

The Western Union Telegraph Company

195 Broadway

New York

ROBERT C. CLOWRY
PRESIDENT AND GENERAL MANAGER

October 13, 1908.

Mrs. A. W. Tourgée,
Mayville, N. Y.

Dear Madam:

I have your favor of the 12th inst. There is no disposition on my part to oppose the statement of the Postal Telegraph-Cable Company's operator at Mayville to that of your daughter and of yourself. However, your suggestion that the Western Union Telegraph Company assumes responsibility for the handling of the message from the time of the filing until it reaches the hands of the addressee was made under a misapprehension. As a matter of fact the service of the company is confined to its own lines and, where a message is destined to a point not reached by its wires, it carries it over its lines to the point of transfer and there, acting as the agent of the sender of the message, transfers the telegram to the connecting line, which thereupon stands in the same relation to the sender as though the contract for the remaining transmission had originally been made with it, and the responsibility of the Western Union Telegraph Company with reference to the message ceases at the moment of said transfer. This is not an arbitrarily assumed attitude, but is the established rule not only as a matter of law but also as a matter of business, and the stipulation on the back of

Mrs. A.W.T. -2-

the company's message blanks which provides that "this company is hereby made the agent of the sender without liability to forward any message over the lines of any other company when necessary to reach its destination" is not a new regulation, but merely the definition of the relationship of the parties as it would have existed in the absence of such a provision. While therefore the non-delivery of the message is not chargeable to this company, it has nevertheless frequently been its practice, in cases where the failure of the addressee to receive the message is established, to refund the tolls irrespective of any question of its responsibility and, in accordance with this custom, I am sending you herewith the amount paid for the message in question, and whatever the facts may have been, I wish to assure you that the non-delivery of the message and the consequences which you attribute to it are very greatly regretted.

Yours truly,

R. C. Cleary
Pres't & Gen'l Manager.