

[21st CONGRESS.]

No. 80.

[1st SESSION.]

## SURETIES OF A DEFAULTING DEPUTY POSTMASTER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 25, 1830.

Mr. JOHNSON, of Kentucky, from the Committee on the Post Office and Post Roads, to whom was referred the memorial of Isaiah Townsend, Peter Dox, and Gerrit La Grange, sureties of Gerrit L. Dox, reported:

That, upon a careful examination of the case, the committee are of opinion that relief ought to be granted to said petitioners, to the amount of \$1,578 50, and report a bill accordingly. And the committee refer to the memorial of said petitioners, and to the report of the Postmaster General, marked A and B, and make them a part of this report.

## A.

*To the honorable the Senate and House of Representatives of the United States in Congress assembled: The petition of Isaiah Townsend, of the city of Albany, in the State of New York, respectfully represents:*

That, on or about the 1st day of January, in the year of our Lord 1816, one Gerrit L. Dox, as principal, together with Peter Dox, Gerrit La Grange, and your petitioner, as sureties, executed a bond to the Postmaster General of the United States, in the penal sum of \$6,000, with a condition thereunder written, that if the said Gerrit L. Dox should well and truly perform the duties of his office as postmaster, at the city of Albany, the said bond or obligation should be void. That the said Gerrit L. Dox was not in fact appointed postmaster by a regular commission, but acted as such under a letter from the Postmaster General authorizing him so to do. That the said Gerrit L. Dox continued to act as such postmaster about six months. That one Peter P. Dox, a brother of the said Gerrit L. Dox, had been appointed postmaster at said city on or about the 1st day of January, 1815; and that he continued in such office until some time in the month of November, 1815, when he died, leaving his brother, the said Gerrit L. Dox, in charge of said office, who continued in such charge until the 1st day of January following, when he was directed to act as postmaster, as hereinbefore stated. That, as your petitioner is informed, and believes to be true, the said Peter P. Dox was, at the time of his death, in arrear and indebted to the United States in a considerable amount for postages received by him, while such postmaster as aforesaid. That while the said Gerrit L. Dox acted as postmaster, as aforesaid, he actually paid over, or accounted for, to the Postmaster General, moneys equal in amount to all the postages received by him during the time he continued to act as aforesaid; but that the moneys so paid by the said Gerrit L. Dox were, through mistake, inadvertence, or from some other cause, without the knowledge or consent of your petitioner, applied to the discharge of the debt due from the said Peter P. Dox, instead of being applied, as ought to have been done, to his (the said Gerrit's) own account; by means whereof the real defalcation of the said Peter P. Dox was shifted from him and his sureties to the said Gerrit L. Dox and his sureties, to the manifest wrong and injury of your petitioner.

