

JOHN FRAZIER AND JOHN REED.

JANUARY 21, 1851.

Laid upon the table, and ordered to be printed.

Mr. JAMES THOMPSON, from the Committee on the Judiciary, made the following

REPORT:

*The Committee on the Judiciary, to whom was referred the memorial of John Frazier and John Reed, of New Castle, Lawrence county, Pennsylvania, beg leave to report:*

That the petitioners state that they were sureties for Joseph S. Boyd, a postmaster at that place, who was removed the 11th of February, 1843; that he was at that time a defaulter at the department, of which the petitioners had no knowledge until the latter part of November of the same year. At the time of his removal, the petitioners allege that he was solvent, or had property sufficient to indemnify them against liability, but that he became insolvent before November aforesaid; that in May, 1845, judgment was obtained against them as his sureties for the sum of \$609; that they have since paid \$517 50 on the said judgment. They ask that the amount which they have paid shall be refunded to them, and the balance remitted. And if the amount paid cannot be refunded, they ask to be discharged from any further liability on the judgment. The only ground upon which the petitioners ask for relief is, that the Post Office Department did not give them notice that their principal was a defaulter, until their principal became insolvent. This reason the committee think wholly insufficient. Their undertaking was, that he would not become a defaulter; or if so, they would make such default good, they taking all risk of this contingency on themselves. This being so, it might well be replied that it was their duty to inquire at once of the department, on his removal, as to the state of his accounts. There was no obligation on the department to give them notice. The object of taking security for public offices is to make the government secure against losses, which would be in a great measure defeated if reasons like the foregoing for relief were to prevail. The committee therefore offer the following resolution:

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

