Live near Chattanooga. Am a farmer. Had 161\frac{1}{2} acres corn last season which would average 60 bushels per acre. I saw United States soldiers gathering said corn at many different times and know that they gathered all of said corn. Had 3 acres of Irish potatoes dug by soldiers; saw them dug. They would average 75 bushels per acre.
Had 3 tons fodder; saw United States soldiers take said fodder, and none was left me. Had 3 tons hay; saw said hay taken by soldiers. Had 10 acres in my corn field planted in beans. Said beans were all taken and the vines fed to stock. Had 20 bushels wheat in an outhouse. Saw soldiers get said wheat and also 20 bushels rye. Have received no pay or vouchers for any article or articles specified in my claim against the United States save a memorandum receipt for 27 loads corn given by S. P. Bradford, lieutenant and regimental quartermaster; 180 bushels corn, signed by T. Hartrauft, forage-master First Division Twentieth A. C.; and for 10 bushels corn, T. Hartrauft; and one for a number of bushels of corn signed by Charles Grant, first lieutenant, Eighteenth Ohio Volunteer Infantry.

Am loyal to the United States Government.

Witness produced certificates as to his loyalty from T. R. Stanley, colonel commanding Engineer brigade. I was for 10 months a captain in the rebel army, in Fifth Tennessee Cavalry Battalion, but was never engaged, although I was on the extreme right at Shiloh. I have never fired on the United States flag nor a Federal soldier. I run the steamer Paint Rock past the rebel guns and the United States used her as a transport when rations were short in Chattanooga, I meanwhile piloting her. I own three-fourths interest in the steamer Paint Rock. I paid for one-half of said boat $3,000.

The United States Government, took possession of said steamer Paint Rock on September 20, 1863, and she has been run constantly since then in the service of the Quartermaster Department, running to Bridgeport, Knoxville, Louden, and intermediate points.

I took the oath of allegiance September 15, 1863, and the amnesty oath June 21, 1864. All expenses of said boat are paid by Government.

M. J. Burnett sworn:
Live near Chattanooga. C. C. Spiller owns the steamer Paint Rock. Said steamer is in the employ of the United States Government. I heard Mr. Spiller contract for one share in said boat, for which he was to pay $3,000. The share, I think, was one-fourth. Mr. Spiller served as captain in the rebel army, and was promoted, I think, to lieutenant colonel. I believe him a loyal man now.

Richard Henderson sworn:
Live in Chattanooga. I understand surveying. I measured Mr. C. C. Spiller's fields at his request. He had something over 160 acres of land which had evidently been planted in corn last season. Mr. C. C. Spiller was for some 10 months a captain in the rebel army and declined a promotion to colonel. He assigned as a reason for leaving the rebel army that he was tired of the service and thought the rebellion gotten up on wrong principles. I know that he owned a large interest in steamer Paint Rock, which is in United States Government employ.

G. W. Rider sworn:
Live in Chattanooga. Am sheriff of Hamilton County, Tenn. I saw United States soldiers gathering corn in Mr. Spiller's fields. Never saw but three or four loads taken. The fields had evidently been thoroughly foraged previous to this time. While I was on Mr. Spiller's premises he missed two milch cows and two yearlings. Soldiers were encamped all around us and I suppose that soldiers got said cattle. Mr. Spiller's land would have averaged 60 bushels per acre of corn. Mr. Spiller while the rebels were in Chattanooga told me that he was glad that he was out of the service and that he intended to remain out. He proposed to aid my son to escape from the rebel conscription. Since leaving the rebel army Mr. Spiller has rendered the Union Army good service in piloting steamers in Government employ, thereby running a risk of his life and liberty. I regard Mr. Spiller as a loyal citizen of the United States Government, and know that he never was in favor of secession.

William Crutchfield sworn:
Live in Chattanooga; am a farmer. Mr. Spiller had on his place over 100 acres of corn; upland and bottom; about half of each. The upland was nearly as good as the bottom. A great deal of said corn was used by Colonel Wilder's and General Wagner's brigade. At first and after the Chickamauga battle the Army camped on his land and I could see soldiers every day bring Mr. Spiller's corn, grain, etc. Mr. Spiller's corn land would average 60 bushels per acre. Know that Mr. Spiller had a large potato patch. He had small grain and fodder on his place, and know that the Army of the Cumberland used said grain and fodder. Know that Mr. Spiller had stock, milch cows, steers, oxen, etc., but do not know their number.

