

To the second inquiry, I have the honor to submit the following remarks:

The increase of postages on newspapers is in a greater ratio than that on letters; and the increase of postages of every description is in a ratio considerably beyond that of the population and business of the country. This greater ratio of increase has resulted from the greatly increased facilities which have been given to communications by mail. Having perceived, at an early day, the propriety and necessity of making such improvements in some of the leading mail routes as would be calculated to draw every kind of communication, as much as possible, into the mails, and would thus increase the revenue to a greater amount than the increased expenditure required for such improvements, my attention has been constantly directed to this object. The propriety of the course adopted has been justified by the results; the improvements having called for a considerable expense, while they have increased the revenue beyond their cost. But if improvements shall now cease to be made, the ratio of increase of revenue will be necessarily diminished.

If the progress of improvement shall continue, the gross amount of postage on newspapers and pamphlets for the year ending the 30th June, 1832, may be fairly estimated at \$249,000; and the nett revenue at \$125,000.

If the postage shall be abolished on newspapers and pamphlets, it will not materially diminish the labor of postmasters; and as their compensation, generally, does not now exceed a fair equivalent for their labor, they would probably solicit an increase of commission on letter postage. Should this be granted, the diminution of the means for carrying on the operations of the Department, and for that progress of improvements which the country demands, would consequently be \$249,000, for the first year, with the loss of its progressive increase from year to year. But if the postmasters should be denied an increase of commission to countervail the loss which they will sustain in being deprived of this part of their compensation, then the immediate diminution of nett revenue to the Department would amount to about \$125,000 a year. There must also be estimated the increased expense of transporting the mail, incurred by the additional weight which would be given to it in many sections of the country, in becoming the medium for conveying the newspapers which are now transported by other means, and by the greater number of papers which would be distributed, the expense of which could neither be anticipated nor computed.

Should the measure be adopted, it would, of necessity, give an immediate check to all further improvement in mail facilities, and require a curtailment of some that are already afforded. And in order to preserve the rapidity and certainty of communication now secured between the large commercial towns, so important to the great interests of the country, it will probably become necessary to provide for separating the newspaper from the letter mail.

The Post Office Department has always sustained itself without any expense to the treasury. Besides the conveniences which it extends to every section of the Union, it furnishes the means to all the departments of the Government for transmitting its communications to all parts of the country free from expense. On its present basis, it can be conducted securely. Its operations, its revenues, and its expenses, are held up to public view; and the head of the Department has, at all times, the strongest inducement, which a proper estimate of public sentiment can present, to manage its concerns with the strictest regard to economy, combined with the greatest degree of public convenience allowed by the means at his command. But should it ever be thrown on the treasury for support, it is evident that the same corrective restraint would not exist, either upon the representatives of the people, through whom the calls are generally made, or upon the head of the Department.

I have no hesitation in giving the opinion that the establishment ought, at all times, and under all circumstances, to rest on its own resources, independent of the national treasury.

Newspapers and periodicals are held to be of inestimable value to the community, though it has not yet been considered the duty of the Government to distribute them through the nation entirely at the public expense. The freedom of the press, guarantied by the constitution, and the small share of postage with which these publications are charged, compared with the whole expense of their transportation, demonstrate the estimation in which they are held. If they shall be transmitted entirely free of postage, and an equivalent amount appropriated from the treasury, their transmission will be at the expense of the Government; or, if the Department shall still depend upon its own resources alone, then their transmission will be at the expense of those who pay the revenue in postages on letters.

From the preceding view of facts, the committee will judge of the policy or justice of adopting either of the alternatives stated, and how far the energies of the Department would be impaired by abstracting from it the revenue derived from newspapers and pamphlets, and, at the same time, adding to its charges the increased number which it would be required to transport.

I have the honor to be, very respectfully, your obedient servant,

W. T. BARRY.

HON. WILLIAM RUSSEL, *of the Committee on the Post Office and Post Roads, H. R.*

DEFAULTING DEPUTY POSTMASTER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 24, 1832.

