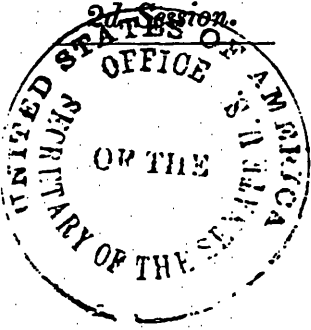




THOS. AP C. JONES, U. S. N.

LETTER

FROM

COMMODORE THOS. AP C. JONES,

TRANSMITTING

Sundry papers in refutation of certain allegations made against him; also a communication from the Hon. Edward Stanly, in connexion with the same subject.

FEBRUARY 22, 1853.—Referred to the Committee on Naval Affairs.

WASHINGTON CITY, D. C.,

February 12, 1853.

The undersigned, a citizen of the United States of America, most respectfully begs leave to state to you, and through you to the honorable body over which you preside, that he has recently, and then accidentally, learned that a ponderous budget of vituperative insinuations and false allegations, impugning not only his official conduct, but also charging him with being concerned in a fraudulent combination against the United States, has been introduced into your Committee on Naval Affairs, to his prejudice and irreparable injury, should your honorable body close its session without affording him an opportunity to confront his accusers, prove his own innocence, and establish their malice.

From what he understands to be the allegations against him, he is satisfied that even a brief examination of a few witnesses from California, now in or near Washington, would not only fully prove the falsehood of all the charges which have been made against him, but would expose a malicious combination to injure his reputation by garbled statements and most insidious misrepresentations.

It would be painful at any time, but it is peculiarly so at the present juncture, and more especially so near the close of an expiring Congress, to be compelled to resort to this extreme alternative, forced on the undersigned by a combination of circumstances which it is not necessary now to relate.

In conclusion, the undersigned most earnestly prays that the House of Representatives will estop all *ex parte* proceedings of a criminating character against him, and that the accompanying papers and letters may be referred to the Committee on Naval Affairs, who may be authorized to summons witnesses and take testimony under oath, and

before whom he may be allowed the privilege of appearing to defend his unjustly assailed reputation.

With the most profound respect, &c., &c., &c.,

THOS. AP C. JONES,
United States Navy.

HON. LINN BOYD,
Speaker House of Representatives.

I.

"COPY OF THE PROCEEDINGS OF THE NAVAL COURT OF INQUIRY IN RELATION TO THE LOSS OF THE UNITED STATES STEAMER 'EDITH,' IN 1849; TOGETHER WITH COPIES OF THE CORRESPONDENCE WHICH FORMED THE GROUND OF THE ORDER GIVEN TO CONSTITUTE SAID COURT, AND OF ALL THE PAPERS REFERRED TO IN THE RECORD OF PROCEEDINGS."

Proceedings of a naval court of inquiry held on board of the United States sloop-of-war Falmouth, in the port of Benicia, Upper California, Wednesday, January 9, 1850, by virtue of the following order:

A naval court of inquiry, composed of commanders Thomas Petigru, James Glynn, and Z. F. Johnston, will convene on board the United States sloop-of-war Falmouth, in the port of Benicia, at 10 a. m., Wednesday, the 9th of January, 1850, for the purpose of inquiring into the loss of the late United States steam propeller Edith, while under the command of Lieut. James McCormick, of the United States navy.

The conduct of the officers and crew, subsequently to the stranding of the Edith, will also be inquired into. The court will not only record facts, but will express its opinion as to the necessity of further proceedings.

First Lieutenant J. W. Curtis, of the marine corps, will officiate as judge advocate on the foregoing court.

Accompanying letters A, B, C, and D, form the ground of the foregoing order.

Given under my hand, on board the United States frigate Savannah, Benicia roads, this seventh day of January, 1850.

THOS. AP C. JONES,
Commander-in chief Pacific Squadron.

List of officers of the Edith.

Lieutenant James McCormick, commanding.
Passed midshipman Andrew F. Munroe.
Midshipman Edwin O. Carnes.
Master's mate A. J. Morehouse.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, Upper California, January 9, 1850.

WEDNESDAY, 2 o'clock p. m.

The court met pursuant to the above orders. Present, commanders Thos. Petigru and Z. F. Johnston; J. W. Curtis, judge advocate. Commander James Glynn was absent.

The warrant of the commander-in-chief was read for convening the court.

The members of the court present were sworn by the judge advocate, and the judge advocate by the president. Lieutenant McCormick not appearing, the president adjourned the court, to meet to-morrow, at 11 o'clock a. m.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, January 10, 1850.

THURSDAY, 11 o'clock a. m.

The court met pursuant to the adjournment of yesterday. Present, Commanders Thomas Petigru and Z. F. Johnston, and the judge advocate. Lieutenant McCormick appeared and took his seat. The proceedings of yesterday were read over, and found correct.

In consequence of the absence of Commander Glynn, the court adjourned, to meet to-morrow, Friday, January 11, at 11 o'clock a. m.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, Upper California, January 11, 1850.

FRIDAY, 11 o'clock a. m.

Present, Commander Petigru and the judge advocate. Lieutenant McCormick appeared and took his seat. The proceedings of yesterday were read over, and found correct.

In consequence of the necessary absence of Commanders Glynn and Johnston, the commander-in-chief adjourned the court, to meet Monday, January 14, 1850, at 10 o'clock a. m.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, Upper California, January 14, 1850.

MONDAY, 10 o'clock a. m.

The court met pursuant to the adjournment of Friday. Present, the president and all the members, and the judge advocate.

The order for convening the court was read. Lieutenant McCormick appeared and took his seat. The president asked him if he had any objections to make to any of the court? He replied that he had not. Commander Glynn was then sworn. The former proceedings were then read over, and found correct. The documents hereunto annexed, and marked A, B, C, and D, were then read. Lieutenant McCormick was then sworn. He introduced the document hereunto annexed and marked C, as his official report of the loss of the late United States steam propeller Edith, and as a part of his evidence in the case.

Question by the court. When the surf was reported to you, was the course continued by the officer of the deck until ordered to be altered by you?

Answer. My impression is, that the helm was hard a-port when I came on deck.

Question by the court. How long after surf was reported before the ship struck?

Answer. About twenty minutes after surf was reported heard, and five after it was seen.

Question by the court. Was it dark?

Answer. It was very foggy.

Question by the court. How fast was she going?

Answer. About eight knots.

Question by the court. How long was it after the ship struck before you got the anchor out?

Answer. Over half an hour.

Question by the court. Did you keep the lead going, running down the coast?

Answer. I did not.

Question by the court. How many men composed your crew at this time?

Answer. Over twenty; I do not recollect the precise number.

Question by the court. About what was the tonnage of the Edith?

Answer. Something over three hundred.

Question by the court. At what time did you determine to abandon the vessel?

Answer. On Sunday, the 26th of August, I think.

Question by the court. How long did the men remain after you determined to give her up?

Answer. I think the men were landed on the evening of the 26th or 27th.

Question by the court. What time did you land?

Answer. I landed after everybody else had done so.

Question by the court. How fast could she steam without sails under ordinary circumstances?

Answer. I think her average speed about six knots.

Question by the court. Was that your first service in a steamer?

Answer. No sir, it was not.

Here the testimony of Mr. McCormick closed. His testimony was read over to him, and found correct.

Passed midshipman A. F. Munroe was called and sworn. He brought in the log-book, and the chart by which the steamer was navigated. He said: I was on board the vessel a few days before she sailed, with the understanding I was to do the duty of master; I was employed all the spare time I had, in getting instruments from the squadron by order of Commodore Jones. We were in San Francisco twelve hours only before sailing. I made a requisition for the things I wanted, and showed it to Commodore Jones. The Commodore designated the vessels from which I was to obtain the various instruments. I got the sextant from the Fredonia; the chronometer and a draught of the coast on a piece of tracing paper from the United States ship Southampton; several

small articles, such as parallel rulers, dividers, &c., I was obliged to do without. We went to sea, as I understand, from the most pressing necessity, and had no time to procure more. We went out of the harbor at 8 or 9 a. m., on the 23d of August. Going out of the harbor I was obliged to attend to hoisting in boats and securing the guns. In the midst of these occupations I was called on to take the sun. When the sun dipped, I found the latitude several degrees out of the way. The sextant was several degrees out of the way. The latitude thus obtained was useless: this was not of great consequence, as we had taken our departure a few hours before. It was a sextant I had used before: when last used, it was but twenty seconds out. The sun was not out again until nearly 1 p. m.—not sufficient for me to take a second meridian altitude. We did not see the sun again until after we went ashore. About this time there was a thick fog along the whole coast. I of course navigated the vessel by dead reckoning. There was a current of one knot and a half to the southward laid down on the chart, along the coast where we ran.

In designating the position of the ship, I did not allow for one quarter of this current as marked on the chart: if I had allowed it all, we should have made land many miles to the northward. If there had been the current as marked on the chart, we should have made the island of San Miguel on the starboard hand on the night of the 24th of August. The latitude without current from the log, places the vessel in latitude $34^{\circ} 34'$ north. She was wrecked in latitude $34^{\circ} 47\frac{1}{2}'$ north.

Question by the court. How did you keep your dead reckoning?

Answer. In the usual manner, by heaving the log regularly.

Question. Did you make the land after leaving San Francisco?

Answer. We did not.

Question. What current did you allow per hour from the time you left San Francisco, until you sent your reckoning in at meridian on the 24th?

Answer. I allowed enough to make it equal to half the current marked on the chart: my reason for doing so was, I believed the ship to be overlogged.

Question. What variation did you allow?

Answer. Between a point and a quarter and a point and a half.

Question. Did you have any doubt as to your position?

Answer. I had no doubt as to the reckoning; but as to the current, I had great doubts.

Question. Did you express to the commander any doubts as to the propriety of running in the night?

Answer. I did not.

Question. If you had any doubts on the subject, would you have expressed them to the commander?

Answer. Under the circumstances, no, sir. My reasons are: 1st. I did not consider the ship in such imminent danger as to call for any interference or opinions. 2d. A difficulty on this same subject had occurred on board the *Fredonia* a few days before.

Question. When did you first consider the ship in danger?

Answer. When I first heard the breakers.

Question. What steps did you take to avoid that danger?

Answer. At 8 p. m. Lieutenant McCormick directed me to send in the reckoning as accurately as possible, as it was of great importance to arrive at Santa Barbara early the next morning—consequently to run through the straits in the night. A government agent, Major Garnett, was on board, and insisted on making the attempt of running through the straits; it was a part of the contemplated arrangements that the vessel should arrive at Santa Barbara at daylight. Major Garnett represented the coast as bold highland, discernable at a great distance. The captain came on deck at about 8 p. m. on the 24th. After I had sent in the reckoning, he said he would make the attempt to run through the passage if he could see the land at the distance of a mile or a mile and a half. We both thought we could see the land at that distance. We were mistaken; as the fog was very thick and the night very dark, we were apt to miscalculate distances. I was aware that danger might exist, and was on the forecastle half of the time from 8 o'clock till a quarter before 10, at which time she struck.

The evidence was here read over to Mr. Munroe, and found correct. The president here adjourned the court until to-morrow, at 10 o'clock a. m.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, Upper California, January 15, 1850.

TUESDAY, 10 o'clock a. m.

The court met pursuant to adjournment. Present, the president and all the members, and the judge advocate.

The proceedings of yesterday were read over, and found correct.

Lieutenant McCormick appeared, and took his seat.

Mr. Munroe continued his evidence: I came aft from the forecastle at half-past 9, and, walking up and down the poop on the alert, I thought I heard the sound of breakers about a point and a half on the port-bow. I went forward to listen, to get out of the sound of the machinery. I asked the lookout if he had heard any such sounds? He said no, he had not. I was so convinced that I heard the sound of breakers in that direction, that I called the captain. Mr. McCormick came out, and ordered the vessel kept off two points. We were running free under all sail, except the studding-sails, and under a low pressure of steam. The captain went to the cabin, directing me to use my judgment. My impression is that the vessel was kept off under the belief that we were near Point Conception. While the captain was in the cabin, and when I was on the forecastle, we saw the surf on the port-bow. The first surf reported was last heard on the port-quarter. The surf now in sight was not seen until about two minutes before we struck. As soon as I discovered the surf, I ordered the vessel to be kept off to the southward, and the propeller backed. In the mean time the captain came out of the cabin at the sound of the danger, and ordered the port-braces to be hauled in. Before the vessel answered her helm or sails she was carried in by the swell of the sea, and struck heavily.

Question by the court. After the ship struck, what efforts were made to extricate her?

Answer. We clewed up everything, sent men aloft to cut the sails adrift, rigged a spar out on the quarter, hove a kedge out as far as possible from the ship's side, hove the hawser taut to the windlass; tried this without avail two or three times, with two anchors. We rigged spar-shores with the topmasts and the main-yard, with weights on the ends, with the strongest ropes in the ship; rove tackle-falls, and led them to the capstan and windlass. The surf was so high that, with the pitching of the ship, the falls parted several times. We ordered the engincer to put on the highest pressure of steam in backing. The engine worked for twenty-four hours after we grounded; after which we gave up all hopes of getting the vessel off, the sea striking the vessel very heavily, and forcing her up inch by inch on the land. At about seven o'clock in the morning I saw the land for the first time, at the distance of about half a cable's length.

Question by the court. How was she heading when she first struck?

Answer. I cannot state precisely; there was no quartermaster aft; but I believe about ESE.

Question. Had you any sailing-instructions on board the Edith for the coast of California?

Answer. None, sir.

Question. Had you any chart on board with soundings marked on it in the vicinity of Point Conception?

Answer. We had none, sir. I recollect the captain and myself searching for charts, for information on that point.

Question. After the ship grounded, did every man and officer on board use his best efforts to extricate her—obey promptly the orders they received, and deport themselves in a proper and becoming manner?

Answer. I believe they used every effort and obeyed all orders, and deported themselves in a proper and becoming manner.

Here the evidence of Mr. Munroe closed on the part of the court.

Question by Lieut. McCormick. State to the court what was the conduct of Lieut. McCormick, the commanding officer.

Answer. He was perfectly cool and collected; there was no evidence of any feeling except that of regret that the ship had struck, and a great anxiety to get her off. He was the last one to abandon the idea of getting the ship afloat again. He did not leave the ship himself or send his effects until the men and officers had left the ship with their baggage.

Midshipman E. O. Carnes was then called and sworn. He said:

We sailed from Sancilito about daylight on the morning of the 23d of August. We were occupied all the morning of that day bending sails and getting the ship ready for sea. We were running down the coast, as I understand, by having seen the chart and the manner we were steering. We were occupied all the 23d in getting the ship ready for sea, bending sails, sending up royal and sky-sail yards. On the morning of the 24th we had all the sails bent and set, including the port studding-sails. During these two days there was a thick fog, and no observation had been taken, to my knowledge. At 8 p. m. on the 24th, I believe the course was given ESE., as by the chart we supposed ourselves to be a little to the southward and westward of Point Conception. I understood that we were to haul up one more point at 9 p. m.

What happened after that I do not know, for between the hours of 8 and 9 p. m. I turned in. I was awoke by the vessel striking, and at the same time I was called by Mr. Monroe, who told me that the vessel was ashore. When I reached the deck the men were clewing up the sails, and the surf was striking heavily against the starboard counter, and caused the ship to labor so violently that it was considered dangerous to go aloft and furl the sails. The engine was backing from the time I went on deck; and shortly after the sails were clewed up, the kedge was brought from forward and rigged out on the port quarter by means of a studding-sail boom, with a hawser bent to it, and let go: brought the hawser forward to the capstan through a chock on the bows, and hove it through the same to the bows, instead of moving the ship. It was taken aft again in the same manner: this time it held. I do not remember whether the stream anchor was let go at this time or later, but all hands were sent to the capstan and used all efforts to heave the ship off, the engine backing at the same time with its utmost power, but it was of no avail. Nothing further was done that I remember, until daylight, when we discovered land a short distance ahead of us, the vessel being driven up on the sand-beach. We then commenced preparing two spars for spar-shores, by lashing iron bars to their heels: they were got over the side on each side between the fore ~~and~~ main masts, inclining aft, and a penant-tackle lashed to the head of each spar, and hooked on somewhere between the fore and main masts; the falls were led through leading blocks to the capstan and windlass, and to the same the hawser of the two anchors, and all of them hove upon. One of the penant-tackles parted, and soon after both spars got adrift and were washed ashore on the beach.

[Here the court took a recess for half an hour, at the end of which it met again.]

In the mean time, while they were getting the spars ready, we fired several guns, with the hope of bringing some of the inhabitants, if there were any, to us. What was done immediately after the spars got adrift I do not remember; but about noon the captain determined to cut away the masts, fearing that they would thump a hole through her bottom, (as he expressed it.) The masts were cut away, and the hawsers kept as taut as possible, in hopes that, by lightening and the engine backing, and the hawsers being hove upon, she would go astern. A little before sundown the engineer reported to the captain that it was impossible to work the engine without endangering the ship. A short time after that the captain ordered the engine to be stopped, and all hope of saving the ship was given up. A short time after that it was discovered that the vessel was leaking badly, and she had become firmly fixed in the sand, on her port side. After dark the fires were put out and the steam let off; everybody turned in except the watch for the night. The next morning, at daylight, more guns were fired; a boat was launched; a hawser and kedge were taken ashore and planted, a hawser hove taut in-board, and a travelling-chair rigged on the hawser, by which means persons got on shore. At this time Major Garnett and myself left the wreck, under orders to discover a habitation.

Question by the court. After the ship grounded, did every man and

officer on board use his best efforts to extricate her, obey promptly the orders they received, and deport themselves in a proper and becoming manner?

Answer. Yes, sir, they did.

Question by Lieut. McCormick. State to the court what was the conduct of the commanding officer, Lieut. McCormick, on the night of the wreck.

Answer. Perfectly cool, collected, and prompt.

Question. Did you keep the reckoning of the ship? if so, had you any doubt of the position of the ship?

Answer. I kept the reckoning by projecting on the chart the corrected course and distance. I had not the slightest doubt of the position of the ship.

Question. Did you and Mr. Munroe work out together, and did your work agree?

Answer. We did, and it did agree.

Here the evidence of Mr. Carnes closed. His evidence was read over to him, and it was found correct.

Master's mate A. J. Morehouse was called in and sworn. He said: We left Sancilito on the morning of the 23d of August. We had very thick, foggy weather—so much so that we had no observation. On the 24th of August, at 10 p. m., she struck. When I came on deck, the captain, Mr. Munroe, and Major Garnett, were there. The first order I heard was, to back the engine, to let go everything, and clew up everything. I went forward. We then got a kedge out over the quarter, hove taut the hawser, which did no good. The next morning we got spars on each side, to act as spurs; that did no good. We then cut away the masts, after this failed. The engine was all this time backing. Cutting away the masts did no good; it lightened her, and she went further on shore. We then saw the impossibility of getting her off. We got a boat out, which was swamped alongside; we then launched another, and succeeded in taking a line ashore, made one end fast on shore and the other on board; rigged a travelling-stage, by which means the men got on shore. The men left the ship on the 25th. From this time every effort was made to save the public property; we got sails, rigging, guns, slop-clothing, provisions, &c., on shore, and placed them under tents.

Question by the court. After the ship struck, did every man and officer on board use his best efforts to extricate her, obey promptly the orders they received, and deport themselves in a proper and becoming manner?

Answer. Yes, sir, they did.

