

The undersigned having been residents of Washington, in Wilkes county, in the State of Georgia, in the year 1805, say that they have been well acquainted with Barnard Kelley, in the year 1805, and that they know that his dwelling-house, in which he kept the post office, was destroyed by fire in that year, and every thing burnt except some trifling effects. Having read his petition hereunto annexed, they verily believe the facts therein stated to be true.

WILLIAM WILKINS, A. M. CHARLTON,
 THOMAS WOOTTEN, FELIX G. HAY,
 JOHN DYSON, THOMAS TALBOT.
 CH. R. CARTER,

GEORGIA, WILKES COUNTY : August 22, 1828.

William G. Gilbert personally came before me, and made oath that he knew Barnard Kelley; that he was many years postmaster in this place, and that he lost his house by fire, and, as this deponent then understood, almost all his property; that he always supported the character of an honest, worthy man, and at the time he removed from this place was in very indigent circumstances, and had a large family to support.

WM. G. GILBERT.

Sworn to before me, this 22d of August, 1828.

WM. H. CRAWFORD, J. S. C. N. C.

GEORGIA, WILKES COUNTY :

Thomas Terrell personally came before me, and made oath that he knew Barnard Kelley as postmaster for many years in this place; and that he lost his house by fire, where said office was kept. I was present and saw the house burn, and, it was said, all that he had. Said Kelley supported the character of an honest man; and, when he removed from this place, was in quite indigent circumstances, and I believe he remains with a large family to support.

THOMAS TERRELL.

Sworn to before me, this 22d of August, 1828.

WM. H. CRAWFORD, J. S. C. N. C.

GEORGIA, WILKES COUNTY:

I hereby certify that I have been long acquainted with William G. Gilbert and Thomas Terrell, the persons who have subscribed the within depositions, and know them to be men of unimpeachable character, and entitled to the fullest credit.

Given under my hand and seal this 21st August, 1828.

WM. H. CRAWFORD, J. S. C. N. C.

GEORGIA, ELBERT COUNTY:

Before me, Benjamin Smith, a justice of the inferior court for said county, personally appeared Barnard Kelley, of the county and State aforesaid, who, being duly sworn, deposeth and saith, that the *material* facts set forth in his petition addressed to Congress, bearing date the 15th August, 1828, which is hereunto annexed, are true. That since that date he has paid to the marshal for the district of said State (or to his deputy) the whole amount claimed of this deponent by the Post Office Department, including interest and costs, with the principal, which he, this deponent, supposes appears of record in said Department.

And said deponent further saith, that the vouchers of payments made by him to the Post Office Department, for which he *did not* receive credit, added to the money which was with said vouchers destroyed by fire when his house was consumed, was equal to the amount of the principal for which judgment was recovered against him by said Department.

BARNARD KELLEY.

Sworn to and subscribed before me this 20th October, 1830.

BENJAMIN SMITH, J. J. C.

POSTMASTER GENERAL OF THE UNITED STATES

vs.

BARNARD KELLEY.

} *Fi. Fa. from the District Court of Georgia.*

Received of the defendant, Barnard Kelley, the principal and interest, and forty-three dollars and eighty cents costs, in full of said execution, this 12th of August, 1826.

LINDSAY JOHNSON, Deputy Marshal Dist. Georgia.

Test: JOHN A. HEARD.

Principal,	-	-	-	-	-	-	-	\$173	82
Interest,	-	-	-	-	-	-	-	218	20
Costs,	-	-	-	-	-	-	-	43	80
								<u>\$435</u>	<u>82</u>

FURTHER CREDITS CLAIMED BY A DEFAULTING DEPUTY POSTMASTER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 29, 1830.

Mr. McCREERY, from the Committee on the Post Office and Post Roads, to whom was referred the petition of William Neusum, reported:

That they have given the subject due consideration, and find that the petitioner claims compensation for clerk hire, house rent, fuel, and candles, for the space of fifteen years, during which he held the office of deputy postmaster in Norfolk, Virginia. The petitioner further states that, a short time before he resigned his said office, a suit was instituted against him by order of the then Postmaster General, and a judgment obtained for the sum of \$13,000, which reduced him to bankruptcy; that he could not avail himself of the credits which he alleges he was entitled to, which, if allowed, would have given a balance in his favor of more than \$5,000.