Your petitioner further represents that suits at law having been instituted in the court of the United States for the northern district of New York, by the Postmaster General, against the sureties of the said Peter P. Dox, and also against the said Gerrit L. Dox and his sureties, to recover what was claimed to be in arrear and unaccounted for, some of the vouchers or evidences of payment so made by the said Gerrit L. Dox, out of moneys actually received by him as postmaster as aforesaid, after the death of said Peter, were, on the trial of said suit against the sureties of the said Peter, without the knowledge or consent of your petitioner, wrongfully applied to defeat said suit, and the said suit was thereby defeated, as your petitioner is informed and believes. Whereupon, the suit commenced by the Postmaster General against the said Gerrit L. Dox and his sureties, of whom your petitioner is one, as hereinbefore stated, having been brought to trial, the aforesaid vouchers, which had been wrongfully used as aforesaid on the trial of the former suit, were offered as evidence of payment in the said suit against your petitioner and others; but they were not allowed as such evidence, on the ground, as your petitioner believes, that they had been before used on the trial of the said former suit. Whereupon a judgment was recovered in said suit against your petitioner and others, in the district court of the United States for the northern district of New York, for the sum of \$6,000, being the full amount of the said bond; which said judgment was removed by writ of error to the circuit court of the United States for the southern district of New York in the second circuit; the judges of which last-mentioned court having disagreed in opinion on certain points arising in said cause, the same was removed, on a certificate of such disagreement, to the Supreme Court of the United States, where the said judgment was, during the session of said court, in 1828, finally affirmed. And your petitioner further represents that, from the special verdict in the said cause, the question whether the said payments, so made by the said Gerrit L. Dox to the Postmaster General, could be available to the said Gerrit L. Dox and his sureties, never came under the consideration of the circuit court of the United States for the southern district of New York, or of the Supreme Court of the United States. And your petitioner further states that the said Gerrit L. Dox is now insolvent, and has been insolvent since the 1st day of January, 1820; and that the said Gerrit L. Dox was not the executor or administrator of the said Peter P. Dox; but that Peter Dox, the father of the said Peter P. Dox, was duly appointed administrator of his estate, and alone acted as his personal representative. And your petitioner further represents that the said Gerrit L. Dox never having been appointed postmaster at the city of Albany, otherwise than as aforesaid, the Postmaster General did not open any account against the said Gerrit, nor make any claim or demand on him for postages received by him until the 1st day of July, 1821, when an account was, for the first time, opened against the said Gerrit, and a balance of \$3,041 35 was claimed to be due from him for said postages. That the said Gerrit L. Dox, at the time he ceased to act as postmaster as aforesaid, was solvent and able to pay his debts, and continued so for more than three years thereafter, when he became insolvent, as before stated. That the postages which accrued during the time the said Gerrit L. Dox acted as postmaster as aforesaid were wrongfully charged to the account of the said Peter P. Dox, which circumstance induced the said Gerrit L. Dox to pay the drafts of the said Postmaster General, drawn for the said postages on the representatives of the said Peter P. Dox, exceeding or equal in amount to all the postages received by the said Gerrit L. Dox while he acted as postmaster as aforesaid.

All of which said facts, with the various circumstances and incidents belonging to the same, your petitioner is ready to verify and establish in such manner as shall be directed or required.

Wherefore, your petitioner, considering the said judgment to be against equity and good conscience, and being remediless, except by legislative aid, doth respectfully solicit from Congress an act for relief in the premises.

ISAIAH TOWNSEND.

ALBANY, November 26, 1829.

## B.

SIR:

POST OFFICE DEPARTMENT, January 13, 1830.

I have received the petition of Isaiah Townsend, surety of Gerrit L. Dox, late postmaster at Albany, New York, with the accompanying documents, and have carefully examined the case as therein presented to the consideration of the committee.

The petitioner prays for relief on the ground "that the postages which accrued during the time the said Gerrit L. Dox acted as postmaster were wrongfully charged to the account of Peter P. Dox," his predecessor, "which cir-

cumstance induced the said Gerrit L. Dox to pay the drafts of the Postmaster General drawn for the said postages on the representatives of the said Peter P. Dox; and that the payments so made by the said Gerrit L. Dox, out of moneys actually received by him as postmaster, were, on the trial of a suit on the bond of the said Peter, wrongfully applied to the credit of the said Peter's account; by means of which he is injured to the amount of the payments so applied.

The facts appear to be as follows: After the death of Peter P. Dox, his brother, Gerrit L. Dox, was appointed acting postmaster at Albany, from 1st January to 1st July, 1816, but no account was opened on the books of the Department with him; the postages which accrued after January 1, 1816, and the drafts drawn by the Postmaster General for the said postages, having been originally carried to the account of Peter P. Dox.

On a subsequent adjustment, however, and before suit, an account was opened with Gerrit L. Dox, and he was charged with the postages accruing between the 1st January and 1st July, 1816, and credited with the drafts of 1st April and 14th May, 1816, which were made on account of said postages.

On trial of the suit afterwards brought on the bond of Peter P. Dox, evidence was offered to show that these drafts were paid by Gerrit L. as agent for the administrator of Peter P. Dox; and, on this evidence, they were, by the decision of the court, transferred to the credit of the account of the said Peter.

In consequence of this decision, suit was instituted on the bond of Gerrit L. Dox, and judgment obtained, as is stated in the petition.

It appears to me evident that the equitable rights of the petitioner were injuriously affected by the evidence above mentioned, as it had the effect to deprive him of the benefit of the payments made on the drafts of 1st April, 1816, by Gerrit L. Dox—these drafts having a direct reference to the postages which accrued between the 1st January and 1st April of that year; and, on a view of the peculiar circumstances of this case, I have no hesitation to express my opinion, without compromising in any manner the rights of the Department, that the petitioner, so far as he has been deprived of the benefit of these payments, is entitled to the favorable consideration of Congress.