Question. Do you know that any lead was hove, from the time of leaving port until the vessel struck?

Answer. I do not know that there was any.

Here the evidence closed on the part of the court.

Question by Lieut. McCormick. What was the conduct of the commanding officer on the night of the wreck?

Answer. Cool and collected, and did all in his power to get her off. Here his evidence was read over to him, and was found correct.

Mr. Munroe was here recalled on the part of Mr. McCormick.

Question by Lieut. McCormick. Did you board a pilot-boat soon after we were wrecked? if so, what statement did he make about his reckoning?

Answer. Yes, sir, I boarded a pilot-boat about a mile off the wreck. The captain said he expected to have been in the latitude of Point Conception; he found a northerly current along the coast. The pilot-boat was bound from San Francisco to Santa Barbara. His observation placed him fifteen miles to the northward of Point Conception.

The court here adjourned, to meet on Wednesday, January 16, at 10 o'clock a. m.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, Upper California, January 16, 1850.

WEDNESDAY, 10 o'clock a. m.

The court met pursuant to the adjournment of yesterday. Present, the president and all the members, and the judge advocate.

Lieut. McCormick appeared and took his seat.

Lieut McCormick submitted to the consideration of the court the document herewith annexed, and marked F.

The court decided to receive the log-book, chart, sailing-instructions, and a copy of a letter from the honorable T. B. King, herewith annexed, and marked F and G.

The Commodore's clerk, J. A. Sherburn, was called into court and sworn. He said that the documents marked F and G were true copies from the originals.

The court adjourned at 1½ o'clock p. m., to meet to-morrow at 10 o'clock a. m.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, Upper California, January 17, 1850.

THURSDAY, 10 o'clock a. m.

The court met pursuant to adjournment of yesterday. Present, the president, all the members, and the judge advocate.

The proceedings of yesterday were read, and found correct.

After a mature deliberation, the court found the accompanying report.

The court adjourned, to meet to-morrow, at 11 o'clock a. m.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, January 18, 1850.

FRIDAY, 11 o'clock a. m.

The court met pursuant to adjournment of yesterday. Present, the president and all the members, and the judge advocate.

The proceedings of yesterday were read, and found correct.

The report of the court was sent back by the commander-in-chief.

The court, after mature deliberation, revised their findings of yesterday, and made the accompanying report.

The court adjourned at 4 o'clock p. m.

The court of inquiry convened under an order of Thomas Ap C. Jones, commanding the United States naval forces in the Pacific ocean, dated January 7, 1850, to inquire into the loss of the United States steam propeller Edith, under the command of Lieutenant James McCormick, having duly examined all the evidence offered in the case, make the following report:

That about the 13th of August, 1849, it became necessary to the public welfare of the community of California that a vessel should be despatched to Santa Barbara, a port to the southward of San Francisco, and that she should return again with as little delay as possible. The steam propeller Edith, then recently transferred to the Pacific squadron, offered as the most desirable vessel. She was undergoing repairs, and it was supposed that, with extraordinary exertions, she might be fitted out in season to make the desired trip and return within the limited time. With this view she was placed under the command of Lieut. James McCormick, officered and manned, and taken out of the hands of the mechanics at work upon her. She left Sancilito on the morning of the 23d of August. At this time the sails were not all bent, the guns were not secured, nor the boats hoisted in—a necessary consequence of the hurried manner in which the duty had been carried forward. Immediately upon getting to sea, fogs were encountered, so dense and uninterrupted that no observation could be made to determine accurately the position of the vessel during the run: the best chart of the coast on board, the mere tracing of a shore-line of coast, never properly surveyed or systematically delineated. With a leading wind, the vessel was run to the southward under the united action of steam and sails. A reckoning was kept by regularly heaving the log, correcting the course by the usual allowances for the variations of the compass, and projecting them with the distances on the chart. On the evening of the 24th of August, as the vessel was supposed to be drawing near Point Conception, an extra degree of attention was very properly bestowed upon the reckoning, and the position of the vessel at 8 p. m. calculated by the Acting Master Munroe and Midshipman Carnes, whose respective results bore a remarkable agreement in placing her a few miles south of the parallel of Point Conception, at a distance of ten or twelve miles. Shortly before this time the studding-sails had been taken in, and under the force of all her square sails and of steam the vessel was making about eight knots, heading ESE. At this time Lieutenant McCormick had a consultation with the master as to the propriety of running under existing circumstances. They were influenced in doing so by the consideration of the importance of despatch, their confidence in their position, the assurances they had received that the land about Point Conception, which they expected to make, was high, and the water steep too, and the impression of both that at such a time they could distinguish objects at a distance of a mile and a half. At this time the course was changed to E. by S., the wind being still at NW., and the officer of the deck was vigilant in visiting the forecabin himself. At about a quarter past 9 p. m., the sound of breakers was heard on the port-bow; the helm was put to port and the commander called, who was soon upon deck. As the vessel paid off to the south-

ward the port-braces were hauled in, to aid her in hauling off shore. Soon after breakers were seen on the starboard bow, and in two minutes more, or in about twenty minutes from first hearing the breakers, the vessel struck. The engine was immediately reversed with the greatest power, and from this period till the wreck was abandoned every effort practicable appears to have been made, either to get the vessel off shore, or, when that hope was abandoned, to save public property. After the vessel struck, it appears that every officer and man used his best efforts to extricate her; that every person promptly obeyed all orders, and departed themselves in a becoming manner. It was subsequently ascertained she had gone on shore in latitude $34^{\circ} 47' 30''$ north, on a sterile and uninhabited part of the coast, where no assistance could be provided, or transportation found, by land or water, for heavy articles.

The court are of opinion that the conduct of Lieutenant McCormick has been marked, during the whole period of his command, by energy and ability; and that, from the time the Edith got on shore until the wreck was abandoned, he remained cool and collected, preserving the discipline of the crew, and making use of all the resources within his reach for the preservation of the vessel and property.

And the court are of opinion that no further proceedings be had in this case.

T. PETIGRU,
President of the Court.
J. W. CURTIS,
Judge Advocate.

JANUARY 19, 1850.

Approved and concurred in.

THOS. AP C. JONES,
Commander-in-chief Pacific Squadron.

U. S. SLOOP-OF-WAR FALMOUTH,
Port of Benicia, Saturday, January 19.

The court met pursuant to the adjournment. Present, the president, all the members, and the judge advocate.

The order of the commander-in-chief was read, approving the finding of the court, and dissolving said court, when the court was declared dissolved by the president.

J. W. CURTIS,
Judge Advocate.

A.

U. S. STEAM-PROPELLER EDITH,
August 26, 1849.

SIR: I am under the painful necessity of reporting this vessel on Point Conception.

On Friday night last, at near 10 o'clock, surf was discovered close aboard. All haste was used to alter the course, but without availing

anything. She struck frequently and heavily, but, the bottom being sand, she was a long time before any leak was made. Yesterday, finding it impossible to get off, and she now having three feet of water in her, I thought it prudent to cut away the masts. In the afternoon she leaked so fast that both the pumps and the engine-pump could not keep her free.

I shall now, in a few moments, despatch Mr. Carnes with Major Garnett to arrange an express to carry this. This I hope you will consider only the announcement of this disaster. When I have time, I will draw up a more detailed report. I will proceed to get on shore all that I can. I think there is only a remote hope that the vessel might be saved by the use of the balsa, now on board the *Fredonia*. We have now under the stern about ten feet of water—at the bow six to seven; but it is rather low tide.

If she were got off, she might be towed to some port to the southward, and repaired, provided the balsa could be kept under her. The boiler and engines can be got out by the use of the above article. I think she may be considered a wreck.

I suppose you will expect to hear how those under my command acted. I have only to say, *well*. They have obeyed all orders cheerfully and with alacrity. As for myself, I am greatly mortified at the result; but I am cheered by the knowledge of having done my duty, and nothing but circumstances over which I have no control brought about this disaster. We had no sun, and from that circumstance had to depend on dead reckoning. I considered myself in the middle of the passage.

I suppose it would seem out of the way to appear over-ready in asking that the loss may be made the subject of investigation before a proper court; but I do ask inquiry, and as soon as possible.

I have no time to write more now, as I wish to despatch Mr. Carnes to Santa Barbara, and then go on with the duty of discharging.

Very respectfully, &c.,

JAS. McCORMICK,
Lieutenant U. S. N.

Commodore THOS. AP C. JONES,
Commander-in-chief Pacific Squadron.

B.

NEAR POINT CONCEPTION,
Latitude 34° 47' N., August 29, 1849.

Sir: On Friday morning Major Garnett and Mr. Carnes returned, after a fruitless search for a rancho. Soon after their return I got ready and started myself, and, after most of the day spent in search, I came on the rancho of Don Hosca, who treated me with great kindness, and is now making arrangements for the transmission of this note.

I have, as yet, had no time to draw up an official account of this disaster. I am now sorry to say that the vessel is a perfect loss, a wreck. Some of the machinery can be saved, but I fear not enough to pay the

expense of transportation. I am still endeavoring to get the engine on shore.

I find, upon inquiry, that to transport things in carts is out of the question, as the sands are light, and wheels with any great weight would sink to the hub. It is my opinion, that the only chance of getting anything away from here is by water, and a steamer would be the most suitable vessel. The surf is generally high, and so much so as to make it dangerous for a boat to venture through it.

We are all well, and as comfortable as circumstances will admit.

Very respectfully, &c.,

JAMES McCORMICK,

Lieutenant United States Navy.

Commodore THOS. AP C. JONES,

Commander-in-chief Pacific Squadron.

P. S.—I think some heavy articles might be got off by using the balsa; but whatever is done ought to be done quickly, as the first gale will tear the hull into pieces.

J. McC.

C.

NEAR POINT CONCEPTION,

Wreck of the "Edith," Latitude 34° 47' N., September 17, 1849.

SIR: It has become my painful duty to report the wreck of the United States steam propeller Edith, under my command, at the place indicated at the head of this report. From the time we took our departure from San Francisco, we were unable to get any observation, from the very dense fog that prevailed and continued till after the wreck. The chart we received from the United States store-ship Southampton was a tracing, supposed by us to contain the most reliable information of the coast, and currents along it. On the chart referred to, a current was indicated of *one knot and a half* to the southward per hour, which is totally incorrect, as we did not experience more than one-third of that amount. Being sure of the course and speed of the vessel, I relied on the correctness of the chart. I knew the great anxiety felt for the speedy accomplishment of the mission on which I was sent. It was even considered almost of vital importance to the preservation of our national Union that the delegates of the convention might be got together as speedily as possible, and form a constitution for California. With confidence on the one hand, and the importance of my mission on the other, I had no hesitation in carrying my instructions with the greatest possible speed.

On Friday night, August 24th, at near 10 o'clock p. m., we heard the surf, and kept off two points. I then returned to the cabin to look at a chart and see if I could find out the depth of water near the shore, which is generally represented as bold. Whilst so occupied, I was called and told that the surf was in sight. I ran on deck, saw the surf, gave orders to stop the engine and to back, and then as speedily

as possible to clew up the sails, the steamer being under royals; but long before the latter order could be executed, the vessel was in the rollers and thumping heavily, so as to make it at times difficult to keep on our feet, and each successive roller taking us further on. The propeller, although under a very high pressure of steam, had no effect. We got our heaviest kedge aft on the quarter, and, by means of a spar rigged out, threw it clear of the vessel, and then took the hawser to the capstan.

In the morning I began to unbend sails and to get the yards down, although the men had difficulty in keeping on the yards; and one man did fall, but was fortunately but little hurt.

We took the main-yard and top-mast and rigged spar-shores of them, using the heaviest rope we had for tackle-falls, with the hope that by backing and heaving we might get off as the tide rose; but the rolling motion occasioned by the sea parted the tackle-falls. Our object was to prevent the vessel from working on shore whilst we lightened her. These efforts were made on the ebb-tide, with the hope that, by lightening the vessel, we might get off at high water. All these efforts proving ineffectual, and the ship having commenced leaking rapidly, I ordered the masts to be cut away.

On Sunday, 26th, we hoisted out the surf-boat, planted a kedge on shore, and hove taut to the bowsprit the rope attached to it. On this rope a traveller was placed in order to disembark persons, stores, &c. The surf-boat went on shore well enough, but was got alongside again with difficulty and soon filled. It was now found that our only hope of saving any property would be to send it on shore by said line. On this day I gave up all hope of saving the hull.

To-day Major Garnett, of the United States army, and Midshipman Carnes, went in search of a rancho. On Tuesday they returned, after their fruitless effort. I then went myself, taking a man, and after a long tramp I came to the rancho of Don José Carvillo. It being near night, and four leagues from the vessel, I remained until morning. To this gentleman I am indebted for many kindnesses. He furnished me with horses to send my despatch to Nepoma, informing you of this disaster.

It would be useless to go on giving you a daily account of our doings after this time; but we exerted ourselves to save public property. I enclose you herewith a list of articles saved.

I cannot close this report without expressing my thanks to Major Garnett for his generous co-operation with me in my difficulties.

The officers and crew under my command executed every order with the utmost alacrity and good-will.

I am, sir, very respectfully, your obedient servant,

JAS. McCORMICK,
Lieutenant United States Navy.

Com. THOS. AP C. JONES,

Commander-in-chief Pacific Squadron.

D.

AT THE WRECK OF THE U. S. STEAM PROPELLER "EDITH,"

Near Point Conception, California, August 29, 1849.

SIR: You will receive, with this communication, Lieutenant McCormick's official announcement of the wreck at this place of the vessel under his command, on the night of the 24th inst. As I presume that this unfortunate accident will be the subject of a detailed official report from the commanding officer, it would probably be improper for me here to enter into any of the particulars of the event; but I deem it to be a duty which I owe to all concerned here, to record my willing testimony to the good conduct and indefatigable exertions which were displayed by all through the trying circumstances of this disaster.

Nothing short of a steamer and the India-rubber "camels" can afford us efficient assistance, in my opinion. We are as inaccessible, almost, by land as by water; being hemmed in on the one side by sand-hills, impassable to wheels, and on the other by a perpetual surf.

I have the honor to be, with great respect, your obedient servant,

R. S. GARNETT,

Bvt. Major United States Army.

Com. THOS. AP C. JONES, U. S. N.,

Commander-in-chief U. S. Naval Forces in the Pacific, &c.

E.

UNITED STATES SHIP FALMOUTH,

Off Benicia, January 16, 1850.

Mr. President and gentlemen of the court:

I wish to submit the log-book, chart, sailing-instructions, and a letter from the Hon. Thos. Butler King, to be made a part of the investigation, to show the urgency of my making haste to carry my orders into effect with all possible expedition, the doing of which led to the loss of the United States steam propeller Edith.

I am, respectfully, &c.,

JAS. McCORMICK,

Lieutenant U. S. Navy.

F.

FLAG-SHIP OHIO, *San Francisco, August 22, 1849.*

SIR: As soon as the Edith is in condition to go to sea, you will receive on board Major Garnett, of the army, and proceed with him to San Diego, and such other ports between San Francisco and San Diego as Major Garnett may designate, for the purpose of conveying the members elect from the southern districts of California to the State convention which is to convene at Monterey on the first day of September.

Although it is not practicable for the Edith to make the trip within the remaining eight days before the convention meets, you will not, on that account, remit in your exertions to get back to Monterey with the least possible delay.

Should you not find me at Monterey, nor receive other instructions from me, you will call on General Riley, or the commanding officer at that place, for a number of convicted soldiers whom General Riley has called on me for transportation to the Atlantic States, and whom you will bring to this port for passage in the Ohio. I shall expect you back within three weeks from this day.

Very respectfully,

THOS. AP C. JONES,
Commander-in-chief Pacific Squadron.

Lieut. Com. JAMES McCORMICK, &c.

True copy. Test:

JOSEPH A. SHERBURN,
Commodore's Clerk.

G.

SAN FRANCISCO, *August 13, 1849.*

SIR: In carrying into effect the views and policy indicated in the letter of the Secretary of the Navy, which I had the honor to deliver to you on my arrival in this place, it has become necessary that I request you to despatch the steamer Edith, as soon as practicable, to San Diego, touching at the intermediate ports, and to return to Monterey by the 1st proximo.

Please to have her supplied with stores, &c., to accommodate some twenty persons in her cabin. As she is now, I am informed, undergoing repairs, I must beg that you will not hesitate to employ such force as will insure her being ready for sea, if possible, by Saturday-next.

I have the honor to be, with very great respect and esteem, your most obedient servant,

T. BUTLER KING.

Com. T. AP C. JONES, &c., &c., &c.

True copy. Test:

JOSEPH A. SHERBURN,
Commodore's Clerk.

H.

NAVY DEPARTMENT, *April 2, 1849.*

SIR: This will be handed to you by the Hon. T. Butler King, if there should be, in his opinion, occasion for so doing. The object

of this letter is to impress upon you the desire of the President that you should, in all matters connected with Mr. King's mission, aid and assist him in carrying out the views of the government, as expressed in his instructions from the Department of State, and that you should be guided by his advice and counsel in the conduct of all proper measures within the scope of those instructions.

I am, sir, very respectfully, your obedient servant,
WM. BALLARD PRESTON.

Com. THOS. AP C. JONES,
Commanding U. S. Forces, Pacific ocean.

A true copy of the original.

M. PATTERSON JONES,
United States Navy.

NAVY DEPARTMENT, *April 3, 1849.*

SIR: It is important that the Hon. T. Butler King and the gentlemen forming his party should meet with the least possible delay on their way to California. You will therefore be pleased to afford them every possible facility your ship will afford to convey them to their place of destination.

I am, respectfully, your obedient servant,
WM. BALLARD PRESTON.

To the COMMANDING OFFICER of the *Pacific Squadron*,
Or the COMMANDER of any single ship who may be at *Panama*.

A true copy of the original letter.

M. PATTERSON JONES,
United States Navy.

U. S. Steamer Edith, James McCormick, Lieutenant Commanding.

SAN FRANCISCO, *Wednesday, June 20, 1849.*

Commences with light breezes from the westward, and pleasant. At 10 a. m., the steamer Edith was turned over from the quartermaster's department to the navy; lieutenant James McCormick taking command. Master's mate A. J. Morehouse reported for duty. Received by the Warren's boat 12 casks of bread. Ends with light airs, and pleasant.

A. J. MOREHOUSE.

SAN FRANCISCO, *Thursday, June 21, 1849.*

Commences with light breezes, and clear. Received by the Warren's boat 22 casks of bread. Ends with moderate breezes from the westward, and clear.

A. J. MOREHOUSE.

SAN FRANCISCO, *Friday, June 22, 1849.*

Commences with light variable breezes, and clear. Received by the Warren's boat 25 kegs of paint, 44 bales of mattresses, 7 casks of bread. Ends with clear weather. John C. Varran, engineer, came on board.

A. J. MOREHOUSE.

SAN FRANCISCO, *Saturday, June 23, 1849.*

Commences with moderate breezes from the westward, and pleasant. Received by the Warren's and Southampton's boats 6 bales of mattresses, 35 bales of blue cloth trousers, 27 coils rope, 1 dozen iron shovels, 46 boat's oars. Ends with moderate breezes, and clear.

A. J. MOREHOUSE.

SAN FRANCISCO, *Sunday, June 24, 1849.*

Commences with moderate breezes from the southward and westward, and cloudy. From meridian to midnight fresh breezes and hazy weather. John Eaton, (officer's steward,) and George W. Combs, (officer's cook) came on board from the Warren. The American ship Philadelphia took fire and burnt up. Ends with moderate breezes, and cloudy.

