

GEORGE W. WALTON.

JANUARY 16, 1841.

Read; and laid upon the table.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT :

*The Committee of Claims, to whom was referred the memorial of George W. Walton, report :*

That the petitioner alleges that he was contractor for carrying the United States mail on route No. 2,450, between St. Augustine and Jacksonville, Florida; that on the 15th day of February, A. D. 1840, the hostile Indians intercepted the stage 7 miles from St. Augustine, killed the driver, took away a valuable pair of horses, injured the harness and carriage, and took from the pockets of the driver a watch and money belonging to the petitioner, for which he asks indemnity.

It appears that the claimant entered into a contract with the United States to transport the mail for a given time between the two places mentioned above. This contract is *absolute*, without any conditions respecting the war that was then raging. It contains no covenant on the part of Government to repay the price of property that might be taken or destroyed by the savages, or to insure the property employed in the transportation of the mail; but, on the contrary, as the petitioner made an unconditional contract to transport the mail, he of course took upon himself all risk of loss, as much as he would have done had he undertaken to transport goods for a private individual. He received a consideration supposed to be commensurate with his risk and labor. In the execution of his undertaking, he has been unfortunate: but whether this compensation be, or be not, sufficient to cover all expenses and loss, and repay the claimant for his trouble, is not shown by the evidence before the committee. If it be not sufficient, it is the misfortune of the claimant; if it be sufficient, then he has sustained no loss. To grant indemnity in such cases, would directly conflict with the previous legislation of Congress in analogous cases. (Vide Report No. 63, 3d session of 25th Congress.)

The committee therefore recommend to the House, for adoption, the following resolution:

*Resolved*, That the petitioner is not entitled to relief.