

IN SENATE OF THE UNITED STATES.

JANUARY 12, 1843.

Ordered to be printed.—To accompany bill H. R. 381.

Mr. DAYTON submitted the following

REPORT :

The Committee on the Judiciary, to whom was referred the bill from the House for the relief of David W. Haley, report :

That this case comes before Congress on the petition of David W. Haley, Hiram C. Coffey, executor of Hiram Coffey, deceased, and Fleming Wood ; and they state that they, together with one Samuel C. Woolbridge, now dead, insolvent, became bound many years ago, as sureties of Alfred W. McDaniel, receiver of public money at Washington, in the State of Mississippi, and that McDaniel died insolvent, and indebted to the United States in the sum of \$9,000 ; and that the petitioners, as sureties of McDaniel, have paid the said sum of \$9,000, and that there remains due, as interest on the debt, about the further sum of \$4,000, which they are now pressed to pay ; and they pray to be relieved from the payment of the said sum now remaining due.

In this case there is not one ground of relief suggested by the petitioners. They admit the debt and their liability to pay it ; but they do not rely upon any matter of law or of equity, entitling them to relief ; and the only reason which suggests itself to the committee is the common one, of the hardship of compelling sureties to make good the defalcations of their principals. If this be admitted as a good ground of relief, it would be better to dispense by law with the necessity of sureties altogether.

In a report of a select committee of the House to whom the petition was referred, they make a different state of facts from that made by the petitioners. The report states that Hiram Coffey died insolvent, and that Fleming Wood " proved " insolvent ; so that the greater part of McDaniel's liability to the Government fell upon David W. Haley, who through a series of years has been gradually liquidating the debt, and with as much rapidity as his limited means would allow, until at last he has succeeded in paying off the entire amount of the principal. Upon this state of facts the select committee reported a bill for the relief of David W. Haley.

Your committee have received no evidence in verification of this statement, and it is expressly contradicted by the statement of the parties in their petition ; for they allege that the payments were jointly made by the petitioners. However this may be, it does not alter the case ; and the committee are of opinion that the bill ought not to pass.

Thomas Allen, print.

IN SENATE OF THE UNITED STATES.

JANUARY 12, 1843.

Ordered to be printed.—To accompany bill H. R. 381.

Mr. DAYTON submitted the following

REPORT:

The Committee on the Judiciary, to whom was referred the bill from the House for the relief of David W. Halsey, report:

That this case comes before Congress on the petition of David W. Halsey, Hiram C. Coffey, executor of Hiram Coffey, deceased, and Fleming Wood; and they state that they together with one Samuel C. Woolbridge, now dead, insolvent, became bound many years ago as sureties of Alfred W. McDaniel, receiver of public money at Washington, in the State of Mississippi, and that McDaniel died insolvent, and indebted to the United States in the sum of \$2,000; and that the petitioners as sureties of McDaniel, have paid the said sum of \$2,000, and that there remains due, as interest on the debt, about the further sum of \$4,000, which they are now pressed to pay; and they pray to be relieved from the payment of the said sum now remaining due.

In this case there is not one ground of relief suggested by the petitioners. They admit the debt and their liability to pay it; but they do not rely upon any matter of law or of equity, entitling them to relief; and the only reason which suggests itself to the committee is the common one, of the hardship of compelling sureties to make good the delinquencies of their principals. If this be admitted as a good ground of relief, it would be better to dispense by law with the necessity of sureties altogether.

In a report of a select committee of the House to whom the petition was referred, they make a different state of facts from that made by the petitioners. The report states that Hiram Coffey died insolvent, and that Fleming Wood "proved" insolvent; so that the greater part of McDaniel's liability to the Government fell upon David W. Halsey, who through a series of years has been gradually liquidating the debt, and with as much industry as his limited means would allow, until at last he has succeeded in paying off the entire amount of the principal. Upon this state of facts the select committee reported a bill for the relief of David W. Halsey.

Your committee have received no evidence in verification of this statement, and it is expressly contradicted by the statement of the parties in their petition; for they allege that the payments were jointly made by the petitioners. However this may be, it does not alter the case; and the committee are of opinion that the bill ought not to pass.

Thomas Allen, clerk.