A. J. MOREHOUSE.

SAN FRANCISCO, *Monday, June 25, 1849.*

Commences with light breezes and misty weather. Received on board 21 coils of rope, 1 spare fore and main top-mast and main-yard. Delivered to the Warren 10 coils of rope. Received from the Warren for ship's use 1 barrel containing 27 gallons of whiskey, 1 barrel containing 10 gallons of molasses. John Davis (quartermaster) came on board from the Warren. Ends with light air, and pleasant.

A. J. MOREHOUSE.

SAN FRANCISCO, *Tuesday, June 26, 1849.*

Commences with moderate breezes from the westward, and clear; wind freshening after meridian. Received on board from the Southampton 3 barrels beef, 3 do. pork, 1 do. butter, 1 do. rice, 1 do. dried apples, 1 do. vinegar, 1 keg pickles, 1 box cheese, 1 do. soap, 1 do. candles. Ends with light breezes, and clear, pleasant weather.

A. J. MOREHOUSE.

SAN FRANCISCO, *Wednesday, June 27, 1849.*

Commences with light breezes, and pleasant. Delivered to the Warren 2 coils of Manilla rope. Received on board 2 sacks of flour, 1 do. beans, 1 do. coffee, 1 do. sugar, for ship's use. Delivered to Messrs. Moffat & Co. 1 ton of hard coal, by order of R. M. Price, navy agent. Ends with light, variable breezes, and clear.

A. J. MOREHOUSE.

SAN FRANCISCO, *Thursday, June 28, 1849.*

Commences with moderate breezes from the westward, and pleasant.

At 7.30 got up steam, but did not succeed in shipping the shaft; had to make sail, and stood for Sancilito, under topsails, jib and spanker. At 2.30 came to with the starboard anchor; veered to 25 fathoms cable; furled sails; the Warren's 4th cutter assisting us. Delivered to the Warren 7 coils of Manilla rope, 1 bale mattresses, and 2 kegs powder. Delivered to Lieutenant Ringgold, for surveying duty, one boat and sails, two oars, and two boat-hooks. Ends with light breezes, and clear, pleasant weather.

A. J. MOREHOUSE.

SANCILITO, *Friday, June 29, 1849.*

These twenty-four hours fresh breezes from the westward, and passing clouds. Employed repairing the engine.

A. J. MOREHOUSE.

SANCILITO, *Saturday, June 30, 1849.*

All these twenty-four hours moderate breezes from the westward, and cloudy. Engineers employed repairing the engine.

A. J. MOREHOUSE.

SANCILITO, *Sunday, July 1, 1849.*

These twenty-four hours moderate breezes from the westward, and clear, pleasant weather.

A. J. MOREHOUSE.

SANCILITO, *Monday, July 2, 1849.*

First part of these 24 hours light, variable breezes; latter part fresh breezes, and clear, pleasant weather. Transferred to this ship from the Warren Wm. H. Duncan, boatswain's mate, and Andrew Smith, sailmaker's mate. The United States mail-steamer Oregon came down from San Francisco, and anchored near us. At 8 the Oregon went to sea.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, July 3, 1849.*

First part of these twenty-four hours light air; latter part moderate breezes and pleasant. At 9 a. m. got up our anchor, and went nearer inshore; but the wind freshening, we dragged out nearly to our old berth; veered to 25 fathoms on the port-chain; expended 2 coils 3½-inch Manilla rope for tow-lines for this ship.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, July 4, 1849.*

First part of these twenty-four hours light air; latter part fresh breezes from the westward, clear and pleasant weather. At sunrise fired a gun and hoisted the colors; suspended all labor; fired a gun at sunset.

A. J. MOREHOUSE.

SANCILITO, *Thursday, July 5, 1849.*

All these twenty-four hours moderate breezes from the westward and

clear. Employed repairing the engine and cleaning it. At sunset three men, passengers from the Danish ship ———, which was stranded on the coast, came on board, and took passage in our boat to San Francisco.

A. J. MOREHOUSE.

SANCILITO, *Friday, July 6, 1849.*

First part of these twenty-four hours fresh breezes from the westward; latter part light, variable airs, and pleasant. An American barque and brig came in and anchored near us.

A. J. MOREHOUSE.

SANCILITO, *Saturday, July 7, 1849.*

All these twenty-four hours fresh breezes from the westward, and clear, pleasant weather. Employed repairing engine.

A. J. MOREHOUSE.

SANCILITO, *Sunday, July 8, 1849.*

All these twenty-four hours light variable breezes, and clear weather.

A. J. MOREHOUSE.

SANCILITO, *Monday, July 9, 1849.*

First part of these twenty-four hours light, variable airs; latter part moderate breezes from the westward, and clear, pleasant weather. Unbent the topsails and unrove the gear. A Hamburg brig arrived.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, July 10, 1849.*

All these twenty-four hours light, variable breezes and clear, pleasant weather; weighed our anchor and warped the ship in nearer the shore. The barque Louisiana went to sea.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, July 11, 1849.*

First part of these twenty-four hours light airs; latter part moderate breezes from the westward, and clear, pleasant weather. Employed cleaning the engine.

A. J. MOREHOUSE.

SANCILITO, *Thursday, July 12, 1849.*

First part of these twenty-four hours light, variable airs; latter part moderate breezes from the westward, and clear, pleasant weather.

A. J. MOREHOUSE.

SANCILITO, *Friday, July 13, 1849.*

All these twenty-four hours moderate breezes from the westward, and clear. A thick fog coming in from sea and hanging on the mountain above us.

A. J. MOREHOUSE.

SANCILITO, *Saturday, July 14, 1849.*

First part of these twenty-four hours light, variable breezes; latter part moderate breezes from the westward, and clear. Blowing in fresh puffs through the night.

A. J. MOREHOUSE.

SANCILITO, *Sunday, July 15, 1849.*

All these twenty-four hours moderate breezes from the westward, and first part cloudy; latter part clear.

A. J. MOREHOUSE.

SANCILITO, *Monday, July 16, 1849.*

All these twenty-four hours fresh breezes from the westward; weather clear. Employed cleaning the engine.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, July 17, 1849.*

All these twenty-four hours fresh breezes from the westward, and hazy weather. Employed cleaning the engine.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, July 18, 1849.*

All these twenty-four hours strong winds from the westward, and thick, misty weather. At 2 p. m., the wind freshening, we dragged our anchor afoul the Chile's chain and made fast alongside of her; ends with thick, misty weather.

A. J. MOREHOUSE.

SANCILITO, *Thursday, July 19, 1849.*

First part of these twenty-four hours fresh breezes from the southward and westward, and thick weather. At 4 p. m., the wind moderating, made an attempt to clear our anchor; but the wind freshening, did not succeed; ends with strong winds from the westward.

A. J. MOREHOUSE.

SANCILITO, *Friday, July 20, 1849.*

All these twenty-four hours moderate winds from the westward, and hazy. Succeeded in clearing our anchor, but did not cast off from the Chile, the wind being too fresh.

A. J. MOREHOUSE.

SANCILITO, *Saturday, July 21, 1849.*

All these twenty-four hours fresh breezes from the southward and westward, and clear. At 8.30 a. m. cast off from the Chile and hauled inshore; veered to 30 fathoms on the port-chain.

A. J. MOREHOUSE.

SANCILITO, *Sunday, July 22, 1849.*

These twenty-hours fresh breezes from the westward, and clear, pleasant weather.

A. J. MOREHOUSE.

SANCILITO, *Monday, July 23, 1849.*

First of these twenty-four hours moderate breezes from the westward; latter part fresh breezes, and hazy weather.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, July 24, 1849.*

All these twenty-four hours fresh breezes from the westward, and hazy.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, July 25, 1849.*

First part of these twenty-four hours moderate breezes; latter part strong gales, and hazy weather. Expended for ship's use one coil containing 25 fathoms 5-inch, and one of 14 fathoms, of 4-inch, hemp rope.

A. J. MOREHOUSE.

SANCILITO, *Thursday, July 26, 1849.*

These twenty-four hours strong winds from the westward, and thick, misty weather.

A. J. MOREHOUSE.

SANCILITO, *Friday, July 27, 1849.*

All these twenty-four hours moderate breezes from the southward and westward, and clear. Crew employed scrubbing paint-work.

A. J. MOREHOUSE.

SANCILITO, *Saturday, July 28, 1849.*

First part of these twenty-four hours light, variable breezes, and pleasant; latter part fresh winds from the westward, and hazy.

A. J. MOREHOUSE.

SANCILITO, *Sunday, July 29, 1849.*

These twenty-four hours strong gales from the westward, and thick, hazy weather. At 1 p. m. a boat from the Danish barque Maria upset in a squall; sent our boat and brought the men on board; a Hamburgh barque lying near picked up the boat.

A. J. MOREHOUSE.

SANCILITO, *Monday, July 30, 1849.*

These twenty-four hours moderate breezes from the westward, and hazy weather. The United States ship Warren came down from San Francisco, and anchored near us. J. C. Varran, engineer, was discharged.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, July 31, 1849.*

These twenty-four hours moderate breezes from the westward, and hazy. A boat's crew from the Warren came on board to assist in send-

ing down topgallant-mast and topsail yards, preparatory to hauling her stern on shore. Ends with fresh breezes, and foggy.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, August 1, 1849.*

These twenty-four hours moderate breezes from the westward, and hazy. At 9 a. m. five men came on board from the Warren, got up our anchor, and warped the ship in near the shore. Expended one coil of three-inch rope for fish-fall, let go both anchors, and got hawsers on each quarter to heave her stern in at high water.

SANCILITO, *Thursday, August 2, 1849.*

These twenty-four hours moderate breezes from the westward, and hazy. Got out our launch and spare spars, and shifted the guns forward to lighten the ship aft. Made another attempt at high water, but did not get her high enough to get out the shaft. Expended one coil of 2½-inch rope for lashings for spars and casks. Ends with breezes fresh from the westward, and clear.

A. J. MOREHOUSE.

SANCILITO, *Friday, August 3, 1849.*

These twenty-four hours moderate breezes from the westward, and hazy weather. Received on board six casks containing — gallons water. Succeeded in getting her in about five feet more. The Warren's men still on board. Ends with clear weather.

A. J. MOREHOUSE.

SANCILITO, *Saturday, August 4, 1849.*

These twenty-four hours moderate breezes from the westward, and clear. Got the shaft out, and made a stage under the stern to work on. At high water hove her in about three feet more. Ends with light breezes, and clear.

A. J. MOREHOUSE.

SANCILITO, *Sunday, August 5, 1849.*

These twenty-four hours moderate breezes from the westward, and clear. Sent the Warren's men on board. Ends with moderate breezes, and clear.

A. J. MOREHOUSE.

SANCILITO, *Monday, August 6, 1849.*

These twenty-four hours moderate breezes from the westward, and clear. Employed repairing the engine.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, August 7, 1849.*

These twenty-four hours moderate breezes from the westward, and clear. Engineers employed repairing the engine.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, August 8, 1849.*

These twenty-four hours fresh breezes from the southward and westward, and thick, hazy weather.

A. J. MOREHOUSE.

SANCILITO, *Thursday, August 9, 1849.*

These twenty-four hours first part moderate; latter part, strong wind from the southward and westward, and hazy.

A. J. MOREHOUSE.

SANCILITO, *Friday, August 10, 1849.*

These twenty-four hours moderate breezes from the southward and westward, and cloudy. Received on board from the Warren the new shaft belonging to this ship. The United States ship Southampton, with Commodore Jones on board, came down from Benicia, and passed on to San Francisco.

A. J. MOREHOUSE.

SANCILITO, *Saturday, August 11, 1849.*

These twenty-four hours moderate breezes; first part, cloudy; latter part, clear. The United States ship Warren went up to town. Sent John Eaton, officers' steward, on board the Warren to be discharged, his time having expired.

A. J. MOREHOUSE.

SANCILITO, *Sunday, August 12, 1849.*

These twenty-four hours moderate breezes from the southward and westward, and clear, pleasant weather.

A. J. MOREHOUSE.

SANCILITO, *Monday, August 13, 1849.*

All these twenty-four hours, light, variable breezes, and pleasant.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, August 14, 1849.*

These twenty-four hours moderate breezes from the southward and westward, and hazy; latter part, foggy. Midshipman Bredin and eight men came on board from the Warren, to assist in fitting out the ship. Employed in scraping masts and steering-sail booms. Engineers repairing engine.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, August 15, 1849.*

These twenty-four hours moderate breezes from the westward. First part foggy; latter part clear. Employed in scraping decks and painting ship. Expended one keg of black paint, one keg of white, four paint-brushes and six scrapers. Engineers repairing engine.

A. J. MOREHOUSE.

SANCILITO, *Thursday, August 16, 1849.*

These twenty-four hours moderate breezes from the southward and westward, and pleasant. Employed in painting ship outside, and repairing engine.

A. J. MOREHOUSE.

SANCILITO, *Friday, August 17, 1849.*

These twenty-four hours moderate breezes from the westward, and hazy. Employed in painting ship and repairing engine.

A. J. MOREHOUSE.

SANCILITO, *Saturday, August 18, 1849.*

These twenty-four hours moderate breezes from the westward, and clear. Employed in painting and at the engine. Passed Midshipman A. F. Munroe and Midshipman E. O. Carnes reported for duty on board this ship.

A. J. MOREHOUSE.

SANCILITO, *Sunday, August 19, 1849.*

These twenty-four hours, first part light, variable breezes; latter part, moderate breezes from the westward, and clear, pleasant weather. Sent the Warren's men on board their ship.

SANCILITO, *Monday, August 20, 1849.*

These twenty-four hours, first part, light breezes; latter part, moderate breezes from the southward and westward, and cloudy. Received on board from the United States ship Ohio seven seamen, six ordinary seamen and two landsmen, for duty on board this ship. At 11 a. m., cast off our hawser and hove up the port-anchor. Crew employed in repairing sails; sent up topgallant-masts. The engineers repairing the engine.

A. J. MOREHOUSE.

SANCILITO, *Tuesday, August 21, 1849.*

These twenty-four hours fresh breezes from the southward and westward, and cloudy. At 7.30 a. m., hove up our anchor and hauled the ship alongside the Massachusetts; took in twenty tons of coal and four casks of water. Engineers at work at the engine.

A. J. MOREHOUSE.

SANCILITO, *Wednesday, August 22, 1849.*

These twenty-four hours, first part, moderate breezes from the southward and westward, and cloudy. At 6 a. m. cast off from the Massachusetts and stood for San Francisco, under steam. At 8.30 came to, with the starboard anchor veered to twenty-five fathoms chain. Received from the Ohio three cords of wood. Sent up the fore and main-top sail yards. At 6 p. m. hove up our anchor, and stood for Sancilito. At 7.30 came to with the starboard anchor veered to twenty-five fathoms chain. Received from the Ohio thirty

gallons of oil. John C. Varran and Edward Bailey, engineers, came on board for duty.

FROM THE OHIO.

Seamen.—John Smith, 2d, Adolph Johnson, John B. Simpson, James Thomas, George Saunders, James McConnell, Amos Tolman.

Ordinary seamen.—John Palthey, Lysander K. Johnson, Simon Amback, George P. Carter, Peter Suncry, Newman Bodwell.

Landsmen.—Frederick De Saumo, Freeman W. Shaw.

FROM THE WARREN.

Stewards.—Benjamin Broyden and James Smallwood, deserters from the store-ship Fredonia.

Sent to the United States ship Warren.—William H. Duncan, boatswain's mate.

A. F. MUNROE.

At sea—August 23, 1849.

H.	K.	F.	Course.	Wind.	
1	.....	.....	.....	.....	
2	.....	.....	.....	.....	
3	.....	.....	.....	.....	
4	.....	.....	.....	.....	
5	.....	.....	.....	.....	
6	.....	.....	.....	.....	
7	.....	.....	.....	.....	
8	.....	.....	.....	.....	
9	.....	.....	.....	.....	
10	5	.....	SW. $\frac{1}{2}$ W.	Variable.	From four to eight, wind S. and W. and cloudy; sent the launch on shore; got under way and stood out of the harbor.—A. F. M.
11	6	.....	SSW	do	
12	6	.....	S. by W.	do	
1	6	.....	South	do	
2	6	.....	SE. by S.	do	
3	6	2	do	do	From eight to meridian, light breezes and foggy. Took the following bearings at nine: Point Lobos, NE. by E. $\frac{1}{2}$ E.; Point Diablo, NE. $\frac{1}{2}$ N.; Fort, NE. $\frac{1}{2}$ E. Bent the foretop-sail; secured the guns for sea.—E. O. C.
4	6	4	do	do	
5	6	2	do	do	
6	6	2	do	do	
7	6	.....	do	do	
8	6	4	do	do	
9	6	.....	do	do	
10	6	.....	SE. $\frac{1}{2}$ S.	do	From meridian to four, light breezes and hazy; bent the foresail and main-topsail, and set them with the jib and spanker.
11	6	4	SE.	do	A. J. MOREHOUSE.
12	6	.....	SE.	do	From four to six, wind and weather the same.—A. F. M.

From six to eight, wind and weather the same.—E. O. C.

From eight to midnight, light airs and cloudy.—A. J. MOREHOUSE.

At sea—Friday, August 24, 1849.

H.	K.	F.	Course.	Wind.	
1	6	2	SE.	Variable .	Commences, and until four, wind light; weather cloudy; braced around on the port tack; took in foresail and spanker.—A. F. M.
2	6	2	SE.	do.....	From 4 to 6, light airs and foggy.—E. O. C.
3	6	4	SE.	do.....	From eight to meridian, light breezes and cloudy; bent the fore and main topgallant-sail and main-royal, and set them.—A. J. MOREHOUSE.
4	6	4	SE.	do.....	
5	6	—	SE.	do.....	
6	6	2	SE.	do.....	From meridian to four, weather cloudy; bent the mainsail.—A. F. M.
7	6	4	SE.	do.....	From four to six, weather cloudy; bent the fore-royal; set the port foretop main steering-sail.—E. O. C.
8	6	4	SE.	do.....	
9	7	—	SE. by E.	do.....	From six to eight, light breezes and cloudy; took in the port foretop main steering-sail.
10	6	4	do.....	do.....	A. J. MOREHOUSE.
11	6	4	do.....	do.....	From eight to midnight, light breezes and hazy weather. At 9h. 35m., heard breakers on our port bow; kept off two points. At 9h. 40m., discovered breakers on port bow and ahead; backed the propeller, braced the yards to the wind, (the vessel still nearing the breakers,) put the helm up, and endeavored to wear round. Before changing the course, the vessel struck in the midst of the surf. Clewed up everything, and backed continually with 40 inches of steam on; got a kedge on port quarter to port bow, which was of no service, as the heavy swell and surf continually drove us ahead—the vessel striking heavily, but making no water.
12	6	4	do.....	do.....	A. F. MUNROE.
1	7	—	do.....	NW.	
2	7	—	SE. by E. $\frac{1}{4}$ E.	NW.	
3	6	4	do.....	NW.	
4	7	—	do.....	NW.	
5	7	4	do.....	NW.	
6	7	4	do.....	NW.	
7	8	—	do.....	NW.	
8	7	—	E. by S. $\frac{1}{2}$ S.	NW.	
9	7	—	do.....	.....	
10	5	4	E. by S. ....	.....	
11	—	—	.....	.....	
12	—	—	.....	.....	