Mr. JEWETT, from the Committee on the Post Offices and Post Roads, to whom was referred the petition of William McBride, made the following report:

That the petitioner sets forth in his petition, among other things, that on the 17th January, 1806, he was appointed postmaster at Harrodsburgh, in the State of Kentucky, and continued in that office until the 1st of January, 1813: that he endeavored, during that time, to discharge the trust reposed in him with fidelity, and duly transmitted his accounts to the General Post Office, and avers them to have been correct: that he had considered himself by no means in arrears to the Government; and was greatly disappointed in receiving from the Postmaster General a statement which varied from his account so rendered to an amount of about \$108 45.

That, long before he declined his office, the Post Office Department drew in favor of one James Westerfield two bills on the petitioner, amounting to \$145, which the petitioner avers that he accepted; and, in consequence of such acceptance, the petitioner (who was a retailer of merchandise, &c.) permitted Westerfield to take up goods, and suffered other demands which the petitioner had against him to lie, and also paid some money to Westerfield to a larger amount than those bills, and postponed a settlement with him, he having confidence in Westerfield, and being conscious that the Government was under no responsibility to Westerfield upon said drafts, by reason of their having been retained by Westerfield many years: that a difficulty occurred between the petitioner and Westerfield in regard to their dealings, inasmuch that they could not come to any settlement: that they made an ineffectual attempt to adjust their differences by a reference: that, before any difficulty occurred, the statute of limitations operated on the petitioner's accounts, and he was satisfied that Westerfield's disposition was such that he would avail himself of the benefit of the statute: that his advances to Westerfield are lost to him, unless allowed to him: that the Government finally sued him to recover the amount claimed to be due from him to the Post Office Depart-

ment, including the amount for which said drafts had been drawn, and recovered a judgment therefor; that he made no defence to the action, by reason of being misinformed as to the time of the sitting of the court in which the suit was pending; and prays relief from the judgment.

The petition was presented to the House of Representatives on the 10th of February, 1818; was not acted upon, and has been presented several times since.

The petitioner produced to the committee evidence that he paid to the attorney of the Government for the Kentucky district, on the 30th May, 1818, the full amount of the judgment recovered against him, amounting to the sum of \$336 04, including costs. He has also produced several affidavits to the committee tending to prove the following facts, to wit:

That James Westerfield was the mail carrier in the district of country in which the petitioner was postmaster; that he had drafts drawn by the Postmaster General in his favor on McBride in the year of 1811 or 1812: that McBride was a merchant, and one Hard was his partner, in 1809 and 1810, and had a store account on book against Westerfield, amounting to £14 16s. 8d.; that McBride and Hard dissolved their partnership; that McBride continued the business alone; that Westerfield continued to trade, and opened an account with McBride; that, in the fall of 1810, McBride sold Westerfield a horse at the price of \$30 or \$35, and also a saddle; that it was the understanding between them that Westerfield should have a credit at McBride's store, to be settled and paid by drafts, to be obtained by him from the Postmaster General, on McBride; that, from the books of McBride, there appears to be a balance against Westerfield of £54 0s. 1¼d., and an entry in McBride's book, and in his handwriting, without date, opposite the account, "to be credited by drafts in the hands of Westerfield;" that the balance of McBride and Hard's account against Westerfield, as appears by their book, is £14 16s. 8d.; that Westerfield was dissatisfied with the accounts of McBride; that, after the judgment was obtained and collected, the Postmaster General paid Westerfield his demand out of that money.

The facts alleged in the petition, and attempted to be proved, admitting them to be fully proved, present two subjects for the consideration of the committee: 1st. In regard to the sum of \$108 45, claimed to have been recovered and received by the Postmaster General, by means of an erroneous statement of the account between the petitioner and the Post Office Department, the committee are of opinion that the petitioner has failed to furnish evidence that such error ever existed. 2d. In regard to the propriety of the conduct of the Postmaster General in suing and recovering from McBride, and paying to Westerfield, the amount of the two drafts, amounting to \$145.