Mr. Spiller owns and has owned for years the larger share of the steamer Paint Rock now in United States Government employ. He has acted as pilot on said boat since
the advent of the United States Army at Chattanooga. He ran the blockade at Lookout Mountain on said boat.

Mr. Spiller became thoroughly disgusted with the rebellion and left the rebel army; having first refused a promotion to lieutenant colonel, from captain.

There was a law that every man should serve 12 months and he served that length of time. All the time that he, Mr. Spiller, was in the rebel army he protected and aided Union citizens. He has warned me of danger, and sent messages to Union men thereby enabling them to save their horses which otherwise would have been stolen.

I think him a good Union man; as good as there are in Tennessee, and know that if he chose he could have betrayed me into the hands of the rebels. He voted against secession.

J. S. Gillespie sworn:

I owned at one time one-eighth share in the steamer Lookout, now Paint Rock. I sold my eighth share to Mr. C. C. Spiller for $300. If I remember rightly, the profits on said boat paid us 100 per cent annually on the money invested. C. C. Spiller owned one-fourth of said boat; purchased my interest, one-eighth, and that of Mr. Williams, one-half, I think. Mr. Spiller is now a Union man, and I know that when he was in the rebel army he was anxious to leave it.

* * * * * * * *

The testimony being all in, the room was cleared and the board proceeded to deliberate thereon.

After due deliberation upon all the evidence adduced the board finds—

First. That the claimant, C. C. Spiller, is loyal to the United States Government, and has been since leaving the rebel army.

Second. That he has owned three-fourths of the steamer Paint Rock before and since the time said boat was taken possession of and employed by United States military authorities, and that in our opinion Mr. C. C. Spiller should be allowed the sum of not exceeding $300 per month for the use of said steamer Paint Rock.

Third. That the said C. C. Spiller has sustained damage in consequence of military occupation to the following amounts:

On account of the Quartermaster Department .............................. $6,915.00

As follows:
1. 9,000 bushels corn, at 75 cents $6,750.00
2. 3 tons fodder, at $20.00 60.00
3. 3 tons hay, at $20.00 60.00
4. 20 bushels wheat, at $1.25 25.00
5. 20 bushels rye, at $1.00 20.00

On account of the commissary department

As follows:
1. 215 bushels potatoes, at 90 cents $193.50
2. 20 bushels beans, at $2.00 40.00
3. 2,000 pounds beef, at 6 cents 120.00

The total amount of said damages being ........................................ 10,118.50

For use of steamer Paint Rock since September 20, 1863, at $300 per month, 9 months and 15 days 2,850

There being no further business the board adjourned to meet next day at 10 o'clock a.m.

Wm. H. Hoyt,
Major, One hundred and thirty-fourth New York Volunteers, President.

C. W. Baker,
Captain, Fourteenth United States Colored Infantry, Recorder.

Headquarters District of the Etowah, Chattanooga, July 5, 1864.

To the President of the Board of Claims, Chattanooga, Tenn.:

I have known Capt. C. C. Spiller, who has a claim before your board, since September last, when he rendered me some service while my command was camped on his plantation. I consider him as loyal to the Government of the United States as any man in Tennessee.

At the commencement of the Rebellion Captain Spiller went into the Confederate service as a captain of cavalry; but even before his term of service expired, I am
ESTATE OF C. C. SPILLER.

informed by some of our best friends, both in Hamilton and Marion Counties, he deeply regretted the step he had taken, and, at the expiration of his term of service, refused to remain although promotion was offered him. Since I have known him, he has done everything in his power to aid the Union cause, jeopardizing his life and property in our service.

I regard him as entitled to the confidence and full protection of the Government of the United States as a loyal American citizen.

With respect,

JAMES B. STEEDMAN,
Major General Commanding.

CHATTANOOGA, March 12, 1864.

GENERAL: On the 19th of September, 1863, the Federal Government took possession of the steamboat Paint Rock, in which I own three-fourths. She has been in possession of the Federal Government since that date. I am a loyal citizen, living upon my farm, 1 mile from Chattanooga, upon the north bank of the Tennessee River. I have been piloting the boat since September last, and am still engaged as pilot on the Paint Rock. I now most respectfully ask that compensation be allowed me for her services. I desire to continue the boat in the service of the Quartermaster's Department, and under the direction of the military authorities, and on terms fair and equitable.

I can establish the fullest indorsement of my loyalty to the Government of the United States, and most respectfully ask the commanding general to do me the fullest justice.