SATURDAY, 25th.

From midnight to 4, commences, and continues until 4, with occasional light airs and thick, foggy weather. Hove the kedge home; got it again on port-quarter, and commenced heaving in, backing continually with propeller; a slight puff coming off-shore, braced the yards aback; the wind changing again, pointed them to the wind; the surf striking heavily against the stern.

E. OSGOOD CARNES.

From 4 to 8, light westerly winds and foggy weather. At daylight the land was seen at less than a cable's length from the bows of the vessel—the vessel continually backing, with sixty inches steam. Sent courses and topsails, &c., on deck; got the stream-anchor on port-quarter and hove taut on it.

From 8 to meridian, light winds from the westward and cloudy weather; a heavy surf breaking around the vessel. Got two heavy spars in main rigging, pointing forwards and on the bottom; got tackles on them and led them to the capstan; hove taut and attempted to shove the steamer from the shore; the vessel striking heavily and the surf washing forcibly towards shore, the spars were carried away; commenced lightening, by throwing over spars, &c.; fired several guns for assistance; sent down fore and main yards and all the light yards and sails we could reach.

A. F. MUNROE.

From meridian to 4, light breezes and hazy weather. Cut away the fore and main masts and cleared the wreck. The vessel lightening, by cutting away the masts and throwing heavy articles overboard, was driven still higher by the surf—the engine continually backing with all steam. During the remainder of the day, wind and weather the same. At 10 p. m., the water rising faster than the bilge-pump could clear her, and not being able to procure water for the boilers, the engine was stopped.

SUNDAY, *August 26, 1849.*

Commences with, and continues through these twenty-four hours, light breezes from the sea, and thick, misty weather. Hoisted out the surf-boat, and carried the kedge and line on shore; the surf-boat, in returning was swamped; lowered port quarter-boat, which was capsized in the surf; sent a hawser on shore and made it fast to the kedge, hove taut from the bows, and got a travelling-stage on it; despatched Midshipman Carnes with Major Garnett in search of assistance.

MONDAY, *August 27, 1849.*

During these twenty-four hours light breezes from the westward, and thick, misty weather. Employed landing articles, stores, &c.; engineers getting out parts of the engine that were above water and sending it on shore; the steamer completely water-logged; the officers and crew encamped on shore this day.

TUESDAY, *August 28, 1849.*

During these twenty-four hours light breezes from the sea, and misty weather. Employed on board getting out engine and other articles that were above water and sending them on shore; Major Garnett and Midshipman Carnes returned without finding any inhabitants. Lieut. Commanding McCormick started this day for the same purpose; discovered our latitude to be $34^{\circ} 47' 30''$ north, 15 miles to the northward of Point Conception.

WEDNESDAY, *August 29, 1849.*

These twenty-four hours light sea-breezes and thick, misty weather. Employed, at low water, on board, sending such things as could be got at on shore; Lieut. Commanding McCormick returned with a party of Californians; despatched Passed Midshipman Munroe with orders to send an express to Commodore Jones.

THURSDAY, *August 30, 1849.*

All these twenty-four hours light breezes from the westward, and thick, misty weather. Employed on board getting engine and other articles above water on shore. Mr. Munroe returned, having despatched a messenger to the commodore.

FRIDAY, *August 31, 1849.*

During these twenty-four hours light breezes from the westward, and misty weather. Employed at low water in sending on shore part of the engine, &c. At high water the sea making a breach all over her.

SATURDAY, *September 1, 1849.*

During these twenty-four hours light airs and calms, with thick, misty weather. At 1 p. m. the schooner "Anglona" passed near us and hove to; the sea being quiet, sent a boat out to her. She was bound to Santa Barbara. Employed in sending such articles as could be got on shore.

SUNDAY, *September 2, 1849.*

These twenty-four hours light, variable breezes, and cloudy. Rested this day. The vessel logged, and the hold full of water.

MONDAY, *September 3, 1849.*

During these twenty-four hours light breezes from the westward, and misty weather. Employed sending things on shore. At 11 a. m., the tide being very high, the vessel came broadside to, and parted the hawser; let go the starboard anchor, and got another line on shore. Peter Sancry, O. S.; Newman Bodwell, ditto; and Amos Tolman, ditto—their time of service having expired, the captain gave them permission to proceed to San Francisco to report to the commodore. At 9 p. m. saw a light passing to the southward; supposed it to be the steamer Panama, bound down the coast.

TUESDAY, *September 4, 1849.*

During these twenty-four hours moderate breezes from the westward, and cloudy. Employed on board at low water sending parts of the engine on shore.

WEDNESDAY, *September 5, 1849.*

During these twenty-four hours light breezes from the sea, and pleasant weather. Employed on board at low water getting the engine out.

THURSDAY, *September 6, 1849.*

During these twenty-four hours moderate breezes from the westward, and clear, pleasant weather. Employed on board at the engine.

FRIDAY, *September 7, 1849.*

During these twenty-four hours light breezes from the sea, and pleasant weather. Employed on board as usual.

SATURDAY, *September 8, 1849.*

During these twenty-four hours light breezes from the sea, and clear, pleasant weather. Major Garnett left the encampment for Monterey. Employed on board as usual.

SUNDAY, *September 9, 1849.*

These twenty-four hours moderate breezes from the westward, and clear weather.

MONDAY, *September 10, 1849.*

During these twenty-four hours light breezes from the sea, and clear, pleasant weather. Employed on board at low water getting out the engine.

TUESDAY, *September 11, 1849.*

During these twenty-four hours light breezes from the sea, and pleasant weather. Employed on board as usual.

WEDNESDAY, *September 12, 1849.*

During these twenty-four hours light sea-breezes, and warm, pleasant weather. Employed on board at low water as usual. Cut away the mizenmast to lighten the vessel, so as to get out the port cylinder.

THURSDAY, *September 13, 1849.*

During these twenty-four hours light sea-breezes, and pleasant. Employed getting spars out the port side, to heel her to starboard. At 5 p. m. the captain received letters from the commodore.

FRIDAY, *September 14, 1849.*

During these twenty-four hours light sea-breezes, and pleasant weather. Employed heaving on the spars to list her, which proved unsuccessful. Cut a hole in the port bow to let the water out of her. Engineers employed on board as usual.

SATURDAY, *September 15, 1849.*

During these twenty-four hours light sea-breezes, and clear, pleasant weather.

SUNDAY, *September 16, 1849.*

During these twenty-four hours light sea-breezes, and warm, pleasant weather.

MONDAY, *September 17, 1849.*

During these twenty-four hours light sea-breezes, and pleasant. Captain McCormick and Midshipman Carnes left for San Luis, to provide passage for the men to Monterey.

TUESDAY, *September 18, 1849.*

During these twenty-four hours moderate breezes from the sea, and pleasant. Shifted our quarters from the beach, up on the bank above.

II.

COPIES OF REPORTS AND CHARGES MADE TO THE NAVY DEPARTMENT AGAINST THE MEMBERS COMPOSING THE COURT OF INQUIRY IN THE CASE OF THE U. S. STEAMER EDITH, IN REFERENCE TO CONDUCT WHILE ATTACHED TO THE PACIFIC SQUADRON.

WASHINGTON, *October 12, 1850.*

SIR: I have the honor to submit for your official consideration the following statement of the acts of Thomas Petigru, now or lately in command of the United States sloop-of-war Falmouth.

In December, 1849, a fatal affray occurred at San Francisco. The party accused, Reuben B. Withers, left that part of the country until the excitement prevailing at the time should have abated—his friends and legal advisers fearing its consequences in a community so peculiarly constituted as San Francisco then was. He finally became a resident of Tepic, in Mexico, whence he visited Mazatlan towards the end of March last. About the first April, the Falmouth arrived at that port, and Captain Petigru, learning his presence there, and instigated by the reward of \$3,000 offered for his apprehension, joined John Parrott, United States consul, in a scheme to procure his abduction from the Mexican soil, and his delivery on board the Falmouth, by such means as they hoped would exempt them from the danger and odium attendant on the flagrant violation of national and individual rights which they contemplated. Captain Petigru, accompanied by Parrott, accordingly proceeded in uniform to the commanding general of the district, sought and procured an order for the arrest of a deserter from his ship, without name or description of the person to be arrested. This order Petigru and Parrott placed in the hands of a Mexican officer in charge of a detachment of soldiers, and employed an American called Gaines to point out the person they wished to apprehend. By virtue of this writ, thus enforced, Withers was seized and conveyed, with wanton violence and every mark of ignominy, on board the Falmouth, where a receipt for "a prisoner," without other designation, was given by the direct order of Captain Petigru, and he was confined in double irons; was refused, in reply to a respectful letter to the captain, all information of the cause of his arrest; was denied all communication with the shore or with his friends except one, who, by special grace, was allowed one or two brief interviews under the surveillance of a sentry; his letters were withheld until the eve of the ship's departure, and in one instance only delivered with the seal broken. The authorities of Mazatlan were not long ignorant of the deception practised upon them. The district judge issued some process known to the Mexican law for the release of Withers, and the commanding general, in an official communication to the captain, demanded his restoration, but the demand and the legal process were alike disregarded, although the ship was lying in the harbor, within the jurisdiction of Mexico as recognised by the law of nations. She sailed the next day for San Francisco, and on her arrival there Captain Petigru immediately notified the local authorities that he held possession of Withers, and would give him up in conformity with the terms of their advertisement for his

apprehension. The prisoner was transferred to the custody of the sheriff, a receipt being first required by Captain Petigru; and an ordinance for the payment of the reward was passed by the city council. To secure its collection, Captain Petigru sent the receipt to Parrott, who had changed his residence to San Francisco. Their employé, Gaines, however, claimed his share of the spoils, and Captain Petigru instructed Parrott to pay him \$500 of the amount collected. This offer not being satisfactory, and the declaration of Commodore Jones, that any officer receiving the reward deserved to be cashiered, having obtained some publicity, Captain Petigru thought proper to relax his pretensions, and the receipt of Gaines for the whole sum appears among the archives of the city. Whether or not Captain Petigru actually received any portion of the reward is immaterial; his motives are evident throughout, and his intentions are too notorious, apart from his own avowals, to admit of doubt. I will not lengthen this narrative further than to say that the authorities of San Francisco were in no way implicated in the abduction from Mazatlan, that the plea of desertion was utterly without foundation, and that the trial resulted in an acquittal.

In proof of this statement I beg leave to enclose the documents mentioned below, which fully substantiate the facts I have related, and furnish other incidents corroborative of its truth:

1. Copy of a letter from R. B. Withers to Captain Petigru, asking the cause of his arrest, of which the only notice vouchsafed was a verbal message, through Lieutenant Devlin, that no reply would be given to the questions asked.

2. Copy of a letter from John De Camp, United States navy, first lieutenant of the Falmouth during the transactions referred to.

3. Copy of an affidavit of Isaac Bluxome, jr., confirmatory of portions of Lieutenant De Camp's letter.

4. Copy of Captain Petigru's report, dated May 9, 1850, to Commodore Jones, of his proceedings in this matter, which does not differ from my statement, except in asserting the application to have been for a person "who had fled," instead of a deserter; and in mentioning an incentive, additional to the reward, in his supposition "that he was doing an acceptable service to the good people of San Francisco."

5. Copy of a subsequent letter from Captain Petigru to Commodore Jones, dated May 27, 1850, denying that he had authorized Gaines to apply for the reward, and enclosing copy of one letter to Parrott.

(It will be observed that Lieutenant De Camp's recollection of its contents happily supplies the opportune loss of the other letter.)

6. An original certificate from the authorities of Mazatlan, duly authenticated by the British consul—there being no American consul at that port—showing that Captain Petigru procured the arrest of Withers as a deserter, refused the demand of the authorities for his restoration, and carried him to San Francisco in the Falmouth.

The originals of Lieutenant De Camp's letter, and of Bluxome's affidavit, and a certified copy of Withers's letter to Captain Petigru, I am prepared to exhibit. The accuracy of the copies of Captain Petigru's letters can, I presume, be verified by Commodore Jones.

Upon the indignity offered to the Mexican nation, it is not my province to comment; nor would it become me to enlarge upon the conduct

of Captain Petigru, in first accomplishing his object by deceit, and then, in reliance on the armed force under his command, disregarding the just remonstrances of the authorities of a defenceless town. But, as the representative of private wrongs, I seek redress for injuries upon the rights and feelings of an American citizen, inflicted through the wilful abuse of power intrusted to a public officer of his country; and in the fulfilment of this duty I charge Captain Petigru, not only with violating the rights of a countryman, but with a gross outrage upon the laws of Mexico and the dignity of the Mexican nation, by using her authority to incarcerate a citizen of the United States in palpable violation of the laws of nations, and especially of the laws of Mexico. No treaty of extradition between Mexico and this government authorized the seizure and imprisonment of the accused; and if such treaty had existed, it would have been incumbent on the parties preferring the accusation to have summoned the accused before some competent Mexican tribunal, and to have obtained from such tribunal an order for his delivery upon a proper demand and a proper hearing of the charges alleged against him. No such proceedings occurred in this case; but, on the contrary, the delivery was obtained from a military official of Mexico by Captain Petigru on the pretext, known by him to be false at that date, that the accused was a deserter from the American navy. It can scarcely be necessary that I should designate the dangerous consequences which would result to the citizens of our country in foreign lands, if such frauds and such an abuse of power, especially when accompanied by the temptations proffered by a pecuniary reward, could be permitted to escape with impunity. If American citizens are to be thus seized and ignominiously imprisoned upon the mere arbitrary mandate of a naval officer, the vaunted privileges conferred upon republican institutions would become in fact mere empty forms.

I explicitly charge Captain Petigru with oppression, fraud, falsehood, and conduct unworthy of an officer and a gentleman. These charges will embrace among others the following specifications:

1. The arrest and imprisonment of an American citizen, without any authority of law.
2. The seizure of an American citizen within the limits of a neighboring republic, without any order from the proper authorities of such republic for such arrest or imprisonment.
3. The arrest of an American citizen, who was not at the time, and never had been, a component part of the army or navy of the United States, as a deserter from the service of the army or navy.
4. The refusal to release such prisoner, when notified by the proper authorities of Mexico that such detention or imprisonment was not countenanced by them.
5. The transportation of an American citizen, as a prisoner, from the territory of Mexico, without any lawful authority, to a distant point within the limits of the United States.
6. The imprisonment of an American citizen, who did not belong to the army or navy of the United States, on board an American national vessel, without any lawful warrant from any competent authority of Mexico or the United States.

7. The indignity and outrage inflicted upon an American citizen by confining him in chains on board an American national vessel, and transporting him in fetters to the United States.

8. The infliction of all the outrages set forth in the above specifications, with the corrupt motive of participating in the reward that had been offered for the apprehension of the individual thus unlawfully deprived of his liberty and rights through fraud, falsehood, and deception.

Upon these charges, and upon such others as may be found applicable to the case, I respectfully request that the said Thomas Petigru, a commander in the navy of the United States, may be tried before a court-martial, to be ordered by the Navy Department; and that if found guilty, he may be subjected to such punishment as will be authorized by the rules and articles of war, and by the laws of the United States, and as may deter all others exercising similar power from inflicting such wrongs and outrages upon American citizens.

I have the honor to be, sir, your most obedient servant,

D. D. WITHERS.

Hon. WM. A. GRAHAM.

No. 1.

PORT OF MAZATLAN, *April 4, 1850.*

SIR: I, a resident of the city of Tepic, republic of Mexico, was, on the evening of Tuesday last, arrested in the streets of this port, and upon inquiring the cause of my arrest, both in the English and Spanish languages, was told in the last mentioned "to shut up my mouth;" and orders were given in the same language, in case I made any resistance, to fire upon me. Upon proceeding peaceably with the force who arrested me, I requested politely of a man who seemed to be the leader of the band the cause of my arrest, and was struck, by his order, by a man armed with a musket. On reaching the front of the office of the aduana of this port I was again struck, pinioned, and otherwise harshly treated, after having repeatedly expressed that I had no intention or desire to escape. On reaching the mole I requested of the leader of the band—who, I was informed by a bystander, was one "Panola," under whose order I had been beaten—an unresisting man—to see the papers and orders under which he was acting, and was told by him that he wished no conversation with me; when it suited his convenience he would let me know as much as he thought proper. I have been placed on board of the vessel under your command, and have asked for a copy of the papers under which I am held here, a prisoner in irons, and have been told nothing more than that it was by your orders. Yesterday I was visited by several of my friends; was refused interview, with the exception of one, and that in the presence of a third party—a gentleman under your orders.

Under this most extraordinary and unusual state of proceedings, I beg leave respectfully to inform you that I claim for myself the privilege granted in all free and enlightened countries to all prisoners, unless it be state prisoners arraigned for political offences, of free and

uninterrupted intercourse with my friends and counsel, both in person and by letter.

It may be as well, also, to lay before you the fact of my having, in another section of this republic, property, moneys, and business papers belonging to other parties, and trust that no impediment, but, on the contrary, all facilities, will be allowed me to transact my business, both on my individual account and for the benefit of others.

Hoping that the above may meet with your favorable attention, and an answer as early as may be convenient,

I remain, sir, with great respect, your obedient servant,

R. B. WITHERS..

Capt. T. PETIGRU,

Comm'r of American Sloop Falmouth.

No. 2.

UNITED STATES SHIP PREBLE,

San Francisco, July 30, 1850.