The main reason urged by the petitioner against the conduct of the Postmaster General is, that the Government, by reason of the great delay which Westerfield had suffered in not returning the drafts protested, was legally discharged from all liability to Westerfield for the amount of the drafts; and that, therefore, the Postmaster General, representing the Government in this matter, was a volunteer in the unjust collection of that amount from the petitioner, to put into Westerfield's pocket, when he (Westerfield) was indebted to him in a sum equal, if not greater, than the amount of the drafts; and that justice required that Westerfield should have consented to the application of the drafts in the payment of so much of the demands of the petitioner against Westerfield. The committee do not deem it important either to affirm or deny the equity claimed as between the petitioner and Westerfield; but they do deny that it was the business of the Postmaster General to settle and adjust the private dealings and disputes between the petitioner and Westerfield. It was the duty of the Postmaster General as well to compel payment of the balance due from the petitioner at the close of his office, as also to pay Westerfield any balance that was due to him as the carrier of the mail; and that the returning of the drafts by Westerfield to the Department furnished sufficient evidence of their protest and non-payment to authorize the Postmaster General to consider them unpaid, and to institute legal proceedings against McBride for the collection of the amount; and that it did not become the Postmaster General, at his peril, to ascertain whether any, and what, equitable claims McBride might have had against Westerfield, arising in consequence of his having had such drafts: that if the petitioner has, or shall finally suffer a loss of the amount of his account against Westerfield, it is properly chargeable to his careless manner of transacting his own business, and not to the Government, and for which the Government is in no way responsible.

The committee, therefore, report against granting the prayer of the petitioner.

22d CONGRESS.]

No. 115.

[1st SESSION.]

A DEPUTY; POSTMASTER, WHO WAS PROSECUTED AND CONVICTED OF A LIBEL, ASKS REIMBURSEMENT OF DAMAGES AND COSTS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1832.

Mr. CHARLES C. JOHNSTON made the following report:

The Committee on Post Offices and Post Roads, to whom was referred the petition of John Trafton, have examined the same, and report thereon:

That the petitioner states in his petition that he now is, and has been for ten years last past, postmaster at Emery's Mills, in the county of York, in the State of Maine; that, in the summer of 1828, a certain Samuel Batchelder contracted with the Post Office Department to transport the mail on route No. 563, including the post office of which the petitioner was postmaster. That the petitioner, knowing the said Samuel Batchelder to be subject to fits and intemperate in his habits, and not fit to be trusted with the conveyance of the mail; and believing himself required by his duty as postmaster, under the twenty-first section of the eighteenth instruction from the Post Office Department, dated March 11, 1828, to make a representation of the character and habits of the said contractor Batchelder, he, with others, made such a representation of the character and habits of the said Batchelder as induced the Postmaster General to deprive the said Batchelder of his contract for transporting the mail.

That the said Batchelder afterwards brought an action against the petitioner for a false and scandalous libel for his making the said communication to the Post Office Department; and that, after various proceedings in the court of common pleas for the county of York aforesaid, in which court the action had been brought, the cause was taken up by appeal to the supreme judicial court of the State of Maine, where, after a full examination and argument, a verdict and judgment was rendered against the petitioner for the sum of \$125 damages and \$170 41 costs. The petitioner states that his costs, expended by him in his defence, amounted to \$382 72.

The petitioner prays that an act may pass, refunding to him the amount of the damages and costs of the said action, averring that he has paid up the full amount thereof, and that he has incurred this heavy loss by a discharge of his duty as postmaster.

Your committee deem it altogether unnecessary to examine the question how far the Government is bound to reimburse a public officer for damages recovered against him by individuals, for acts done by him under the authority of the Government, or in the discharge of his ordinary duties. This case involves no such inquiry, for it sufficiently