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

REPORT

[To accompany S. 102]

The Committee on Claims, to whom was referred the bill (S. 102) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.


The facts are fully set forth in Senate Report No. 86, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[Senate Report No. 86, Sixty-eighth Congress, first session]

The Committee on Claims, to whom was referred the bill (S. 85) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, 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. 170, Sixty-seventh Congress, first session, which is appended hereto and made a part of this report.

[Senate Report No. 170, Sixty-seventh Congress, first session]

The Committee on Claims, to whom was referred the bill (S. 1022) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, 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. 117, Sixty-sixth 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. 2453) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, having had the same under consideration, report thereon with a recommendation that the bill do pass.

The facts in the case are fully set forth in Senate Report No. 707, Sixty-fifth Congress, third session, which is appended hereto and made a part of this report.

The Committee on Claims, to whom was referred the bill (S. 4864) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy, having considered the same, report thereon with the recommendation that the bill do pass.

The facts in the case are fully set forth in Senate Report No. 985, Sixty-first Congress, third session, which is appended hereto and made a part of this report.

The Committee on Claims, to whom was referred the bill (S. 10141) to carry into effect the findings of the Court of Claims in the claim of Elizabeth B. Eddy, have given the same a careful consideration and beg leave to submit a report, with the recommendation that the bill pass when amended as follows:

"That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Elizabeth B. Eddy, widow of Charles G. Eddy, of New York, New York, the sum of six hundred and two dollars and ninety-two cents, and the said sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes of this act."

Senate Document No. 90, Sixtieth Congress, first session, containing the findings of the Court of Claims in the case of Elizabeth B. Eddy, widow of Charles, deceased, v. The United States, is adopted and made a part of this report, as follows:

COURT OF CLAIMS, CLERK’S OFFICE,
Washington, December 10, 1907.

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 the 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.

This is a claim for the difference in pay of a private of Infantry and a telegraph operator for the period of one year two months and four days during the war for the suppression of the rebellion. On the 26th day of April, 1904, the United States Senate, by resolution, referred to the court under the provisions of the act of March 3, 1887, a bill in the following words:
"[S. 750, Fifty-eighth Congress, first session]

A BILL For the relief of Elizabeth B. Eddy

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to Elizabeth B. Eddy, of New York City, New York, out of any money in the Treasury not otherwise appropriated, the sum of one thousand two hundred and thirty dollars and eighty cents, being the difference in the pay of a private of Infantry and a telegraph operator for one year two months and four days; said Eddy, when a sergeant, having been detailed for telegraph service on December twenty-third, eighteen hundred and sixty-two, having been, by reason of his absence from his regiment on this detail, reduced to the rank of private and deprived of the opportunity for promotion, and having from the date of his detail until February twenty-sixth, eighteen hundred and sixty-four, performed telegraph duty with only the pay of a private."

The claimant appeared in this court on the 8th day of June, 1904, and filed her petition, in which it is substantially averred—

That she is a citizen of the United States and a resident of the city of New York, State of New York, and is the widow of Charles G. Eddy, who died at Chicago, Ill., August 4, 1893.

That Charles G. Eddy enlisted as a private in Company A, Twenty-fourth Regiment Wisconsin Infantry, July 26, 1862. That on December 23, 1862, he was detailed as a telegraph operator by order of Gen. A. D. McCook for duty at his headquarters; that he served on said detail until June 14, 1863, when he was directed by Special Field Orders, No. 192, from headquarters of Gen. Rosecrans, to report to Capt. J. C. Van Duzer for service in the United States Military Telegraph Corps. That on February 26, 1864, he was furloughed by Special Order No. 93 of the War Department to enable him to enter the service of the United States Military Telegraph Corps, and that from and after February 26, 1864, he was carried on the rolls of civilian's pay at $100 per month. That during the period from December 23, 1862, to February 26, 1864, he performed the duties of a telegraph operator and was only paid the pay of a private at $13 per month, and that there is due the claimant the difference between the pay of a private at $13 per month and $100 per month, the compensation paid to telegraph operators during said period amounting to $1,230.80. That said decedent, Charles G. Eddy, was during the late War of the Rebellion loyal to the Government of the United States. That the claim was presented to the accounting officers of the Treasury Department and was disallowed on the ground that there was no law under which the claim could be adjudicated by said officers; that said claim was thereafter presented to Congress and was by it referred to the court as aforesaid. That claimant is the sole owner of the claim and the only person interested therein, and that no assignment of same or any part thereof or interest therein has been made. The case was brought to a hearing on loyalty and merits on the 7th day of November, 1907.

