

IN SENATE OF THE UNITED STATES.

JANUARY 10, 1839.

Submitted, and ordered to be printed.

Mr. LUMPKIN submitted the following

REPORT:

The Committee on the Post Office and Post Roads, to whom has been referred the petition of Jesse Smith, contractor on route 341, from Taunton to New Bedford, report :

That the said Jesse Smith, by contract, dated on the 11th of July, 1837, did engage to carry the mail of the United States from Taunton to New Bedford and back, daily, in four horse post coaches, from the 1st of July, 1837, to the 30th of June, 1841, four years; that the said Jesse Smith omitted the Sunday trips from the 1st of July, 1837, to the 31st of December, 1837, six months, as appears by the reports of the postmasters of Taunton and New Bedford, on file in the Post Office Department; that, for this delinquency, a *pro rata* deduction of \$128 57 from his pay was ordered by the Postmaster General on the 17th of January, 1838, the omission of the Sunday trip being a palpable violation of his contract.

Further, it appears, that a fine of fifteen dollars was imposed on the petitioner by the Postmaster General, on the 3d of October, 1837, for failure of the mail at New Bedford on the 13th of September, 1837, as appears by the report of the postmaster at New Bedford, on file in the Post Office Department; and further, it appears, that the Postmaster General did, in this case, wait a reasonable time (eighteen days) for an excuse from the delinquent before he imposed the fine aforesaid; that, forty-four days after the supposed delinquency, and after the fine had been made known to the contractor, evidence was furnished that the mail had been missent at Boston, and that this excuse would have been considered sufficient if rendered in time. But, in accordance with a rule of the department, not to remit fines imposed when contractors have ample time to give excuses, and furnish none—a rule, without which, the department, in the opinion of the committee, would never get excuses until after the fines were imposed, and, consequently, take up much of the time of the department in doing and undoing—the fine was not remitted.

Therefore the committee are of opinion that the prayer of the petitioner ought not to be granted.