Beyond this, I do not perceive that he has any peculiar claims: for if, by the decision of Congress, the drafts of 1st April, 1816, should be restored to the account of Gerrit L. Dox, he will then have received the full benefit of all payments made on account of the postages which accrued from 1st January to 1st July, 1816, embracing the whole period during which the said Gerrit was postmaster.

I enclose a statement exhibiting the effect of the decision in the case of Peter P., and also the amount now standing to the debit of Gerrit L. Dox, on the books of this Department.

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

W. T. BARRY.

Hon. RICHARD M. JOHNSON,

Chairman Committee on the Post Office and Post Roads, House of Representatives.

P. S. The petition and accompanying documents are herewith returned.

DR. Peter P. Dox, late postmaster at Albany, New York, in account with the General Post Office. CR.

To balances due on his post office accounts from Jan. 1 to April 1, 1815,	\$1,984 05	1815.	April 1,	By draft in favor Joseph Merrick,	-	\$187 50
April 1 to July 1, 1815,	2,754 93		" 1,	Erastus Young,	-	190 00
July 1 to Oct. 1, 1815,	1,960 82		July 1,	Leonard Baker,	-	300 00
Oct. 1 to Dec. 31, 1815,	2,093 09		" 1,	Simeon Draper,	-	127 00
			Aug. 14,	T. Goodyear & Co. -	50 00	
			" 21,	Erastus Young,	-	50 00
			" 25,	D. M. Gregory,	-	85 00
			Sept. 8,	Cash,	-	1,000 00
			Oct. 2,	Leonard Baker,	-	175 00
			" 2,	D. M. Gregory,	-	85 00
			" 2,	Joseph Merrick,	-	147 50
			" 2,	Clark Rawson,	-	220 00
			" 2,	Jeremiah Smith,	-	225 00
			" 2,	Erastus Young,	-	165 74
			" 2,	Thomas Walker,	-	200 00
			" 2,	Simeon Draper,	-	51 00
			Nov. 20,	Delucena Backus,	-	100 00
			" 22,	Joseph Branch,	-	800 00
			1816.			
			January 1,	Leonard Baker,	-	137 50
			" 1,	Simeon Draper,	-	126 00
			" 1,	James Hicks,	-	131 25
			" 1,	Joseph Merrick,	-	188 50
			" 1,	Jason Parker & Co. -	1,965 00	
			" 1,	Jeremiah Smith,	-	225 00
			" 1,	Erastus Young,	-	382 55
				By balance,	-	1,478 35
	\$8,792 89					\$8,792 89
To balance due General Post Office,	\$1,478 35	1816.	April 1,	By draft in favor Joseph Branch,	-	\$300 00
To balance,	100 15		" 1,	S. C. Camp,	-	162 50
			" 1,	Simeon Draper,	-	176 00
			" 1,	James Hicks,	-	60 00
			" 1,	Joseph Merrick,	-	287 50
			" 1,	Clark Rawson,	-	162 50
			" 1,	Aaron Seaman,	-	142 50
			" 1,	Barzillai Sherman,	-	211 00
			" 1,	Erastus Young,	-	76 50
	\$1,578 50					\$1,578 50
To balance carried to credit of G. L. Dox,	\$100 15			By balance,	-	\$100 15

[Suit was originally brought on this account for the balance of \$1,478 35; but, in consequence of the decision of the court, the drafts of April 1, 1816, were transferred from the account of G. L. Dox to this account, as they now appear.]

DR. *Gerrit L. Doz, late postmaster at Albany, New York, in account with the General Post Office.* CR.

To balances due on his post office accounts from Jan. 1 to April 1, 1815,	\$2,808 90	1816. May 14,	By balance from account of Peter P. Dox. - - -	\$100 15
	April 1 to July 1, 1815,			
	\$4,657 35		By balance, - - -	4,519 70
To balance, - - -	\$4,519 70			\$4,657 35

21st CONGRESS.]

No. 31.