MY DEAR SIR: I have received your letter enclosing one from my friend Commodore M. C. Perry. A letter of introduction couched in such flattering terms, and from so distinguished a source, could not fail, under any circumstances, to enlist my warmest interest in your behalf, or to forward, so far as my power extends, any interest you may have in this part of the world. You inquire of me what I know respecting your brother's arrest in Mazatlan, and his reception, treatment, &c., &c., on board the United States ship Falmouth. About the first of April last, I was the executive officer of the Falmouth, and on our arrival at Mazatlan, Commander Petigru, of the Falmouth, informed me that Withers was on shore. I asked him who was Withers; and he replied, the man for whom the alcalde of San Francisco had offered a reward of three thousand dollars, and that he had laid a plan to catch him and secure the reward. Captain Petigru afterwards stated that Mr. Parrott, the United States consul at Mazatlan, wished him to send the ship's boat on shore for Withers, but that he (Capt. P.) had refused, preferring that a shore-boat should be used for this purpose. A day or two after this conversation, I received a note from Captain Petigru (then living on shore) ordering me to receive on board, and safely guard, the person who would be brought off. Not knowing who the person alluded to was, and recollecting the conversations a few days previous, above related, I addressed a note to the captain, asking if the person I was to receive was Withers, and whether I was to confine him in irons. His reply simply was that the person would be brought off by the Mexican authorities that night or the next. The next evening the captain was on board, and while in conversation with him in the cabin, it was reported to me that a boat was alongside with a prisoner. I asked the captain for instructions as to his reception on board: he told me that it was Withers, and ordered him to be searched and placed under the top-gallant forecastle in double irons, in charge of a sentinel; all of which was done, and no weapons found

upon him. In conformity to the captain's order, I gave the officer in charge a receipt in writing for a prisoner from the Mexican authorities, which receipt the captain afterwards informed me he was sorry had been given, and that it was in possession of Parrott. The day after, a Mr. Fields, of New Orleans, and two Mexicans, not speaking English, came aboard to see the prisoner. The captain was on board, and consented to their seeing him one at a time, but ordered Lieutenant Devlin, the marine officer, to be in attendance. Mr. Fields was permitted to converse with the prisoner for a few minutes, and then all three of the visitors were hurried over the gangway into a boat, and orders given me not to allow them to come on board again, although nothing in their deportment on board was otherwise than decorous and respectful. No person was allowed to hold intercourse with him after this, excepting Mr. Fields, who, I think, had the captain's special permission, once or twice, to see him, but always in presence and hearing of a sentinel. Shortly after his arrival on board, Withers addressed a letter to the captain, demanding the reason of his arrest, and by what authority he was detained; to which the only reply was, that the letter had been received, and that no answer would be given to the questions therein asked. Captain Petigru generally lived on shore while the ship was at Mazatlan; and some three or four days before we sailed, I received a note from him (which I enclose) in these words: "I have reason to believe that great efforts are being made to rescue, by some means or other, the prisoner on board. Suffer no one to see him, or speak to him—no one at all—don't suffer any of the crew or passengers to hold conversation with him. Respectfully, T. Petigru. Caution the sentinels to be vigilant on post." I understood that the arrest, and particularly the means adopted to procure the order, had caused some excitement among the citizens of Mazatlan. Previous to our sailing from there, I saw a letter from the commanding general or governor of the town, stating that the authorities had been led into an error in arresting Withers, as the impression conveyed to them by Mr. Parrott and Captain Petigru, at the time the application was made for the arrest of an American, was, that he was a deserter from the Falmouth, and the governor demanded that he should be restored to the Mexican authorities. As nearly as I can remember, the reply to this demand was, that he (Captain P.) had received the prisoner on board at the hands of the town police; that he considered the prisoner under the protection and laws of the United States, and that he refused to give him up. Captain Petigru had previously informed me that the officer who gave the order for the arrest of Withers was deceived, as it was represented to him that the person to be arrested was a desperate American or Texan, and that seeing him, the captain, in uniform, and Mr. Parrott, the American consul, apply in person, the officer supposed it was for a deserter from the Falmouth, and the order was promptly given. I think the authorities were the more willing to act in this affair, as only a few weeks before one of our midshipmen had been murdered in the streets, and but slight notice had been taken of it. A day or two before we sailed, two letters were handed me by the captain for Withers: one was sealed—the other had been, but the seal was broken. The captain had given orders that no letters should be delivered unless sub-

mitted to the officer of the guard. On the passage from Mazatlan to San Francisco, Captain Petigru expressed to me his fears of getting himself into a scrape by this business, (referring to Withers's arrest,) and his apprehension of being sent home. On our arrival at San Francisco in May last, I was sent on shore to advise the authorities of the presence of Withers on board, and was intrusted by the captain with an open note written by him in pencil, which read thus: "Mr. Alcalde, I have on board R. B. Withers, who will be delivered to the proper officers on your authority, in accordance to your advertisement of December last. Respectfully, T. P." This note I read to Judge Parsons, in presence of Colonel Hays, the sheriff, and of Isaac Bluxome, jr. The day following, two officers came on board the Falmouth with an order to receive Mr. Withers, and gave Captain Petigru a receipt for the prisoner; this receipt, the captain afterwards told me, he had sent to Parrott, who had become a resident of San Francisco, to collect the reward of three thousand dollars, which had been offered by the alcalde in the advertisement alluded to in Captain Petigru's note to him. The captain also told me that a man named Gaines, who had been employed to point out Withers to the Mexican officer charged with his arrest at Mazatlan, had claimed the reward. I saw a letter the captain wrote Parrott, instructing him to pay Gaines five hundred dollars of the reward. Gaines replied that he claimed half: that he had consulted his attorney, who said he was entitled to the whole; and unless the captain consented now to payment of half, he should insist on the whole. How the difficulty was settled, or to whom the reward was finally paid, I have no knowledge. In a conversation with Mr. Parrott on board the Falmouth in June last, I remarked to him that if Mr. Withers was released, he would likely have some trouble; to which he replied, that at first he had not intended to have anything to do with it, but that now he would have the jury so fixed that Withers would be hung any how.

I have thus related all the circumstances connected with the affair I can recall at the moment, and on which my memory is entirely clear. So satisfied am I of the accuracy of my statements, that if your brother's cause can in any way be benefited thereby, or you so desire, I will willingly testify to their truth, in substance, if not literally. You are perfectly at liberty to make any use of this letter which you may think proper. Excuse the appearance of this letter: it has been written in great haste; and I only hope that you will be able to make out its contents, and that it may be of service to you.

I remain, very truly, your obedient servant,

JOHN DE CAMP.

Mr. D. D. WITHERS, *San Francisco*.

No. 3.

STATE OF CALIFORNIA, }
City of San Francisco. } ss.

Isaac Bluxome, jr., of said city, being duly sworn, says: That he accompanied Lieutenant John De Camp, on the arrival of the sloop-of-war

Falmouth, in the month of ——— last, to the authorities of San Francisco, to advise them that Reuben B. Withers, for whose apprehension such authorities had offered a reward, was then on board of said ship Falmouth; that he was present when said De Camp read a note from Captain Petigru to Judge Parsons in presence of deponent, Colonel John C. Hays, and, he thinks, another person, who was conversing with Judge Parsons when deponent and said De Camp, and Hays, went in; that the purport of said note was to the effect that said Withers was then on board said ship Falmouth, and would be delivered to the proper officers in accordance with the advertisement of the alcalde offering a reward for the apprehension of said Withers in December last; that at such interview, Judge Parsons stated that the city had no money to pay the reward which had been offered, but that they would issue city scrip therefor. And deponent further saith, that he has heard that part of a letter, written by said De Camp to Dunham D. Withers, esq., which relates to this subject, read, and that so far as the facts therein stated came within the knowledge of deponent, they are true; and further saith not.

ISAAC BLUXOME, JR.

Sworn to before me, this 31st day of August, 1850.

JOHN McVICKERS,
Notary Public, San Francisco County.

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No. 4.

UNITED STATES SHIP FALMOUTH,
San Francisco, May 9, 1850.

SIR: Supposing that I was doing an acceptable service to the good people of San Francisco, who had, through their alcalde, offered a reward of \$3,000 for the detention and delivery over to the sheriff of San Francisco of Reuben Withers, I accompanied Mr. Parrott, on the 2d of April, to the office of the commanding general of the province of Sonora, in the town of Mazatlan, (Mexico,) who made an application for a force to arrest a person who had fled, and who was then in that town. The governor wrote an order, which we carried to the captain of the guard, who sent a file of armed men, and Reuben Withers was seized and brought by them, in their own boat, on board this ship, where he has been confined a prisoner ever since, but treated otherwise with attention and kindness.

On the 15th of April I received a communication from the commanding general, to which I replied on the 13th; (both of the letters are enclosed;) and as I heard nothing further from the general or the judge, I presume the answer was satisfactory.

Withers was delivered to the sheriff of San Francisco this morning.

Very respectfully,

T. PETIGRU,
Commander U. S. N.

Com. THOS. AP C. JONES,
Commanding U. S. Naval Forces, Pacific ocean.

No. 5.

UNITED STATES SHIP FALMOUTH,
Benicia, May 27, 1850.

SIR: In answer to your letter of this date, just handed to me, I have the honor to say that Mr. Gaines has no authority from me to use my name or make application for the payment of the reward offered for the delivery of Withers.

In my official report, I stated the circumstances fully to you of my having taken Withers on board at Mazatlan and delivering him to the sheriff of San Francisco. Mr. Gaines has written to me twice on the subject, but I have never answered his letters. I have written to Mr. Parrott on the subject, and take pleasure in enclosing a copy of my last letter; the first I have no copy of, but I presume it was not far different from the last.

In conclusion, I will say that I did not at the time suppose it was a matter of any consequence to the authorities of San Francisco who delivered Withers into their custody, and under that belief I took the sheriff's receipt for him.

Very respectfully,

T. PETIGRU.

Com. THOS. AP C. JONES,
Commanding U. S. Naval Forces, Pacific ocean.

No. 6.

SELLO TERCERO.

[SEAL.]

CUATRO REALES.

Los infrascritos alcaldes constitucionales primero y segundo certificamos: que en el mes de Abril de este año que estubo en este puerto la corbeta de guerra de los Estados Unidos "Falmouth," su capitan Mr. Petigru, reclamó, á esta Comandancia General, como desertor á un subdito de su nacion, Reuben Withers, y le fué entregado; que sabido despues de hecha la entrega del referido Reuben, que no era tal desertor se reclamó por la comandancia grāl al capitan por no ser conforme la entrega con los tratados celebrados entre esta nacion y la Americana, y sin embargo Reuben no fue devuelto, y conducido abordo de dicha corbeta hasta San Francisco, de la Alta California.

Puerto de Mazatlan, Agosto doce, de mil ochocientos cincuenta.

IGN'O HERRERA, á C. MANUEL MANSILLA.

J. ANTONIO ALDRETTO, á GREGORIO ZUÑIGA.

PORT OF MAZATLAN,
British Consulate.

I, Whitton Talbot, her Britannic Majesty's consular agent for this port, do hereby certify that the foregoing signatures are true and gen-

vine, and that they are magistrates residing in Mazatlan, duly authorized and appointed, to whose official acts full credit is due.

Given under my hand and seal of office, at the port of Mazatlan

[L. s.] aforesaid, this 12th day of August, 1850.

WHITTON TALBOT,

H. B. M. Consular Agent.

BROOKLYN, NEW YORK,

November 24, 1850.

SIR: I herewith have the honor of enclosing to you a copy of charges preferred by me against Commander Zachariah F. Johnston, of the navy.

I embrace the present opportunity of informing the department that I have data for other charges against Commander Johnston, but that the witnesses required in support of them are in California.

I am, sir, very respectfully, your obedient servant,

EDWARD C. WARD,

Lieutenant U. S. Navy.

Hon. WM. A. GRAHAM,

Secretary of the Navy, Washington, D. C.

Charges, and specifications of charges, preferred by Lieutenant Edward C. Ward, of the United States navy, against Commander Zachariah F. Johnston, of the same.

CHARGE FIRST.—Drunkenness, being a violation of part of article 3, of section 1, of an act for the better government of the navy of the United States.

Specification.—In this: that on or about the 12th day of January, 1850, the United States ship Preble being in a very precarious situation on the rocks in front of the city of Benicia, California, the said Zachariah F. Johnston did go on board of that vessel to render assistance, and did get drunk, and incapacitated thereby from rendering any assistance which might have become necessary; the said Zachariah F. Johnston being then in command of the United States ship Savannah, the flag-ship of the Pacific squadron.

CHARGE SECOND.—Unofficer-like conduct, and showing in himself a bad example; being a violation of article 1, of section 1, of an act for the better government of the navy of the United States.

Specification first.—In this: that the before-mentioned Zachariah F. Johnston did, as set forth in the specification of charge first of this series, get drunk, and displayed himself to the observation and notice of every person on board of the United States ship Preble, tending to the subversion of discipline, disgracing his office, and creating such a feeling in the crew of the Preble that it was with the utmost difficulty that the executive officer of that vessel, then in charge of the deck, could restrain or prevent their cries and hootings of contempt.

Specification second.—In this: that the before-mentioned Zachariah F. Johnston, at that time and place as before stated in specification of charge the first, did become drunk, and compelled thereby to remain during the night following the 12th day of January, 1850, in the cabin of the United States ship Preble, while his barge or gig was kept along-side of the Preble, and the crew thereof exposed to the colds and dampness of the climate all night, he, the said Zachariah F. Johnston, being unable, from his situation, to order it otherwise.

CHARGE THIRD.—Wilful misrepresentation.

Specification.—In this: that on or about the 13th day of January, 1850, Edward C. Ward, a lieutenant in the United States navy, and at that time executive officer of United States ship Preble, made an official written report in relation to Commander James Glynn, of the Preble, to Commodore Thomas Ap C. Jones, for drunkenness on the evening and night of the 12th day of January, 1850, and that the before-mentioned Zachariah F. Johnston did positively deny to Commodore Thomas Ap C. Jones that Commander Glynn was drunk, as stated in the report of Lieutenant Edward C. Ward, thereby making a wilful misrepresentation of a circumstance of which he was conscious *he* could give no evidence.

Witnesses.—Every officer and man of the Preble; of whom are at present in the United States, Edward C. Ward, lieutenant; Albert G. Clary, lieutenant; Edward Brinley, passed midshipman; Henry Wilson, purser; Wilson McGunnege, midshipman; Edgar Brodhead and Wm. F. Shunk, formerly midshipmen in the navy, and on board the Preble; ——— Bowen, formerly midshipman on board of the Savannah, and aid to Commander Johnston.

BROOKLYN, NEW YORK,
January 4, 1851.

SIR: I have the honor herewith of enclosing to you a series of "charges and specifications of charges" preferred against Commander James Glynn, United States navy.

I am, sir, very respectfully, your obedient servant,

EDWARD C. WARD,
Lieutenant U. S. Navy.

HON. WILLIAM A. GRAHAM,
Secretary of the Navy, Washington, D. C.

Charges and specifications of charges preferred by Edward C. Ward, a lieutenant of the navy of the United States, against James Glynn, a commander of the same.

CHARGE FIRST.—Drunkenness.

Specification first.—In this: that on or about the 28th day of September, 1848, the United States ship Preble being then ashore in the mud,

in the (so called) river Typa, near Macao, in China, James Glynn, a commander in the United States navy, and then in command of the United States ship Preble, was drunk.

Specification second.—In this: that on or about the 14th day of April, 1849, the United States ship Preble being then at anchor in the port of Napa-kiang, in the island of Loo-Choo, the said James Glynn did come on board said Preble from shore, drunk.

Specification third.—In this: that on or about the 3d day of December, 1849, the United States ship Preble being then at anchor in the port of Honolulu, in the Sandwich Islands, the aforesaid James Glynn was drunk.

Specification fourth.—In this: that on or about the 1st day of January, 1850, the before-mentioned James Glynn was drunk; the United States ship Preble being at the time at anchor off the city of San Francisco, California.

Specification fifth.—In this: that on or about the 12th day of January, 1850, the before-mentioned James Glynn was drunk while the United States ship Preble, then under his command, was in a dangerous situation on the rocks in front of Benicia city, California.

CHARGE SECOND.—Wilful misrepresentation.

Specification.—In this: that in the month of January, 1850, Assistant Surgeon John L. Burt was under suspension by order of Commander James Glynn; that on the occasion of a medical survey, of which the said John L. Burt was a member, being ordered on board the United States ship Preble, he, the aforesaid James Glynn, restored the aforesaid John L. Burt to duty for the purpose of acting upon said survey, telling him that when his duty as a member of said survey was concluded, it was the order of Commodore Jones that he, the said John L. Burt, would resume his suspension; and that when he, the said James Glynn, a short time subsequently, finally restored the said John L. Burt to his duties, informed him that he had not mentioned the fact of his the said John L. Burt's suspension to Commodore Jones.

CHARGE THIRD.—"Using provoking and reproachful words."

Specification.—In this: that the said James Glynn on divers and frequent occasions, while in command of the United States ship Preble on her last cruise, made use of insulting, provoking, and reproachful words and language to his officers, generally, causing them to be dissatisfied with the vessel in which they were serving, the cruise they were performing, and the service in general.

CHARGE FOURTH.—Cruelty.

Specification.—In this: that between the fifteenth and twenty-fifth days of July, 1849, the before-mentioned James Glynn, by disregarding the official advice and serious and strenuous entreaties of the senior medical officer on board of the United States ship Preble, Assistant Surgeon John L. Burt, to put into a port of the Sandwich Islands for the health and benefit of the sick of said ship Preble, of which there were at the time from forty-four to forty-eight, and of which one was dying every third or fourth day, was guilty of an act of unnecessary

cruelty to said sick, in consequence of which many of said sick men died, which, in all reasonable probability, might have been saved by pursuing the course proposed and advised by said John L. Burtt to said James Glynn.

CHARGE FIFTH.—Exceeding his authority as a commander in the United States navy, and as a representative of his country.

Specification first.—In this: that on or about the twenty-fourth day of April, 1849, the before-mentioned James Glynn, in command of the United States ship Preble, then lying at anchor in the harbor of Nagasaki, in the empire of Japan, did relieve from obedience to the orders and entire authority of the executive officer of said ship Preble Henry Wilson, purser of said ship Preble, and that the said Henry Wilson did so remain relieved from obedience to the orders and entire authority of said executive officer until he, the said Henry Wilson, was detached from said ship Preble, in the latter part of February, 1850—an act not only of insult to said executive officer, but subversive of discipline.

Specification second.—In this: that the said James Glynn did, between the tenth and twenty-sixth days of October, 1849, order and cause all vessels, American and foreign, leaving the port of Honolulu, to be boarded by boats from the United States ship Preble, under his command, and that all vessels so leaving and so boarded should be thoroughly searched for deserters from the said ship Preble—the said Preble being then moored in said port of Honolulu—thereby assuming and exercising a right and authority contrary to the professions of our country, and to contest which right, assumed by a foreign nation, the United States declared war in 1812.

Witnesses.—David Geisinger, captain; Edward C. Ward, lieutenant; A. G. Clary, lieutenant; Silas Bent, lieutenant; John L. Burtt, assistant surgeon; Wm. Lowber, assistant surgeon; Henry Wilson, purser; Edw. Brinley, passed midshipman; Wilson McGunnege, passed midshipman; Henry Ward, acting gunner; Timothy Griffin, sailmaker; Jas. Walker, acting boatswain; Reuben Cook, master-at-arms; Moses Stevens, hospital steward; Thos. Clark, ordinary seaman; John Robinson, seaman; Wm. Miller, landsman; Edgar Brodhead, Philadelphia; Wm. F. Shunk, Harrisburg.

NAVY DEPARTMENT,
Bureau of Medicine and Surgery, March 6, 1851.

SIR: I have the honor to forward herewith a communication from Dr. Burtt, the senior medical officer of the U. S. ship Preble during her late cruise in the Pacific, containing grave charges against the commander of that vessel.

As the course alleged to have been pursued by Commander Glynn tends to destroy the usefulness of the medical corps, and entirely to defeat the object for which it was established, I have earnestly to invoke your attention to the complaints therein set forth.

If the statements of Dr. Burtt have any foundation in truth, the frightful mortality on board the Preble, and consequent crippling of

that vessel, were mainly owing to the contemptuous disregard exhibited by the commander of the professional advice and opinion of the medical officer.

I am, very respectfully, your obedient servant,

THO. HARRIS.

Hon. W. A. GRAHAM,
Secretary of the Navy.

PHILADELPHIA, *February 25, 1851.*

SIR: After long reflection and much hesitation as to the proper mode of bringing forward certain matters for the consideration of the department, I have been induced, by my opinion of the importance of the subject in various points of view, to make a statement of a variety of facts connected with the medical history of the cruise of the *Preble*, under the command of James Glynn, commander United States navy. I approach the subject with much reluctance, and present this paper now only from a sense of the importance of the results of a certain course upon the health and efficiency of a crew, and upon the position and duties of the medical corps of the navy.

The *Preble* left the United States in September, 1846, and from that time until September, 1848, was most actively employed in sea-service. The number of days actually passed at sea during these two years was five hundred and nine, and in port two hundred and twenty-one. At the end of this period (September, 1848,) the *Preble* arrived upon the Chinese station. We remained upon that station from the end of September, 1848, until the early part of June, 1849.

