

21st CONGRESS.]

No. 84.

[1st SESSION.]

SURETIES OF A DEFAULTING DEPUTY POSTMASTER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 8, 1830.

Mr. MAGEE, from the Committee on the Post Office and Post Roads, to whom was referred a resolution requiring the committee to inquire into the expediency of reimbursing to the bail of Charles Josslyn, late postmaster at Greene, Chenango county, New York, an account paid by said bail, reported:

That, on the 18th day of March, 1812, Jeduthur Gray, 2d, and Robert Morrell became the bail of the postmaster, Charles Josslyn. On the 8th May, 1818, six years after the execution of the first bond, Josslyn, at the request of the Postmaster General, procured new bail, to wit, Philo B. Palmer and John Watson. In February, 1824, Josslyn failed; the last bail, Palmer and Watson, were unable to pay the deficit; and, in 1826, a suit was instituted against Gray and Morrell, on the bond given in 1812. Judgment was obtained in the circuit court of the United States for the northern circuit of New York, and the amount paid by Morrell.

It will be seen, from an examination of a statement furnished by the Post Office Department, that, on the 8th day of May, 1818, the time when the new bail was taken, there was a balance due from Josslyn of \$83 76, which, with interest, was claimed by the Department, and paid by the bail. In September, 1818, Josslyn paid a draft of \$30, being nearly the amount due on the 8th May previous. On the 1st April, 1819, he paid the further sum of \$50, and continued to pay all drafts upon him as late as October 1, 1822. Had the accounts of Josslyn been closed at the time of payment of the last draft, there would have been only the balance of \$44 06 due to the Department; but, by permitting him to retain the office for one year and four months without payment, there was due at the surrender of the office \$185. If a balance had been struck on the 1st day of January, 1819, several months after taking new bail, there would have been due only \$3 91.

In the opinion of the committee, this case strongly addresses itself to the equitable interference of Congress; it is unjust, whatever may be the strict rule of law on the subject, to hold the first bail responsible for defalcations committed several years after they had a right to suppose themselves discharged from further responsibility by the taking new bail. The principal remained solvent until 1824, twelve years after the execution of the first bond, and six years after taking new bail; the payments made up to January 1, 1819, were received in discharge of the balance due on the 8th May, 1818, as, at that time, the quarterly accounts and the balance due exceeded the balance stated only \$3 91.

In the opinion of the committee, the neglect of the Department in not collecting amounts afterwards due, and permitting Josslyn to remain in office without payment, ought not to operate against the first bail, especially after the lapse of twelve years, and when, too, the amount due on the 8th May, 1818, was soon after paid by the postmaster. Believing the bail entitled to relief, the committee report a bill.

21st CONGRESS.]

No. 85.

[1st SESSION.]

INCREASE OF THE PENSION OF A MAIL CARRIER, WHO WAS SHOT IN THE CREEK NATION IN 1805.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, FEBRUARY 10, 1830.

Mr. JOHNSON, of Kentucky, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Josiah H. Webb for an increase of his pension, reported:

That they refer to the documents in this case, marked A, B, C, and D, as a part of this report, by which it appears to the satisfaction of the committee that said Webb is a poor man, and that he is so disabled by the wounds which he received while carrying the United States mail through the Indian country, as to be in a suffering condition. The present allowance of \$50 being inadequate to provide him the necessaries of life, the committee, therefore, ask leave to report a bill to give to said Webb eight dollars per month, the pension of a common soldier when totally disabled.

A.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned petitioners beg leave most respectfully to represent to your honorable bodies that the pension allowed, by a late law of Congress, to Josiah H. Webb, who was wounded in the year 1805, while transporting the United States mail from Fort Stoddert to Athens, in the State of Georgia, is greatly inadequate to his wants and necessities. The undersigned are acquainted with said Josiah H. Webb, and feel no hesitation in asserting that his situation is almost entirely helpless, in consequence of the effects of the aforesaid wound. The undersigned therefore pray that a law be passed, increasing the yearly pension of the said Josiah H. Webb from \$50 to \$——, which latter sum, they are of opinion, would only amount to a bare competency.

[Signed by a number of individuals.]

GREENE COUNTY, ILLINOIS, November, 1829.

B.

GREENE COUNTY, ILLINOIS, November 16, 1829.

Josiah H. Webb comes before me, declaring inability of physical powers of body, occasioned by a wound received in the United States service, as the carrier of the public mail. On examination, I found the ball should have entered the upper edge of the left hip, together with fracturing said hip, more or less, and passing out at the right lumbar region of his body. The above-mentioned wound is a source of much irritation on the slightest exposures, and necessarily incapacitates him from the discharge of any active personal duty which might be indispensably necessary for his support and maintenance. Wherefore I think he becomes a laudable subject of charity.

O. B. HEATON, M. D.