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John McCartney.

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### Recommended Citation

H.R. Rep. No. 976, 25th Cong., 2nd Sess. (1838)

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JOHN McCARTNEY.

[To accompany bill S. No. 60.]

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JUNE 12, 1838.

Read, and with the bill, committed to a Committee of the Whole House to-morrow.

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Mr. E. WHITTLESEY, from the Committee of Claims, made the following

### REPORT :

*The Committee of Claims, to whom was referred a bill from the Senate (No. 60) for the relief of John McCartney, report :*

That this claim has been reported against by this committee at the periods following, to wit: At the 2d session of the 16th Congress, book 5, page 8; at the 1st session of the 23d Congress, vol. 3, report 433; and at the 1st session of the 24th Congress, vol. 2, report 530.

The Committee on Indian Affairs of the House of Representatives, at the 1st session of the 19th Congress, reported a bill, that passed the House of Representatives; but it was reported against by Mr. Cobb, a member of the Senate, on the 26th of December, 1826.

Bills have since passed the Senate, which have been arrested in the House, at the times mentioned.

The principles that have controlled this committee are contained in their reports, and in the report of Mr. Cobb, a member of the Committee of Claims, in the Senate, which are referred to in the 2d vol. rep. 530, 1st session of the 24th Congress. In addition to what is set forth in said reports, it may be remarked that the petitioner has never attempted to prove that he did not obtain pay from the marshal, nor that he might not have obtained the money for which said cattle were sold.

No money, in this case, was paid into the Treasury. On the principle of refunding forfeitures, the money actually paid into the Treasury is only refunded. If Congress shall allow this claim, then provision should be made to liquidate all damages the citizens have sustained by the illegal seizures of custom-house and other officers. If legislation stops short of this, it will be inconsistent. No one can be found to sanction a position so monstrous; and yet a single act is permitted to be passed, without notice, containing the principle that the United States are bound to remunerate a loss occasioned by the illegal and unwarrantable act of one of their officers. This committee dissent from that principle, and submit the following resolution:

*Resolved*, That the bill from the Senate (No. 60) for the relief of John McCartney, ought not to pass.