I am, General, with much respect,

Your obedient servant,

C. C. SPILLER.

Brigadier General WHIPPLE,
Assistant Adjutant General Army of the Cumberland.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, March 21, 1864.

Subject: Spiller.

Respectfully returned to Mr. Spiller, who will appear before the board of claims in session at this place. The board will take such action as will secure Mr. Spiller his just rights.

By command of Major General Thomas.

SOUTHARD HOFFMAN,
Major and Assistant Adjutant General.

WAR DEPARTMENT,
QUARTERMASTER GENERAL’S OFFICE,
Washington, June 19, 1902.

M. I. LUDINGTON,
Quartermaster General, United States Army.

[Indorsements.]

ESTATE OF C. C. SPILLER.

CHATTANOOGA, TENN., July 5, 1865.

To whom it may concern:

The bearer of this note, Capt. C. C. Spiller, has been in the service of the United States for two years last past, in running steamboats on the Tennessee River. He is a loyal citizen, an upright honest man, worthy the confidence and respect of all with whom he may meet. I commend him to the kindness of officers of the Government.

JAMES B. STEEDMAN,
Major General.

[Indorsements.]


HEADQUARTERS DEPARTMENT OF THE CUMBERLAND, 1865.

Indorsement on communication from C. C. Spiller, owner of steamer Paint Rock, dated Chattanooga, February 20, 1865, stating facts as to the seizure of his boat by the United States and asks relief.

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Nashville, March 30, 1865.

Respectfully forwarded to the Secretary of War through Quartermaster General. Recommended. Captain Spiller has rendered valuable services to the Government since the occupation of Chattanooga by our forces, both as master of the Paint Rock and also as pilot on the upper Tennessee.

GEORGE H. THOMAS,
Major General, United States Army, Commanding.

OFICIAL COPY:

GEORGE W. HOWARD,
Assistant Adjutant General.

[Indorsements.]


STATE OF TENNESSEE,
Hamilton County:

I, R. H. Guthrie, clerk of the county court of said county, do hereby certify that C. C. Spiller, who is loyal to the United States Government, falls within the provisions of section 1 of an act entitled “An act to limit the elective franchise,” passed June 5, 1865, and is therefore a qualified voter of said county.

Given under my hand, at office, the 12th day of July, 1865.

[Seal.]

R. H. GUTHRIE,
Clerk.

By C. W. VINSING,
Deputy Clerk.

[Indorsements.]


[Senate Document No. 173, Fifty-ninth Congress, second session.]

COURT OF CLAIMS, CLERK'S OFFICE,

Sir: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by resolution of the United States Senate under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

HON. CHARLES W. FAIRBANKS,
President of the Senate.
ESTATE OF C. C. SPILLER.


STATEMENT OF CASE.

The following bill was referred to the court on the 19th day of March, 1902, by resolution of the United States Senate under the act of March 3, 1887, known as the Tucker Act:

"A BILL For the relief of the executor or administrator of the estate of C. C. Spiller, deceased.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the executor or administrator of the estate of C. C. Spiller, deceased, the sum of ten thousand dollars, in full payment and satisfaction for wood, lumber, and timber taken by the United States Government from the land belonging to the said C. C. Spiller, in the State of Tennessee, and used by the United States Government in constructing bridges and warehouses and for other necessary purposes in the years eighteen hundred and sixty-two, eighteen hundred and sixty-three, and eighteen hundred and sixty-four, during the war for the restoration of the Union; and also to pay to the said executor or administrator the further sum of eight thousand dollars for stores and supplies belonging to the said C. C. Spiller, in said State, and taken and used by the Army of the United States during the aforesaid years; and also to pay to said executor or administrator the further sum of twelve thousand dollars, in full payment and satisfaction for the services of said C. C. Spiller in his employment by the United States Government as captain of the steamboat known as Paint Rock, and for the said steamboat, the property of said C. C. Spiller, appropriated and used by the said United States Government between Chattanooga, Tennessee, and Decatur, Alabama, from the time it was so taken, in eighteen hundred and sixty-three, until the close of the said war, which said steamboat was wholly lost to the said Spiller while in the said Government service."

The claimant appeared and filed his petition in this court on the 21st day of April, 1902, alleging, in substance, that he is a citizen of the United States, and as to the loyalty of C. C. Spiller, deceased, from whom the property was taken, or to whom the claims accrued, he alleges in the petition, as follows:

"That the claimant's decedent, C. C. Spiller, from whom the said property was taken and received, was loyal to the United States Government throughout the war for the suppression of the rebellion, unless his conduct for ten months, during which time he served in the rebel army under peculiar circumstances, but was never engaged in battle and never fired on the United States flag or Union soldiers, shall be regarded as disloyal."