During this interval the *Preble* was at sea, exposed to generally unpleasant weather, but forty-four days, the remainder of the time having been passed at Macao, Hong-Kong, and at various anchorages in the Canton river, with short visits to Manilla, Napa-kiang, Nangasaki, Shanghai, and Amoy. The ship arrived in the waters of the Yangtze-kiang and Woosung, upon May 2, 1849, and remained at anchor at the towns of Woosung and Shanghai for ten days.

Immediately upon leaving this river I discovered indications of the influence of malaria, which is rife in that section of China.

Proceeding from thence to Amoy, where we remained about *thirty-six* hours, we returned from thence to Macao. Upon the 20th May, 1849, after leaving Amoy, the commander called me upon the poop, and a conversation then took place with regard to giving the crew liberty at Macao, in which he informed me of his intention of so doing upon our arrival at that place. I strongly dissuaded him from granting liberty, stating distinctly the fact that I already perceived a predisposition among the crew to diseases of the climate; and also informed him that liberty would, in every probability, be followed by so severe and extensive sickness in the forms of *dysentery* and *fever*, that the ship would be disabled, perhaps for months, from making any cruise.

He said that he had orders from the commodore to grant the men liberty there previously to sailing for the United States, and that he was to be ready for sea by a certain time. I urged him strongly not

to give the liberty until the arrival of the commodore, (then expected in a few days) assuring him that I was convinced that his ship would be disabled by sickness if he did so. We arrived at Macao upon May 23, 1849, and upon the 23d the first draught of liberty men went on shore. Upon May 27, occurred the first case of dysentery.

Previously to the occurrence of the epidemic, our average of sick had been eight daily :

May	23,	sick.....	8
"	24,	".....	8
"	25,	".....	8
"	26,	".....	8
"	27,	".....	11
"	28,	".....	10
"	29,	".....	11
"	30,	".....	15
"	31,	".....	18
June	1,	".....	19
"	2,	".....	21
"	3,	".....	24
"	4,	".....	—
"	5,	".....	35
"	6,	".....	43
"	7,	".....	44

During the period included between the above dates, large quantities of provisions and other stores were sent on board, a large portion of which was stowed upon the berth-deck; so large a quantity, indeed, that had the crew been in good health, it would, in all probability, have been productive of serious consequences upon a long passage.

Under the circumstances then existing, it would have been a fatal addition to the sufferings of the crew, if permitted to remain. Upon the morning of June 5th, 1849, I went to Commander Glynn and represented my views fully, and requested that he should use measures to have them removed. He declined any action, saying that it "was an affair of the commodore's, and not his business." I went below and addressed a communication to the commander, of which the following is a copy:

U. S. SHIP PREBLE,

Macao, June 5, 1849.

SIR: I wish to direct your attention to the large number of cases affected with *dysentery*, which appears upon the report. I believe it to have *originated principally* in the excesses of the crew when lately upon liberty. But there are other reasons for it, as some of the most sober and steady men, petty officers—some of whom did not go ashore, or who were sober when there—have been seized as severely as others. Among the causes, I feel obliged to notice the condition of the berth-deck: so large a space is occupied by provisions and other articles, that there is a very serious reduction of the room for hammocks, and of the number of cubic feet of atmosphere, already so limited that it is impossible for all the men to swing or sleep in the space allowed. The

consequence of this is, that they lie upon the berth-deck, or upon the spar-deck, during the damps of the night, or after having been wet by rain. If every man remained in his hammock, the heat, moisture, and confined atmosphere, vitiated by the presence of so many, could not fail to be productive of mischief, and more particularly when there are *sick* among them. At present *the sick* are obliged, from the want of this space, to lie down upon deck, or upon mess-chests, &c., adding much to their suffering, and diminishing or rendering nugatory the effects of treatment. There is, in short, no room for the sick and too little for the well.

I would respectfully suggest, that if it be compatible with the contemplated nature of the cruise, the berth-deck may be kept entirely clear. There are many other points connected with the presence of provisions on the deck that are objectionable, but I deem it unnecessary to dwell upon them.

Very respectfully,

JOHN L. BURTT,

Assistant Surgeon United States Navy.

JAMES GLYNN,

Commander U. S. Ship Preble, Macao.

Upon the morning of June 6th, Commander Glynn sent for me and returned the *original* communication, declining any action upon its recommendation, upon the ground that it was "the commodore's business;" that he "had nothing to do with it." My assistant, Dr. W. Lowber, went ashore, and during the day accidentally meeting with Commodore Geisinger, acquainted him for the first time, I believe, with the condition of the berth-deck. During the day orders were received from the commodore, as I understood, for clearing the berth-deck as I had recommended. This order was carried into effect and the deck cleared.

About noon of the 9th, the ship was got under way for Hong-Kong, and thence for San Francisco. I considered at the time, and still view this movement as an exceedingly unadvisable one, but had no opportunity of giving an opinion as a medical officer. We left Hong-Kong about noon of the 10th June, and proceeded upon the voyage to San Francisco.

At sea, July 5th, having already lost by death-as many as five, with every prospect of the loss of many more, with fifty-six upon the sick-list; a continuance of very unpleasant weather—foggy, damp, and squally, with the thermometer ranging from 62° to 64° F., I advised the commander to make the port of Honolulu, as the only means of preventing much greater mortality, and general invaliding of the crew. This I urged strongly, informing him of my conviction that by this *alone* many might be saved, and that by continuing upon the course to San Francisco the epidemic would be fatally aggravated.

I also gave as another reason, that I was running short of the most necessary articles, and that at the present rate I should be unable to do more than look on at the expiration of two weeks. So that it was absolutely necessary to run into port as soon as practicable in order to

procure supplies, and indicated Honolulu as the only suitable place, in point of position, climate, and as a source of necessary supplies.

Our position at that time was $37^{\circ} 40' N.$ lat., $155^{\circ} 06' E.$ long. Position of Honolulu, lat. $21^{\circ} 17' 57'' N.$, long. $157^{\circ} 58' W.$; consequently 2,630 miles distant, and course east-southeasterly, with the winds E. to SE. and southwesterly; while to San Francisco the distance was 4,000 miles—course about E. He declined following my advice, upon the ground that his orders were to proceed direct to San Francisco, and that *he could not take the responsibility of deviating from them.*

I urged the *necessity* of the case strongly, pointing out the probable consequences of his refusal. *Before the close of the conversation, he offered to run for the Bonin islands, lat. $27^{\circ} N.$, long. $141^{\circ} E.$, distance about 1,000 miles—course about SW. $\frac{1}{2}$ S.*

To this I objected, because I could not there procure necessary supplies; and tents ashore would not have been of benefit, even had the climate and weather been suitable, of which there was room for doubt. Having deliberated upon the course I should pursue under the circumstances, I deemed that the condition in which we were, rendered it necessary to press this point. Accordingly, upon the same date, I sent in a written communication, of which the following is a copy:

U. S. SHIP PREBLE, July 5, 1849.

SIR: I feel obliged to recommend making some port where the climate is more favorable, where supplies can be procured, and accommodation be found for the sick.

My reasons for so doing are, that I see no prospect of improvement among our sick, nor diminution of their number (unless by death,) under present or prospective circumstances, at sea; because already the extraordinary demand for certain articles of medicine has exhausted my supply of some, and two weeks more would leave me with little or none of other important and absolutely necessary articles. In addition to this, the presence of so many sick in so small a space may engender such an atmosphere as to produce some epidemic form of disease among the comparatively few who are in health, while, so far as the sick are to be benefited, a temporary removal from the ship to a hospital on shore would be a most valuable aid to their recovery. I would indicate the port of Honolulu, in the island of Oahu, as the place affording most of the requisites sought.

I would ask your serious consideration of this recommendation, and urge its adoption, if compatible with other requisitions of the service.

Very respectfully,

JNO. L. BURTT,
Assistant Surgeon U. S. Navy.

JAMES GLYNN,
Commander U. S. Ship Preble.

The course to San Francisco was still maintained.

During several succeeding days, (upon which our list of sick continued to average fifty-four daily,) I continued to urge the adoption of my advice without effect.

Upon August 8, 1849, having, since the date of the communication

above, lost nine more of our crew, and many more threatening a fatal termination, we fell in with the U. S. ship Ohio, Commander Stribling, lat. $42^{\circ} 39' N.$, long. $138^{\circ} 48' W.$; San Francisco distant about 800 miles; course about E. $\frac{1}{2}$ S., and about 1,500 from Honolulu.

Upon the morning of the 9th we were boarded by Fleet Surgeon Barrabino, who inspected the sick, &c. After receiving some necessary medicines the ship was kept away for Honolulu.

Upon the 20th August Commander Glynn called me upon the poop and informed me that he intended to form a hospital on shore, or afloat, upon the arrival of the ship at Honolulu, and made various inquiries with regard to the necessary arrangements.

I objected decidedly to having a hospital afloat if a proper house could be procured on shore, and mentioned the necessity of at least four nurses and a cook. The individuals for this purpose were selected and approved of by Commander Glynn. Upon the morning of August 21st we anchored in the harbor of Honolulu, having lost, since speaking the Ohio, six more of my patients.

Upon the evening of the 22d, the hospital was ready for the reception of the sick. About dusk they arrived, and were bedded as well and as soon as circumstances would permit; *but no attendants* came. My assistant remained on board by the commander's order; nor were the medicines, bed-pans, &c., sent on shore. My hospital steward was among the sick.

The night of the 22d was a horrible one. There were forty-four men suffering from dysentery in its severest form, most of them more than usual from their recent removal. Unable to assist themselves, and without any one to wait upon them but myself, they soiled themselves, their bedding and clothing, and the floor; while I was unable to do anything, having on shore not a single article of medicine, or convenience, either to mitigate pain or preserve cleanliness.

Upon the morning of the 23d, the cook came on shore. Thus I had, upon the 24th, (two more having been added to the number on shore,) *forty-six* severely ill men in the hospital, with no attendant except the cook. The medicines belonging to the ship did not come on shore until the afternoon of the 23d.

Upon the morning of the 26th, (still without any of the expected nurses from the ship,) Commander Glynn visited the hospital. I took this opportunity to ask him *again* for the necessary attendants. His reply was, "that it was out of the question;" that he could not spare them. After his departure from the hospital, I sent him a communication, of which the following is a copy:

UNITED STATES SHIP PREBLE,
Honolulu, August 26, 1849.

SIR: I find it necessary, for the proper and indispensable attention which is due to the sick, to make a requisition for *three* of the crew of the ship, or such other persons as otherwise can be obtained, as nurses at the hospital at Mannakilika. Thus far I have had none but invalids to wait upon them, day or night. This arrangement is wholly inadequate to the absolute necessities of the case, besides being injurious to those thus engaged all day and keeping watch at night. I cannot under-

take to treat the sick with any prospect of benefit, until this deficiency be remedied.

It is also necessary again to refer to the absolute necessity of some proper understanding as to the continuance and duties of a guard. I cannot be responsible either for improper persons being admitted, or practices indulged in, nor for the presence of the patients in the hospital. Last night there was no guard, and none could be obtained. Nor have the guards who have been on duty been properly instructed as to what is expected of them.

Very respectfully,

JOHN L. BURTT,
Assistant Surgeon U. S. Navy.

JAMES GLYNN,
Commander U. S. ship Preble.

Shortly after its reception, the men previously selected came on shore and reported. Upon the following morning, (the 27th,) Acting Lieut. S. Bent verbally conveyed me an order from Commander Glynn, positively prohibiting me from writing any official communication without his order or request. Soon after, Commander Glynn came to the hospital in person, and reiterated the order with much warmth, assigning as a reason for the order, that it was "a high breach of etiquette" for me to address him; that "a midshipman had as well write to him from the quarter-deck that it was eight bells."

I should have previously remarked that Commander Glynn did not allow me to use my own discretion either in deciding who of my patients should be removed to the hospital, or under what circumstances they should remain. The detention of many on board, where I could not show them proper attention, nor control their diet, together with the removal of others from the hospital to the ship, before, in my judgment, they were in a fit condition to go, and upon his decision alone, I believe to have had a very detrimental effect upon their health, and to be one great cause of the detention of the ship, and disabling her from performing the duties expected of a man-of-war.

Upon two occasions, by the commander's orders, all the nurses were removed from the hospital, leaving me without their necessary attendance, with a large number of sick. Upon one of these occasions one of my patients died at midnight, and I myself, with the assistance of one or two of the sick, removed the body from the ward.

Officers were ordered on board in opposition to my remonstrances, without consulting me, (while others, *not sick*, were permitted to live on shore,) at a particularly improper time.

I think it due to myself, in order that an idea of the mode in which my duties and profession were treated by Commander Glynn, to give specimens of the language used by him, in answer to my most earnest remonstrances upon official matters.

Commander Glynn: "You cannot teach me anything about medicines, hospitals, or anything else." "I know as much about medicine as you or any other doctor, and so does anybody else." "Your moral responsibilities be damned!" "I'll take your responsibilities; I have not interfered in your treatment, but I may take the responsibility of

doing that." "Well, let them (the sick) die and be damned; I wish they would." "Why, you have no rights, no rank, no authority." "You are an ignorant young man, and the hardest to teach that I ever saw." With regard to written communications: "Others might allow it, but it is not the custom of the service—he never heard of such a thing, and he would be damned if I should thrust my opinion upon him, unless he asked or ordered me to do so."

Without doing more than mentioning some of the points connected with the medical history of the Preble's cruise, I would remark that of a crew of 15 officers and 124 men, over 30 have died from dysentery; 32 were left sick at the hospital at Honolulu; and about 30 were taken to San Francisco, still sick. This extraordinary destruction of a ship's crew, I believe to be mainly owing to the effects of exposure on liberty granted to the crew at Macao, by Commander Glynn, against the advice of his medical officer, and to his subsequent disregard of that officer's opinion.

Should the department take this matter under consideration, I am prepared to present specifications against Commander James Glynn, U. S. N., under the following heads:

1. Neglect of duty.
2. Unofficer-like and ungentlemanly language.
3. Cruelty.
4. Drunkenness.

Very respectfully,

JOHN L. BURTT,
Assistant Surgeon U. S. Navy.

Hon. W. A. GRAHAM,
Secretary U. S. Navy Department, Washington, D. C.

III.

"COPIES OF ALL CORRESPONDENCE BETWEEN THE DEPARTMENT AND COMMODORE THOMAS AP CATESBY JONES, RELATING TO THE SAID STEAMER EDITH."

NAVY DEPARTMENT, *April 14, 1849.*

SIR: Under the authority of the third section of the act of Congress of March 3, 1849, making appropriations for the naval service for the year ending June 30, 1850, the Secretary of War has transferred to the Navy Department the United States steamer Edith, now in the service of the quartermaster's department of the army.

You will be pleased to receive the said steamer on the part of the navy, and she will be attached to the squadron under your command.

Lieut. Richard W. Meade has been ordered to report to you for the command of the Edith. He will leave the United States at an early day, and proceed to the Pacific by the overland route.

A master, two passed midshipmen, a master's mate, and four engineers, have been ordered to report to you for duty on board the Edith,

and will take passage in the United States sloop-of-war "Falmouth," which will shortly sail from Boston to join your command.

When the steamer is in a condition to receive her crew, you will detail from your squadron a sufficient number of men for that purpose.

I am, respectfully, your obedient servant,

WM. BALLARD PRESTON.

Com. THOMAS AP C. JONES,

Commanding U. S. Squadron, Pacific ocean.

[Extract.]

"NAVY DEPARTMENT, April 16, 1849.

"SIR: In my despatch of the 14th instant, you are informed of the transfer from the War Department of the steamer Edith. She will be of essential service to you, as a cruiser along the coast.

"I am, sir, very respectfully, your obedient servant,

"WM. BALLARD PRESTON.

"Com. THOMAS AP C. JONES,

"Commanding U. S. Squadron, Pacific ocean."

"List of letters from the Hon. Secretary of the Navy to Commodore Thomas Ap C. Jones, received by the United States mail-steamer Panama, San Francisco, June 4, 1849.

"November 29, 1848; February 15, 1849—(3); February 20, 1849; February 22, 1849; April 2, 1849; April 14, 1849; April 16,* 1849."

[* The honorable Secretary's letter of the 12th of January, referred to in this letter, has not yet come to hand. T. AP C. J.]

[Extract.]

"[No. 61.]

SAN FRANCISCO, June 22, 1849.

"SIR: The propeller Edith is now in the process of being turned over to the navy."

"The Edith, if I had engineers, would be very useful as a despatch vessel and tender to the squadron, she requiring but a small crew, which can always be drawn, temporarily, from the flag-ship. Her machinery is somewhat out of order, but I think I can get it repaired here."

"I have the honor to be, most respectfully, your obedient servant,

"THOS. AP C. JONES,

"Commander-in-chief U. S. Naval Forces, Pacific ocean.

"Hon. WM. BALLARD PRESTON,

"Secretary of the Navy."

[No. 65.]

SAN FRANCISCO, *September 1, 1849.*

SIR: The steam propellers "Edith" and "Massachusetts" have been transferred from the War to the Navy Department, the former to the squadron and the latter to the joint commission. The Edith was in a very unserviceable condition; that is, her propelling machinery, which has been repaired at a very considerable cost—\$3,500—and she is now in charge of Lieut. McCormick, with two engineers, hired for the occasion, and has gone to leeward upon a requisition of the honorable T. B. King, to bring the members elect from San Diego, Los Angeles, and Santa Barbara, to Monterey, where the convention for forming a State constitution will this day meet.

Lieutenant Meade arrived here in the July steamer, but without the engineers and other officers appointed to accompany him. As soon as the Edith returns to this place Lieut. Meade will be put in command; but she will not be able to leave the port again until the arrival of the Falmouth, with the officers and engineers ordered out for that vessel.

I have no information from the Bureau of Equipment, &c., that any coal is on the way here. The steamers will be of but little use without fuel; and coal can be purchased here only in small parcels, and at high prices—from \$30 to \$40 per ton.

I regret exceedingly to inform you that Mr. King is lying dangerously ill in this town, of dysentery, which is very prevalent here. He was attacked a fortnight ago; and although the worst symptoms have been somewhat subdued, Dr. Bowie (of the navy) is not entirely free from apprehension of a fatal termination. Should such be the case, the public, and California in particular, would sustain a loss which could not be speedily replaced.

I have the honor to be, most respectfully, your obedient servant,
THOS. AP C. JONES,

Commander-in-chief U. S. Naval Forces, Pacific ocean.

HON. WM. BALLARD PRESTON,

Secretary of the Navy.

P. S.—Since the above was written Dr. Bowie has called in to say that Mr. King's symptoms are much more favorable, and that he thinks him doing very well.

T. AP C. J.

[No. 66.]

FLAG-SHIP OHIO,

San Francisco, September 12, 1849.

SIR: The enclosed copy of a letter from Lieut. James McCormick will inform you of the shipwreck and total loss of the United States steam propeller "Edith." My letter No. 65, of the 1st of September, informed you of the object for which the "Edith" was despatched to leeward, which will be better understood by the accompanying copy of a letter from the Hon. T. Butler King, to me addressed. I am pleased to say that, notwithstanding the loss of the "Edith," the object of her visit below has not been defeated, as all the members elected to the convention from the southern districts, with a single exception, were in

attendance at Monterey when the convention organized for business, on Monday, the 3d instant, and by last accounts were proceeding harmoniously in their great work.

I have the honor to be, most respectfully, your obedient servant,

THOS. AP C. JONES,

Commander-in-chief U. S. Naval Forces, Pacific ocean.