Lyon & Lyon appeared for the claimant, and the Attorney General, by W. H. Lamar, Esq., his assistant and under his direction, appeared for the defense of 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. Claimant's decedent, Charles G. Eddy, upon whose service this claim is based, was loyal to the United States, he having served in the military service of the United States from July 26, 1862, until the close of the War of the Rebellion.

II. Said decedent was enrolled in the military service of the United States for three years on the 26th day of July, 1862, at Milwaukee, Wis., and was mustered into said service as sergeant, Company A, Twenty-Fourth Wisconsin Infantry, on August 15, 1862. On December 22, 1862, he was detailed as telegraph operator at the headquarters of Gen. A. D. McCook, and served under said detail from December 28, 1862, until June 14, 1863, when the following order was issued:
ELIZABETH B. EDDY

[Extract]

Special Field Orders
No. 192

HEADQUARTERS
DEPARTMENT OF THE CUMBERLAND,
Tullahoma, Tenn., June 14, 1863.

* * * * * * *


By command of Maj. Gen. Rosecrans:

H. Thrall,
Captain and Assistant Adjutant General.

While serving under said last-mentioned detail the following order was issued:

[Extract]

Special Orders
WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, February 26, 1864.

35. The following enlisted men will be furloughed without pay or emoluments until further orders, to enable them to enter the service of the United States Military Telegraph Corps. They will be borne on their company rolls as on furlough. Sergt. Charles G. Eddy, Company A, Twenty-fourth Wisconsin Volunteers.

By order of the Secretary of War:

W. A. Nichols,
Assistant Adjutant General.

III. Said Charles G. Eddy was carried on the pay rolls of the Quartermaster General's Department of civilian employees of the United States Military Telegraph Service for the months of January, February, and March, 1864, at $70 per month; for the months of April, May, and June at $80 per month; and from July, 1864, to May 31, 1865, at $100 per month, a total of $1,550, and he receipted to various assistant quartermasters for the payments to him of said amounts.

It does not appear that said Charles G. Eddy received any pay for services as a telegraph operator for any time prior to January 1, 1864.

IV. No general or special orders were issued by the War Department during the Civil War relative to the granting of furloughs to enlisted men to enable them to be employed in the United States Military Telegraph Service on the civilian rolls prior to October 30, 1863.

V. Said Charles G. Eddy was reduced to private September 1, 1864, and was mustered out with his company June 22, 1865. Including a net overpayment of $5.93, he has been paid by Army paymasters the pay and clothing pay of a sergeant from July 26, 1862, to August 31, 1864, and of a private from September 1, 1864, to June 22, 1865, and $200 bounty under the acts of July 22, 1861, and July 28, 1866.

VI. The salaries paid to civilian employees of the United States Military Telegraph Service in the Department of the Cumberland during the months of January of the years 1862, 1863, and 1864 varied from $15 per month to $100 per month, as follows: $15, $20, $27, $30, $33, $37, $38, $40, $47, $50, $55, $58.20 ($1.94 per day), $60, $65, $70, $75, $76, $80, and $100 per month.

VII. The difference between the pay of a telegraph operator for the period from December 23, 1862, to December 31, 1863, inclusive, at $70 per month, the rate allowed said Charles G. Eddy during the first three months of his service as civilian employee of the United States Military Telegraph Service, as shown in Finding III, and the pay and clothing pay received by him as sergeant during said period is six hundred and two dollars and ninety-two cents ($602.92), after deducting the overpayment of $5.93 as aforesaid.

VIII. The claim herein was duly presented to the accounting officers of the Treasury Department, but by them disallowed April 30, 1896, on the ground that they found nothing due the claimant's decedent under existing law.

BY THE COURT.

Filed the 2d day of December, 1907.
A true copy:
Test this 5th day of December, A. D. 1907.

[Seal.]

John Randolph,
Assistant Clerk Court of Claims.