

LOOMIS & GAY.

[To accompany Senate bill No. 134.]

MARCH 2, 1837.

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

REPORT:

The Committee of Claims, to which was referred the bill from the Senate for the relief of Walter Loomis and Abel Gay, report:

That at the last session of Congress an act was passed for the relief of Loomis & Gay, and authorized the Secretary of the Treasury to settle their accounts on the principles of equity, so far as they are the original contractors for making the Cumberland road, and to pay any balance that may be found due, provided that said balance should not exceed forty-one dollars and seventy-one cents.

Loomis & Gay were contractors for making a part of the Cumberland road east of the Ohio river. According to the measurement of Josias Thompson, superintendent of that part of said road, they were entitled, for mason work, to the sum of \$4,125. Complaints having been made that Thompson's measurement was not to be relied on, the Secretary of the Treasury appointed Messrs. Lacock, McGiffin, and Beard, to re-measure said work. This was after the road was completed, and when much of the work was buried many feet under the earth. When the commissioners made their report, they reduced the sum from \$4,125 to \$2,845 86, which left a balance against them of \$1,279 14. This balance stood against Loomis & Gay, without their knowledge, for many years. Being notified of this balance, they presented their case to Congress. On examination, it was ascertained that Mr. Crawford, while he was Secretary of the Treasury, found a balance in favor of the claimants, according to Mr. Thompson's measurement, of \$41 71.

The committee, in this case, and in others relative to work done on the Cumberland road east of the Ohio, obtained information from the Treasury Department as to the allowance that had been made to contractors under special acts, and they found that allowances had been made in violation of principles well established by Congress; and it was for this, among other reasons, why the bill for the relief of Loomis & Gay was restricted to an allowance not exceeding the aforesaid sum of \$41 71. If they have any further claims which come within the principles established by Congress in similar cases, they should present them, with proof to sustain them, and have the specific decision of Congress on them. As the case is now presented, the committee recommend that the following resolution be adopted:

Resolved, That the bill from the Senate for the relief of Loomis & Gay do not pass.

