IN SENATE OF THE UNITED STATES.

March 5, 1840.
Submitted, and ordered to be printed.

Mr. Hubbard made the following

REPORT:

The Committee of Claims, to whom was referred the memorial of William McMahon, report:

That the claim of the petitioner is for the use of his house in Cumberland, in the State of Maryland, in 1794, by General Henry Lee, who was then commander-in-chief of the militia there assembling for the purpose of suppressing the insurrection in western Pennsylvania. It is stated by the memorialist that the General and his staff occupied his house, &c., as their head-quarters. The memorialist also states that he was requested, at the time, by the quartermaster, to make out his account for the occupation, &c.; which he declined doing. This is the first appearance of this claim, as far as the committee have been able to ascertain. And if the memorialist considered himself so much honored at the time, by the company of the General and his staff, as to decline making any charge against the United States for the use of his buildings, the committee cannot perceive that the claimant, after a lapse of nearly fifty years, can, with much justice, elect now to give a different character to the transaction. Whether the claimant did, or did not, intend to waive all claim for compensation for the use of the buildings, the committee do not consider themselves called upon to decide. The claim is not supported by such evidence as should entitle it to a favorable consideration. Every presumption against the justice of the claim may fairly be made, and the petitioner should remove every possible doubt. If there was a contract for the use of his buildings at the time, by General Lee and his officers, that contract should be distinctly proved. If no such contract was made, the character and extent of the occupation should be proved fully by some of the officers then attached to General Lee's command. And if there is any reason why the claim was not cancelled at the time, that fact ought to be well substantiated by the testimony of the quartermaster, if living, or of some other officer then present. The committee are of the opinion that there is no merit in the claim, and recommend the adoption of the following resolution:

Resolved, That the prayer of the memorialist ought to be rejected.

Blair & Rives, printers.

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