Hon. WM. B. PRESTON,

Secretary of the Navy.

NOTE.—For the copy of a letter from Lieut. James McCormick, referred to above, see paper marked A, and forming a part of the proceedings of a naval court of inquiry held on board of the United States sloop-of-war Falmouth, in the port of Benicia, Upper California, Wednesday, January 9, 1850; and also for the copy of a letter from the Hon. T. Butler King, referred to above, see paper G of the same proceedings.—NAVY DEPARTMENT.

[No. 90.]

FLAG-SHIP SAVANNAH,

Benicia Roads, January 21, 1850.

SIR: Herewith I have the honor to enclose a copy of the finding and opinion of the naval court of inquiry recently held in this port by my order of the 7th instant, a copy of which is also enclosed, to inquire into the loss of the United States steam propeller Edith, in the temporary command of Lieutenant James McCormick. The apparent delay in making legal inquiry into the loss of a vessel of the navy was owing to the absence of the principal officers, and most of the wrecked crew, for want of means of transportation for themselves, and the necessity of a portion of them remaining near the wreck in charge of such articles as could be saved therefrom. The few articles saved were more or less damaged by being overboard, and from subsequent exposure to heavy rains; but had they not been so damaged, the cost of transportation to Monterey, or San Francisco, would have been greater than the entire cost of such articles purchased new and sent out here. I therefore advertised for bids on the inventory exhibited at the navy agent's office in San Francisco, on which two thousand dollars was the greatest sum that could be realized.

It is highly gratifying to see by the evidence before the court, its findings and opinions, that Lieutenant McCormick and his associates are fully exonerated from any blame or censure in the conduct and loss of the Edith.

Most respectfully, your obedient servant,

THOS. AP C. JONES,

Commander-in-chief U. S. Naval Forces, Pacific ocean.

Hon. WM. BALLARD PRESTON,

Secretary of the Navy.

NOTE.—For a copy of the finding and opinion of the naval court of inquiry referred to in the foregoing letter, see the proceedings of a naval court of inquiry held on board the United States sloop-of-war

Falmouth, in the port of Benicia, Upper California, Wednesday, January 9, 1850; and also, for a copy of the order convening said court of inquiry, referred to in the foregoing letter, see the same proceedings.

NAVY DEPARTMENT.

NAVY DEPARTMENT,
February 13, 1851.

SIR: The department has received from Commander Glynn "the proceedings and report of a court of inquiry," referred to in your letter of the 11th instant.

The department will be glad to receive all records of courts-martial and courts of inquiry convened by you while in command of the squadron in the Pacific.

I am, respectfully, your obedient servant,

WILL. A. GRAHAM.

Com. THOS. AP C. JONES,

U. S. Navy, Washington, D. C.

NAVY DEPARTMENT,
April 10, 1851.

SIR: In an official communication, addressed to you on the 13th of February last, a desire was expressed that you should transmit to the department the records of all the courts-martial convened by your order during your late command of the squadron in the Pacific.

The records have not yet been received at the department.

I am, respectfully, your obedient servant,

WILL. A. GRAHAM.

Com. THOS. AP C. JONES,

U. S. Navy, Prospect Hill, Fairfax county, Va.

NEAR PROSPECT HILL, VA.,
April 16, 1851.

SIR: Accompanying this I transmit sundry records of naval courts-martial and courts of inquiry, held under my warrants as commander-in-chief of the Pacific squadron, in the years 1848, 1849, and up to July, 1850.

The records in the case of Lieutenant Fabius Stanly, two trials; Passed Midshipman J. P. Hall, three trials; and carpenter James H. Conelly, as well as the proceedings of the court of inquiry in relation to the robbery of the Preble's money-chest, have already been returned to the Navy Department.

I have the honor to be your obedient servant,

THOS. AP C. JONES.

Hon. WILL. A. GRAHAM,

Secretary of the Navy.

NAVY DEPARTMENT,
April 19, 1851.

SIR: Your letter of the 16th instant, with the accompanying records of naval courts-martial and courts of inquiry, has been received.

I am, respectfully, your obedient servant,

WILL. A. GRAHAM.

Com. THOS. AP C. JONES,
Near Prospect Hill, Va.

NAVY DEPARTMENT,
October 27, 1851.

SIR: The order, or precept, for the court of inquiry convened by you "for the purpose of inquiring into the loss of the late United States steam propeller Edith," refers to "accompanying letters A, B, C, and D, as forming the ground of the foregoing order."

The letters referred to do not appear on the record, as transmitted by you, and are not to be found on the files of the department. You are requested to inform the department what has become of them, or what was their purport.

I am, very respectfully, your obedient servant,

C. M. CONRAD,
Acting Secretary of the Navy.

Com. THOS. AP C. JONES,
Prospect Hill, Fairfax Co., Va.

NEAR PROSPECT HILL,
Virginia, November 8, 1851.

SIR: On the 28th ultimo I received your letter of the 27th of October, which is in these words: "The order, or precept, for the court of inquiry convened by you, 'for the purpose of inquiring into the loss of the late United States steam propeller Edith,' refers to 'accompanying letters A, B, C, and D, as forming the ground of the foregoing order.' The letters referred to do not appear on the record, as transmitted by you, and are not to be found on the files of the department. You are requested to inform the department what has become of them, or what was their purport."

The missing papers, A, B, C, and D, to which your letter alludes, are not among my papers, which fact confirms me in believing that the record was perfect when transmitted to the Navy Department.

The letters A, B, C, and D, referred to by my precept for holding a court to inquire into the loss of the Edith, could have been none others than the orders under which Lieut. McCormick was sailing when the Edith was stranded, Lieut. McCormick's reports (2) of the disaster, and probably a letter from the Hon. T. B. King, a confidential agent of the government, upon whose requisition the Edith had been despatched to the leeward ports of our possessions on the Pacific.

For further information upon this subject, I beg leave to refer you to my despatches Nos. 65, 66, and 90, of the years 1849-'50, to the Hon. Secretary of the Navy.

I have the honor to be your obedient servant,

THOS. AP C. JONES.

The Hon. SECRETARY OF THE NAVY.

PROSPECT HILL, VA.,

January 24, 1852.

SIR: I have recently discovered among my papers, which are very voluminous, and much deranged by *hasty packing* in boxes (several mule-loads) for crossing the isthmus, the missing original documents, A, B, C, D, and E, and copies F and G, belonging to the record of the court which convened on the 9th of January, 1850, on board the United States sloop Falmouth at Benicia, for the purpose of inquiring into the loss of the United States steam propeller Edith, to which I now add H, a copy of a letter from the Navy Department, which speaks for itself. These papers, with the Edith's log-book, and a tracing of the coast on which she was unfortunately wrecked, are believed to contain all the information I possess in reference to that ill-fated craft.

I also transmit records of two other courts of inquiry, held in the Bay of San Francisco under my orders: one to inquire into the delay of the St. Mary's in joining the squadron after she left Norfolk; the other relates to spurious *dust* alleged to have been passed for gold, by a warrant officer of the St. Mary's.

I am, sir, very respectfully, your obedient servant,

THOS. AP C. JONES,

Late Commanding Pacific Squadron.

HON. WILL. A. GRAHAM,

Secretary of the Navy.

NOTE.—For the original documents and copies, A, B, C, D, E, F, G, and H, referred to in the foregoing letter, see the proceedings of a naval court of inquiry held on board of the United States sloop-of-war Falmouth, in the port of Benicia, Upper California, Wednesday, January 9, 1850.—NAVY DEPARTMENT.

NAVY DEPARTMENT,

January 28, 1852.

SIR: Your letter of the 24th inst. has been received, together with the documents and records to which it refers.

I am, respectfully, your obedient servant,

WILL. A. GRAHAM.

Com. THOMAS AP C. JONES,

U. S. Navy, Prospect Hill, Va.

IV.

"COPIES OF THE CORRESPONDENCE WITH RICHARD W. MEADE, LATE A LIEUTENANT IN THE UNITED STATES NAVY, DURING THE YEAR 1851,"
RELATING TO THE SAID STEAMER EDITH.

NAVY DEPARTMENT, *October 21, 1851.*

SIR: Proceed to Boston, Massachusetts, without delay, and report to Commodore Downes for duty on board the United States sloop-of-war Portsmouth.

I am, respectfully, yours,

C. M. CONRAD,

Acting Secretary of the Navy.

Lieut. RICHARD W. MEADE,

U. S. Navy, New York.

NEW YORK, *October 24, 1851.*

SIR: On the 13th November, 1849, I personally reported myself at the Navy Department, then just arrived from San Francisco, California, and earnestly requested the Hon. Mr. Preston to re-order me to the Pacific station. I assigned many reasons for this—the strongest being the suspension of my orders, and by which I was placed in a position awkward, if not humiliating.

The Hon. T. Butler King wrote from San Francisco by me, voluntarily urging Mr. Preston to appoint me to another command on the Pacific station. On the 14th November, I made a written report. March 8, 1850, *four* months after, I proceeded to Washington, (not hearing from San Francisco,) and requested *permission*, by letter, to take the overland route to San Francisco, to recover my three years' stock of clothing, &c., consisting of three large chests, which, upon receipt of order dated Navy Department, April 11, 1849, I proceeded first to Boston and placed in charge of Lieutenant F. Renshaw, attached to the United States ship Falmouth, there preparing to proceed to the Pacific. The department, the next day, (March 9, 1850,) refused to grant me permission to recover my effects, yet ever since has kept me waiting orders. I respectfully refer the department to my letter of 14th November, 1849. I did not then complain of the suspension of the orders of the department, or of the treatment which it was the pleasure of the commodore of the Pacific squadron to exercise towards me, the instrument of the government. I simply enclosed my correspondence with the commodore of the squadron, and related what I had done to execute the commands of the department, without comment, leaving it to its wisdom and justice to act thereupon, feeling assured that it would investigate its instructions and that "official information" which it gave to the commodore of the Pacific squadron, as stated in his communication to me dated San Francisco, August 17, 1849, viz: "that I (the commodore) am officially informed by the Hon. Secretary of the Navy that you (Lieutenant Commanding Meade)

would take passage in the United States sloop Falmouth for this station, and, on the arrival of the Falmouth, I (the commodore) am to put you (Lieutenant Commanding Meade) in command of the Edith," and not believing that, up to this period, the department would decide to retain me "waiting orders," tacitly approving the course of the commodore of the Pacific squadron, in violation of its own orders.

The Hon. Mr. Preston gave me permission to refer to the files: I called on Mr. Samuel L. Harris, who politely satisfied me with this portion of the letter above quoted. I was actuated by a laudable desire to get this information, as it clashed so with the orders given to me dated Navy Department, April 11, 1849—the Hon. Mr. Preston having, through the navy agent, advanced me travelling funds to "proceed by overland route."

Mr. Harris referred to the correspondence, and furnished me with the *only* letter on file in relation to myself, the steamer Edith, and the commodore of the Pacific squadron, dated Navy Department, April 14, 1849—three days after Mr. Preston's order to me to "proceed." I again most respectfully call the attention of the Navy Department, first, to its order to me dated April 11, 1849; second, to letter of Hon. Secretary Preston, dated Navy Department, April 14, 1849, to the commodore of the Pacific squadron; third, to letter to me, dated August 17, 1849, at San Francisco, from the commodore of the Pacific squadron, furnished to the Navy Department in my official communication November 14, 1849.

I also enclose extracts of letters and telegraph despatch relative to my effects, which are stored on board the United States ship Warren since December, 1849.

In conclusion, let me earnestly and respectfully recall attention to the sacrifices and losses I am sustaining, through no fault of my own; and to add that, ever reluctant to appeal to the department a second time, I wrote, by the mail of the 15th September, ultimo, or thereabouts, to Commodore C. S. McCauley, collector King, and Lieutenant Commanding Henry Moore, United States ship Warren, at San Francisco, to send forward my three chests by the first ship bound to New York.

The order of the department, dated October 21, 1851, reached me last night, owing to my absence from the city; and although I hold myself ever ready to obey any order that it may please the department to give, I would respectfully ask if the matter above related should not be investigated previous to my departure; or will the department facilitate me by permission or orders to San Francisco by "the overland route," to get my three years' stock of clothing?

Very respectfully, your obedient servant,

R. W. MEADE,
Lieutenant U. S. Navy.

Hon. C. M. CONRAD,

Secretary of War, and Acting Secretary of the Navy.

Copies of extracts of letters received, and telegraphic notice from Boston, from Lieutenant Renshaw.

[6.]

NEW YORK, May 5, 1849.

The following communication has been received at this office by telegraph from Boston:

DEAR MEADE: Your chests arrived to-day on board Falmouth; I will take good care of your three chests and purser's box. We sail next week.

FRANK. RENSRAW,
Lieutenant U. S. S. Falmouth.

R. W. MEADE,
United States Hotel, New York.

[7.]

DEAR SIR: I regret to find on my arrival here, from your communication, that you had not even heard of the three chests and box which I took out in the Falmouth from Boston in May, 1849, under my charge, containing your clothing and effects for your command of the Edith in the Pacific. On my arrival in San Francisco in December, 1849, I found that on the loss of the Edith you had been re-ordered to Washington, D. C.; and learning by your letter left for me, through Counsellor Satterlee, your agent, that you expected to return forthwith, I placed them on board the United States ship Warren for safe-keeping, under the charge of Lieutenant Commanding Pickering, who gave me a receipt; they are therefore on board the Warren, under his charge, subject to your order.

I am, dear sir,

F. B. RENSRAW,
Lieutenant U. S. Navy.

Lieutenant R. W. MEADE,
United States Navy.

[8.]

PORTSMOUTH, NEW HAMPSHIRE, July 28, 1851.

MY DEAR MEADE: I have just received your letter of the 20th ultimo, which reminds me that I did receive one from you upon the same subject just before leaving Boston, which I laid aside, after a hasty perusal, with the intention of answering it *immediately* on my arrival here. Various circumstances, with the marriage of my sister, all conspired to drive your letter quite out of my mind until the receipt of your third letter; (your second never through the department came to hand.)

In reply, your chests were sent on board the Warren in my absence, and stowed away in the spirit-room, where they still remain. You ask who relieved me, and whether the Warren will continue a lieutenant's command? The commodore was absent when I received the honorable Secretary's communication detaching me, (at my own request.) I left the ship in charge of Passed Midshipman Reily. She is a store-ship, and consequently a lieutenant's command; but had the commo-

dore been present when I was detached, he would have been puzzled to find an officer for her, as there were none to spare in the squadron.

With many apologies for my seeming silence, believe me your friend,

C. W. PICKERING.

R. W. MEADE, *Brooklyn.*

[9.]

NEW YORK, *July 16, 1851.*

FRIEND MEADE: Since I last saw you I have carefully examined my latest letters from California, and regret to say that I find therein no allusion to your claim against the ayuntamiento of San Francisco, or to the personal effects left by you in that city.

The silence of those to whom I have specially written about these matters surprises and mortifies me. For my part, having been so unsuccessful so far, I can no longer hope to be of any service to you, and sincerity demands that I should acknowledge as much.

In almost every letter written to my correspondents in San Francisco since your return, in 1849, I have particularly referred to your claim and property, without eliciting a single word in reply.

As they are all personally known to you, you can much better decide what course to take than any one else, and therefore I will not presume to offer any suggestions.

With the hope that the course to be decided upon may be, in every respect, successful, I am, with kindest regards to all, yours, very sincerely,

WM. SATTERLEE REESE.

R. W. MEADE,
U. S. Navy, Brooklyn.

NAVY DEPARTMENT,
October 27, 1851.

SIR: Your letter of the 24th instant has been received.

In reply, I have to state that, while the department regrets the losses and inconvenience to which you have been subjected, it cannot grant your request to proceed to San Francisco by the overland route. The sloop Portsmouth, to which vessel you are now under orders, will proceed to the Pacific ocean.

I am, respectfully, your obedient servant,

C. M. CONRAD,
Acting Secretary of the Navy.

Lieutenant R. W. MEADE,
U. S. Navy, New York.

NEW YORK, *October 28, 1851.*

SIR: On the receipt of your order of the 21st instant I addressed you a letter relative to my connexion with the United States steamer Edith,

and asking if the matters connected with it should not be investigated prior to my separation from the United States in the Portsmouth.

Herewith I transmit a series of documents bearing upon the affair of the Edith, to which I respectfully beg your serious attention.

Having received no answer to my former communication of October 24th instant, I proceed this afternoon to Boston to comply with your order.

I am, sir, very respectfully, your obedient servant,

RICHD. W. MEADE,

Lieutenant U. S. Navy.

HON. SECRETARY OF THE NAVY,

Washington City.

NAVY DEPARTMENT,

April 11, 1849.

SIR: You will proceed to San Francisco, California, and report to the commanding officer of the United States squadron in the Pacific, for the command of the United States steamer Edith.

I am, respectfully, your obedient servant,

WM. BALLARD PRESTON

Lieutenant RICHD. W. MEADE,

U. S. Navy, Washington, D. C.

Reported July 16, 1849.

A. K. LONG, *Commodore.*

SAN FRANCISCO, *August 16, 1849.*

COMMODORE: In pursuance of orders from the honorable the Secretary of the Navy, dated April 11th ultimo, respectfully herewith enclosed, "to report to the commanding officer of the United States squadron in the Pacific for the command of the United States steamer Edith," I did, on the 16th of July last, at this place, report to Commodore Long, who endorsed said orders, but declined to allow me to take the command, stating that you were absent in the mines, and directed me to await your return.

Anxious to be relieved from an inactive life, as well as to avail myself of the orders of the department, I again applied to him, upon the 23d, for leave to enter upon the duty to which I had been assigned; and Lieutenant McCormick, in temporary command, applied to be relieved; but both applications were refused.

On the 8th instant I had the honor to apply to you personally at Benicia, and to present to you my orders before referred to.

Yesterday, in a personal interview, you informed me that orders had been given that the Edith should proceed immediately to sea, and my urgent solicitation to take command was refused.

I am thus placed in a very embarrassing situation, besides being subjected to heavy expenses on shore, not anticipated when I left home;

and further reflection compels me to respectfully request a reconsideration of the subject.

I am, sir, very respectfully, your obedient servant,

R. W. MEADE.

Commodore THOS. AP CATESBY JONES,

Commander-in-chief U. S. Forces in the Pacific, &c., present.

SAN FRANCISCO, August 17, 1849.

SIR: I have received your letter of yesterday's date, renewing your application to be placed immediately in command of the United States propeller Edith.

I regret the existence of circumstances, which I cannot control, compel me to adhere to the arrangements made before your return from Benicia, and even before your arrival on the station.

I am officially informed by the honorable Secretary of the Navy, that, accompanied by a full complement of engineers and other officers for the Edith, you would take passage in the United States sloop Falmouth for this station, and on the arrival of the Falmouth I am to put you in command of the Edith. Your arrival here before the Falmouth, without the engineers and officers above alluded to, would be of itself sufficient to defer putting you in immediate command, as there is not a single engineer of the navy on the station except one, and he unfit for duty. Neither can I furnish a permanent crew for the Edith until the arrival of the Savannah and the officers coming out in the Falmouth.