[1st SESSION.]

## ADDITIONAL CLERKS.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 26, 1830.

Mr. JOHNSON, of Kentucky, from the Committee on the Post Office and Post Roads, to whom was referred so much of the President's message as relates to the General Post Office Department, reported:

That the number of clerks employed in the General Post Office, and for whom the law makes appropriation, is thirty-seven; but by reference to the letter of the late Postmaster General, and also of the present Postmaster General, (which letters are appended as a part of this report,) it appears that it has been a standing custom with the Department to employ extra clerks, from time to time, as the progress of its business required, confiding in Congress to sanction the measure. That, in conformity with this custom, the late Postmaster General employed not less than five additional clerks during the last winter, and deferred the application to Congress to make the appropriation, under the conviction that a still greater increase would be required in the course of the year. That the present Postmaster General has, accordingly, found it necessary to increase the number to ten, whose duties are now essential to the correct transaction of the business of the Department. The committee have, moreover, carefully investigated this subject, and find the whole number asked for already engaged in the service of the Department. Strict inquiry has been made into the nature of the duties which require this force, the result of which the committee deem it proper to incorporate in this report.

The business of the Department is divided into three general and distinct branches, viz: That of finance; of appointments of postmasters, and their duties; and of mail contracts, and the superintendence of the transportation of the mail.

In the first of these are employed, under the junior assistant, as follows:

Three book-keepers, among whom are divided the day-book, journal, and ledger entries, requisite for a clear and distinct account with each, of about eight thousand postmasters, and about two thousand contractors, besides miscellaneous accounts, each of which is required to be so far settled as to ascertain the balance every quarter.

*Solicitor's Office.*

Four clerks: a solicitor, and three assistants, to settle the accounts of persons whose official functions have ceased; collect the balances due from them, respectively; prosecute delinquents, and also to state the accounts of persons for settlement who are still in office, so as to prevent, as far as practicable, future delinquencies.

*Pay Office.*

Four clerks: a principal pay clerk, and three assistants, whose duty it is to ascertain, quarterly, the state of each contractor's account, the amount due him on his contract, to make drafts on the different postmasters for their payment, and to keep books of the post offices on each route; each exhibiting a distinct view of the amount of each particular contract.

*Examiner's Office.*

Eleven clerks are employed in this branch: a chief examiner, and one who assists him in opening, recording, and examining all postmasters' accounts; receiving and depositing in bank their remittances; notifying and reporting delinquents; besides one who examines and corrects all errors of balances brought forward, of letters on hand; and eight others, who examine all additions, calculations of commissions and charges in every postmaster's account, and correct all errors that appear. These, together, settle thirty-two thousand accounts in a year, with interest, mostly in cents, making, in their additions, nearly \$2,000,000.

*Register's Office.*

Eight clerks are employed in this business: a chief register, with seven assistants, whose business it is to prepare all the accounts of the Department for the Treasury, with their proper vouchers, besides registering, in quarterly accounts current, all postmasters' accounts, designating the different items of charge in each particular account. In this, three are employed in registering the accounts for the book-keepers, two in copying postmasters' accounts for the Treasury, and in copying the accounts of contractors, and adjusting them for the Treasury, and one in collecting, comparing, numbering, and filing receipts and other vouchers; besides the chief register, who carries on the correspondence of this branch, and makes the general statements.

One clerk is employed in keeping the assistant's bank ledger, the cash-book of the Department, and the book of depositing post offices.

One clerk is employed to record all the letters of this branch, and of the Postmaster General.

One clerk is employed to register, endorse, and file, alphabetically, letters received by the Department.

*Office of Appointments.*

In the second division, under the other assistant, three clerks are employed, each to a distinct section, comprising together the whole Union, in the perusal of letters and memorials, and endorsing on them their titles and summaries; collecting and filing, in their appropriate places, the requisite information in each case; drawing up abstracts of cases for the Postmaster General; examining postmasters' bonds and oaths of office.

One clerk is employed in entering all appointments in a book of appointments; making out letters of appointment, bonds, and affidavits; and registering the postmasters' names and their bonds, with their sureties.

One clerk is employed in recording the letters, the transmission of letters and blanks, making out and forwarding commissions and letters of supersedeas.