That during said war the United States forces, by proper authority, for the use of the Army, in Hamilton County, State of Tennessee, took from said decedent the following property:

170 acres of corn, averaging 60 bushels to the acre, 10,200 bushels, at 75 cents per bushel ................ $7,650
Fodder, shucks, beans, and pumpkins .................. 510
3 tons of hay, at $30 per ton .................. 90
10 acres of beans .................................................. 500
3 acres of Irish potatoes, at $75 .................. 225
2 acres of sugar cane ........................................ 100
20 bushels of wheat ........................................ 40
20 bushels of rye ........................................ 30
2 large oxen, fat ........................................ 100
2 milch cows, at $50 ........................................ 60
2 yearlings, at $15 ........................................ 30
1 new 4-horse wagon and harness .................. 150
1 ox cart .................................................. 75
1 horse cart and harness .................. 75
1 No. 1 mule .................................................. 200
3 houses pulled down ........................................ 300
1 4-horse plow ........................................ 15
3 2-horse plows, new ........................................ 30
3 2-horse plows, half worn .................................... 15
8 1-horse plows ........................................ 64
8 bull-tongue plows ........................................ 24
ESTATE OF C. C. SPILLER.

4 shovel plows .................................................. $16
Trace chains, stretchers, log chains, double and single trees ........... 20
12 axes and 12 hoes ............................................. 10
1 broadax, $3; 1 crosscut saw, $8 .............................. 11
1 grindstone .................................................. 5
1 full set of blacksmith tools, bellows, vice, anvil, plane, and dies ... 100
1 set of carpenter’s tools ....................................... 20
300 pounds of iron ............................................. 30

Total ............................................................... 10,515

That the United States Government, by its proper officers and authorities, whose names are not known to the claimant, took and used the steamboat Paint Rock, three-fourths of which was owned by said C. C. Spiller, deceased, as a transport in the Quartermaster’s Department at Chattanooga, Tenn., and for other purposes, from the 19th day of September, 1863, to the close of the war; that said C. C. Spiller, deceased, was employed by the United States Government as captain and pilot of said steamboat during said time; that the said services of the decedent and the use of the steamboat Paint Rock were worth $50 per day for at least a period of two hundred and eighty-two days, making a total of $14,100, three-fourths of which is $10,500; that the steamboat Paint Rock was never returned to the said C. C. Spiller or the other owners by the Government, but was disposed of or lost by the Government; that the value of said steamboat was $12,000, three-fourths of which is $9,000; that the claimant says he is entitled to recover for his decedent on account of his services as captain or pilot and for the use of his steamboat the sum of $10,500, and for the value of his part of the said steamboat the sum of $9,000, making in all $19,500.

The case brought to a hearing on loyalty and merits on the 20th day of December, 1904.

George C. Hazelton, Esq., appeared for the claimant, and the Attorney General, by W. W. Scott, Esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The court, upon the evidence and after considering the briefs and arguments of counsel on both sides, makes the following

FINDINGS OF FACT.

I. During the war for the suppression of the rebellion the claimant’s decedent, C. C. Spiller, the person from whom the property is alleged to have been taken, was not loyal to the Government of the United States.

II. During the war for the suppression of the rebellion there was taken by the military forces of the United States, for the use of the Army, property of the character and kind described in the petition, then and there reasonably worth the sum of seven thousand four hundred dollars ($7,400).

In addition thereto there was taken and used by the United States a small steamboat, known as the Paint Rock, for the period of about seven months, and while in the possession of the United States said boat was accidentally destroyed. The reasonable charter value of said boat, together with the destruction thereof, was twelve thousand dollars ($12,000), of which the claimant herein was the owner of two-thirds, making in all in claimant’s favor the sum of fifteen thousand four hundred dollars ($15,400), for which no payment appears to have been made.

III. It does not appear that said claim was ever presented to any officer or department of the Government prior to its presentation to Congress and reference to this court as aforesaid, nor is any evidence offered by the claimant bearing upon the question whether there has been delay or laches in presenting such claim and any facts bearing upon the question whether the bar or any statute of limitation should be removed or which shall be claimed to excuse the claimant for not having resorted to any established legal remedy.

Filed December 24, 1906.

A true copy.

Test this 28th day of December, 1906.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.