Your committee have carefully examined the law in relation to the Post Office Department, and are unable to find any provision that would justify the allowances claimed by the petitioner. By a reference to two letters from the late Postmaster General, it appears that the petitioner has received the full amount of commissions allowed by law,

and that a greater amount never was, nor could legally be, given to any postmaster. When the legal commissions exceed \$2,000 per annum, that excess may be applied to the objects specified in the petition, but in no case can the allowance exceed the commissions. The extra allowance claimed by the petitioner amounts to about \$1,100 per annum—a sum probably equal to all that the Department realized from the office during the time which the petitioner held it.

The petitioner further states that, in "consequence of erroneous blanks furnished by the Department, he sustained a loss of about \$1,200, which in justice ought to be allowed him." Your committee are at a loss to understand how such mistake could occur, inasmuch as the petitioner gives no explanation; be it, however, as it may, it is only necessary to observe that it is fully within the power of the Postmaster General to correct mere mistakes at any period. Upon the whole, your committee are unable to discover any thing in this case which distinguishes the petitioner from that of any other postmaster; but, on the contrary, they are of opinion that to grant the prayer of the petitioner would be introducing a dangerous precedent, and one which would be calculated to absorb the resources of the Department; they, therefore, recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

21st CONGRESS.]

No. 99.

[2d SESSION.]

ADDITIONAL COMPENSATION CLAIMED BY A DEPUTY POSTMASTER.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, JANUARY 7, 1831.

Mr. McCREERY, from the Committee on the Post Office and Post Roads, to whom was referred the petition of George King, sen., reported:

That they have given the subject referred to them due consideration. The petitioner states that he has held the office of postmaster at Sharon, in the county of Litchfield, Connecticut, for a number of years, and alleges that the commission allowed by law is inadequate to the labor he has to perform in discharge of his official duties, and prays Congress to grant him such additional compensation as they may think reasonable.

Your committee deem it unnecessary to enter into a minute detail of all the circumstances connected with this case, inasmuch as the petitioner acknowledges the receipt of the legal commissions. To depart from the law and general usages in relation to the emoluments of public officers, would be a principle dangerous in its consequences and partial in its operations. The Government imposes office on none; and, if the emolument is not equal to the service required, the petitioner's course is a plain one—let him resign; and, no doubt, another can be found who will undertake the duties for the legal commissions. Therefore,

Resolved, That the committee be discharged from any further consideration of the subject.

21st CONGRESS.]

No. 100.

[2d SESSION.]

SUNDAY MAILS.

COMMUNICATED TO THE SENATE, JANUARY 22, 1831.

Joint resolution of the Senate and House of Representatives of the State of Alabama, in General Assembly convened.

Whereas much excitement exists, and a deep interest is felt, in many parts of the United States, in consequence of the powerful exertions which have been made, and are still making, to prevent the transportation of the mail on Sunday; and whereas, also, the rights and opinions of every religious sect, whether they observe the Christian Sabbath or not, are equally entitled to the respect and protection of the Government; and whereas, also, it is thought proper and expedient that the Legislature of this State should express their opinion on this important and interesting subject, as it is confidently anticipated this measure will again be brought by its friends before the present Congress of the United States: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the transportation of the mail on Sunday is of vital importance to the welfare and prosperity of the Union, and that its suspension on that day would be a violation of the spirit of the constitution, and repugnant to the principles of a free Government.

Be it further resolved, That the sentiments expressed in the report of the committee at the last session of Congress, in opposition to the suspension of the mail on Sunday, are entitled to the highest commendation of the friends of the constitution and of every lover of civil and political freedom.

And be it further resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their exertions in opposition to any measure that may tend to retard the transportation of the mail.

JAMES PENN,

Speaker of the House of Representatives.

SAMUEL B. MOORE,

President of the Senate.

GABRIEL MOORE.

Approved: December 31, 1830.

SECRETARY OF STATE'S OFFICE, TUSCALOOSA, ALABAMA, January 3, 1831.

I do hereby certify that the foregoing resolution is a true copy from the original roll on file in this office.

JAMES J. THORNTON.