You remember that when you reported to me in person at Benicia, on the 8th instant, I told you that the Edith having been received from the quartermaster's department, with her machinery much worn and entirely out of working-order, I had contracted with a skilful machinist to repair the same within a limited period, which would expire about the middle of September, and that under no circumstances could you be placed in command before the completion of these repairs; and that in the interim you were at liberty to dispose of yourself and time as might best suit you. Subsequently, and very unexpectedly, since my return to San Francisco, the Hon. T. Butler King has, under authority of the President, called on me for the Edith to go to seaward on very important service unconnected with the navy; and so pressing is the necessity for the earliest possible departure of the Edith, that she will go to sea at the end of the week, under ~~canvass~~, with the contractor and his engineers and workmen on board, who will finish their work on the passage.

In addition to the foregoing reasons for not putting you in the immediate command of the Edith, there are others which it is not necessary to add.

I repeat that you are at liberty to use your time during the Edith's absence of three or four weeks as may best suit your convenience, and that Lieutenant Commanding Neville will receive yourself and son on

board the *Fredonia*, which ship, I understand, has fine accommodations, should you prefer living afloat.

Very respectfully, &c., &c., &c.,

THOS. AP C. JONES,

Commander-in-chief U. S. Naval Forces, Pacific ocean.

Lieut. Com. R. W. MEADE,

United States Navy.

NAVY DEPARTMENT, *April 14, 1849.*

SIR: Under the authority of the third section of the act of Congress making appropriations for the naval service for the year ending June 30, 1850, the Secretary of War has transferred to the Navy Department the United States steamer "*Edith*," now in the service of the quartermaster's department of the army. You will be pleased to receive the said steamer on the part of the navy, and she will be attached to the squadron under your command.

Lieutenant Richard W. Meade has been ordered to report to you for the command of the *Edith*. He will leave the United States at an early day and proceed to the Pacific by the overland route. A master, two passed midshipmen, a master's mate, and four engineers, have been ordered to report to you for duty on board the "*Edith*," and will take passage in the United States sloop-of-war *Falmouth*, which will shortly sail from Boston to join your command. When the steamer is in a condition to receive her crew, you will detail from your squadron a sufficient number of men for that purpose.

I am, respectfully, your obedient servant,

WM. BALLARD PRESTON.

Commodore THOS. AP C. JONES,

Commanding United States Squadron, Pacific ocean.

NEW YORK, *August 26, 1850.*

SIR: I have the honor to state that I have read over your letter to the honorable the Secretary of the Navy, detailing various transactions in California in reference to the late United States steamer *Edith*, and have to state that all that portion referring to myself and my action therein is, in all respects, correct, and I herewith furnish you the following extracts from my log, commencing on the 21st of August, 1849, and ending the 25th day of the same month. I further state that I am at all times ready to verify the statement.

[Extract.]

August 21.—At 8 a. m. got under way, under steam, from Sancilito; sails not bent to the yards. Mr. Seawarts left the ship after anchoring at San Francisco.

August 22.—Major Garnett, U. S. A., came on board with stores and his baggage. Commodore Jones visited the ship, after which, at about

meridian, got under way, under steam, and anchored at Sancilito at 2 p. m., watering ship and taking spare spars aboard, preparing for sea.

August 23.—Six a. m. got under way, leaving the ship's launch with Seawarts at the "mill" building at Sancilito. Sails were not bent to the yards.

	Lbs. of steam.	Rev.	Lbs. vacuum.
1st watch, from 6 to 8 a. m., under.....	30	53	9
2d " 8 to m	35	53	9
3d " m. to 4 p. m.....	35	53	9
4th " 4 to 8 p. m.....	35	50	8
5th " 8 to midnight.....	30	55	7

August 24.

6th watch, from midnight to 4 a. m.....	30	55	7
7th " 4 to 8 a. m	30	53	3
8th " 8 to m	30	56	3

Wind free and buffing; commenced bending sails on the 4th watch out; at meridian of this day all sail set.

	Lbs. of steam.	Rev.	Lbs. vacuum.
<i>August 24.</i> —9th watch, from m. to 4 p. m. .	30	53	2
10th watch, from 4 to 8 p. m.....	30	53	2
11th " 8 to 10 p. m.....	25	57	2

At 10 p. m., under steam and sail, struck on the breakers and ran in among them. Backed engine by order of captain, with from 45 to 50 pounds of steam—40 revolutions; shortly after, orders from captain to go ahead; did so for some time.

August 25.—12th watch, from midnight to 4 a. m., constantly backing engine, putting on all steam that the boiler could bear, with 40 back revolutions. 14th watch, from 8 to meridian, at 10 a. m., or thereabouts, stopped engine, owing to the water getting out of the boiler. Pumps refusing to work in consequence of the sand choking them. At 11 a. m. filled the boilers and steamed up again, as much as the boiler would bear—70 pounds steam; commenced backing; ship rolling heavily; captain ordered fore and main masts to be cut away; backed till 10 p. m.; ship leaking freely under counter and engine; at this time captain ordered me to start ahead, which I did for about 20 minutes, after which he ordered me to stop the engines entirely; ship settling fast; commenced saving property by captain's orders.

Very respectfully, your obedient servant,

FRANCIS C. VARRAN.

R. W. MEADE, Esq.,
U. S. Navy.

NEW YORK, *September 10, 1850.*

SIR: I feel it a duty to give you, for your benefit, the following statements:

I would state that I never saw Commodore Jones; never spoke to him, and never authorized any one else to speak to him, in relation to you and the steamer Edith, or any other matter connecting you with

me. Before you arrived in California, you were spoken of to command the ship. I was her chief engineer for four years, and remained so after her transfer to the navy. I was made to prejudge you by those who relieved Captain Couillard. I was prepared to be prejudiced against you. I had never seen you or heard of you before. I once, at the mess-table, in a careless, light manner, said, "If Captain Meade was such a person as he was represented, I would leave the Edith if he took command." You arrived and visited the ship at Sancilito. I saw nothing then or since to base the opinion that I had rashly expressed, and I have deeply regretted ever having made the assertion, which was never used to your injury, with my concurrence. You displayed an anxiety to have your command; consulted me about the ship, her engine and machinery, *all* of which I told you, and showed you. I beg to enclose you a copy of a letter to the commodore, dated July 21, 1849, (hearing of his return to Benicia, from the mines,) which letter I placed in your hands to deliver, as you were proceeding to see him. I publicly stated that I should leave the ship, as I was not treated well. Captain McCormick, in charge of the Edith, and the contractor, Mr. Seawarts, urged me to remain, and that I should be well paid for my services. At this time, with one fireman and with three of the crew of the United States ship Warren, I had got through all the required work of the engine and machinery, preparatory to putting the shaft in. I had taken apart and cleaned the machinery. I could do no more till the shaft arrived. Not being well, without any hope of comfort ashore, I consented to remain, upon the offer made to me by Captain McCormick and the contractor; whereupon I withdrew the enclosed copy of the communication which I requested you to deliver to the commodore. Mr. Seawarts was nominally the contractor to repair the machinery—no part of which required any repairs whatever. He had not aided me; nor could he aid or direct me in the work to be done on the ship; nor did he ever pretend to do so; he was exclusively employed upon a steam-mill erecting at Sancilito. Immediately after these promises, I became again more displeased with my position as her engineer, and the occurrences daily transpiring, and, unwilling to hold any responsibility, I sent to Captain McCormick my resignation, left the ship, and went to San Francisco.

The contractor followed, and urged me again strenuously to return; not to leave him; that he himself would employ me; offered me the same salary that the government gave me; that I should live in the ship in the cabin mess, with all the comforts that he and the captain enjoyed, with assurance of a present of \$500 (five hundred dollars) after the work should be done. Thus relieved of every responsibility to the government, enjoying the privileges offered, the attention of the surgeons of the squadron (if sick,) I consented to return; did so; everything being approved of by Captain McCormick, as above stated. I remained idle after we received the shaft, and even after the commodore arrived at Benicia. I commenced work on the shaft upon the commodore's order to get the ship ready with all despatch for a "confidential cruise," and completed it in less than a week. Mr. Seawarts, in fulfilment of his promises, paid me. No effort was made to procure the shaft. Had I had it from the first, and been permitted, I could

have got the ship ready for service in two weeks. When the commodore sent Captain McCormick to consult me as to the state of the ship, I told him I would engage to put her in full and efficient repair in six weeks. Owing to the want of help in the country, not being well, and not wishing to disappoint him, I gave myself six weeks, not wishing to overwork myself. During the shifting of the shafts, the contractor occasionally gave me his services, never losing sight of the mill. I repeat emphatically that the machinery was not touched by him—no part of it required repairs.

The ship, being now ready, got under way under steam, and, after a faithful trial, the engine, machinery, &c., proving to be in beautiful working-order, anchored in San Francisco. Commodore Jones visited the ship, and, as Captain McCormick told me, expressed his entire satisfaction with the report made to him after the trial. I now requested to be paid off. The contractor never intended to go in her. He and Captain McCormick urged me to become again the engineer of the ship; offered me any salary to go, assuring me they had the commodore's approval. I acceded, and required \$500 (five hundred dollars) per month, the same pay as the engineer received of the steamer Massachusetts, with two rations. This was acceded to by the captain. I was now again the engineer of the ship; Mr. Seawarts was paid off. Mr. Seawarts knew that when you got command you would be captain; that his connexion with the mill, using for its services the launch and boats of the Edith, to carry bricks, stone, sand, &c., to their injury, as well as all other use and control of the ship's property, would instantly cease, and be reported—that you would confine him to his duty alone. I believe he did you injury with the commodore, by misrepresenting you to him. Captain McCormick was not your friend, though he personally professed to be so. I understand he made applications to be relieved by you, which were rejected. After the loss of the ship, upon my return to San Francisco, his assurances and pledges, approved, as he told me they had been, by the commodore, were violated. Purser Price would not pay me at the rate of \$500 (five hundred dollars) per month, with two rations. I appealed to Captain McCormick, who acknowledged all that he had represented, adding that the commodore had changed his mind, and had directed Purser Price to pay me a stated amount; that if I called on the commodore in the matter, he would reduce even that amount, which he had authorized. I called several times to see the commodore, but as often he refused to see me. I lost my all by the ship, viz: my three years' clothing, and a tool-chest, worth in that country \$1,000 (one thousand dollars.)

I wish you to consider the enclosed letter to the commodore, dated Sancilito, July 21, 1849, as also my letter to you of 26th August last, containing extracts of my journal, as part of this letter, to all of which I am ready to verify, when called upon to answer before a court-martial. At the same time permit me to apologize for my part in this matter, assuring you that I deeply regret having been instrumental in doing you an injustice.

Very respectfully, your obedient servant,

FRANCIS C. VARRAN.

Lieut. R. W. MEADE, U. S. N., New York.

STATE OF NEW YORK, }
 City and county of New York. }

Francis C. Varran, of said city, being duly sworn, deposes and says, that the statement contained in the above letter to R. W. Meade, United States navy, with enclosures, are true; and further deponent saith not.

FRANCIS C. VARRAN.

Sworn before me, on this 11th day of September, 1850.

ALFRED ROE,

Commissioner of Deeds.

BROOKLYN, *October 28, 1851.*

SIR: In obedience to an order of Commodore Thomas Ap Catesby Jones, dated San Francisco, September 17, 1849, I proceeded without delay and reported in person at Washington, November 13, 1849. The following day I made a written report.

In my personal interview with the Hon. Secretary, I presented an introductory letter from the Hon. T. Butler King, dated at San Francisco, voluntarily requesting of him to appoint me to another ship on the Pacific station. I requested to be reordere to the Pacific, and assigned many reasons for my request; the strongest being the suspension of my orders, known to every inhabitant of California, and by which I was placed in a position awkward, if not humiliating.

While at San Francisco, the delegates of the convention elected to frame a constitution for the State of California, through the honorable Wm. M. Gwin, United States senator, called on me to volunteer to take them to Monterey; I cheerfully asked Commodore Jones, stating that I could be ready in six hours with the Edith, and land them in ten hours after I should have an offing. The Edith being ship-rigged, I had nothing to do but to trice up her propeller and use her sails. I requested Commodore Jones to let me have Lieutenant McCormick, then temporarily commanding her, as my first lieutenant, as Lieutenant Knox, commanding Massachusetts steamer, had Lieut. C. Vanalstine as his executive officer, of the same date of service, but registered for more sea-service than Lieutenant McCormick. Commodore Jones refused me this request, although my application was aided by the influence of Senator Gwin and others of equal distinction. I then felt exceedingly mortified, and subsequent proceedings have all tended to increase my mortification. The loss of the Edith followed quickly upon this refusal of Commodore Jones, and since my return home, my name having been *identified* with the command of the Edith, many persons believe that she was lost through my carelessness, and while under my charge.

The department, in reply to my request upon my return to the United States, would not gratify me with *any* service, and ordered me to regard myself as "waiting orders." Four months afterwards (March 8, 1850,) not having heard from California, I proceeded to Washington, and requested, in writing, "permission" to take the overland route to San Francisco to recover my three years' stock of clothing, &c., consisting of three large chests, which I had previously placed in charge of Lieutenant F. Renshaw at Boston, attached to the United States ship Fal-

mouth, preparing to proceed to the Pacific in April, 1849. This application for "permission" was denied me the following day, and ever since I have been kept "waiting orders;" and, not to speak of the injustice done me, I would call attention to the sacrifices and losses I am sustaining through no fault of my own.

The order of April 11, 1849, requiring me to proceed to San Francisco and report to Commodore Jones as commanding officer of the steamer Edith, made it imperative upon me to take the shortest route, as will appear by said order. This order Commodore Jones repeatedly declined to fulfil, and stated to me that he had received official orders from the department not to give me the command of the Edith until the arrival of the United States ship Falmouth, in which ship, he stated, he was officially informed I was ordered to take passage, accompanied by a full complement of officers and engineers detailed for the Edith. I deemed it my duty to protect myself against such extraordinary proceedings, and make a more formal demand for the command, which I did, enclosing to the commodore a copy of my orders from the department. In reply to this communication, Commodore Jones, on the succeeding day, addressed me a letter reiterating his former answer, and still continued to retain in command of the Edith his "flag" lieutenant, James McCormick, standing No. 228 on the navy list, and invited me to take permission to use my time as "might best suit my convenience."

I do not hesitate, sir, to say that Lieutenant McCormick, during the whole time he had charge of the Edith, neglected his duty as an officer of the United States navy, to the knowledge of Commodore Jones, and made use of that vessel for his own private purposes, and lent her to the interest of other individuals with whom he was a party in contract and owner of the steam circular saw-mill, belonging to the government, which he was erecting on his own property, and which he told me had been leased to one Mr. Parker, (and himself being a silent partner with three other persons for a term of years, the duration of which I now forget,) on condition that his company would erect the said mill. To carry out this object, and to obstruct me in the obtaining of my command, Lieutenant McCormick represented that the machinery of the Edith was out of order and required repair; and with the authority of Commodore Jones, he employed and paid a machinist an exorbitant sum for repairing the machinery of the Edith, none of which required repair. But this act, like others previous to the loss of the Edith, was merely a stratagem to delay my command and use the Edith for private purposes. Mr. Varran, her proper engineer, who had remained by the ship with the transfer, and had been employed in the quartermaster's department for over four years, protested to Mr. McCormick against the extravagance of repairing machinery already in perfect order, and stated, that all the ship required was to take out the shaft then in use, which was a little out of line, and insert the duplicate then on board of the Massachusetts, but belonging to the Edith. The machinist (Mr. Seawarts) *never did* a hand's turn to the machinery of the Edith; his services were wholly given to the mill, in which he had an interest from Lieutenant McCormick. I would respectfully ask, upon whose report, then, was it that the Edith's machinery required repair,

and was Mr. Seawarts employed? Has Commodore Jones the report of Mr. Varran, the engineer, that the *machinery* of the Edith required repair? While all these things were being transacted, I was kept in *idleness*, and under expenses far beyond my means. I could not dispute the orders of Commodore Jones, but I most respectfully stated to him that it was extraordinary that the honorable Secretary should order me to take the shortest route to San Francisco, should authorize my travelling expenses to be paid in advance, permit me to visit Boston and place my effects on board the Falmouth, and with the same breath that gave these orders should inform him that I was to take passage in the Falmouth. I asked the commodore if he did not consider that such a course would be multiplying expense in a most needless manner, and not in consistency with the general course of business in the Navy Department.

In the letter of Commodore Jones to me, already mentioned, he stated that I could partake of the hospitality of Lieutenant Commanding Neville's ship, the Fredonia, then stationed in the harbor of San Francisco. I eagerly embraced this invitation, and at once went on board the Fredonia, to thank Lieutenant Neville for his kindness. It is impossible for me to express my surprise and mortification when I learned from Lieutenant Neville that he had never been consulted by Commodore Jones; and while he sympathized with my situation, he regretted he had no room or convenience on board his ship, and could not accommodate me.

I left the ship, and was forced very reluctantly to remain on shore during the balance of the time spent in San Francisco.

On my return to the United States, I found it necessary to refer to the instructions given to Commodore Jones, referred to by him in his letter to me. I have the honor to enclose you a copy of that letter of instructions from the department, dated the 14th April, 1849, three days after my orders. This is the *only* letter which I could find on file bearing any reference to myself and the command of the Edith; and unless other orders were given, it is exceedingly strange that Commodore Jones should misconstrue language so direct and plain. These instructions directly contradict the Commodore's letters to me; and if they were the only orders received by him, he has evidently acted in direct violation of the wishes of the department. I respectfully enclose—

My orders, marked No. 1.

My letter to Commodore Jones, soliciting my command, No. 2.

His reply thereto, No. 3.

Mr. Varran's log, No. 5.

The department's instructions—Hon. Mr. Preston—No. 6.

The frigate Savannah, alluded to by the commodore as necessary to arrive, to furnish the Edith with a crew, arrived at Sancilito about the time of the date of his letter, declining to give me the command of the Edith, and refusing to carry out the orders of the department.

When I saw Commodore Jones at Benicia, I told him of the condition of the Edith; that she *required only* the *shaft*, which could be put in in less than a week; that the machinery was in perfect order, and had not been touched by Mr. Seawarts, who contracted to repair it; that I had been living on board; and that the engineer, Mr. Varran,

who had been in her from the time she was built by Mr. Forbes, of Boston, and still remained on board, had told me of her being, with the exception of the shaft, in perfect order; and that all things necessary to fit her for service could be made in a week. So it subsequently turned out; for Commodore Jones gave instructions to have her made ready for "service unconnected with the navy;" and then Mr. Seawarts, for the first time, gave a little assistance to Mr. Varran towards inserting the shaft. The machinery was not touched, except so far as was necessary for the insertion of the shaft; and when this was completed, August 21, 1849, the Edith steamed up beautifully from Sancilito. This work was commenced on the 18th August, so that it was completed in three days. On the 22d she steamed back to Sancilito; on the 23d, at 6 a. m., "*her sails not being bent to the yards,*" she went to sea, and left her launch and first surf-boat at the mill, in charge of Mr. Seawarts, who was paid off an exorbitant sum, August 22, 1849, by Purser Price, *for repairing the machinery of the Edith.* Seawarts did not go to sea in the Edith, as Commodore Jones represented he would, but was paid off, *discharged* on the above date, with the Edith anchoring at San Francisco, and after Mr. Varran himself, alone, had completed the work of shifting the shafts. He, Mr. Seawarts, returned to Sancilito in the ship, notwithstanding his discharge, and to the completion of the mill. I would most respectfully state to the department, that Mr. Seawarts (machinist) had lived, previously to his discharge, (August 22d,) in the captain's cabin of the Edith, from the time he was employed immediately after her transfer, and attended to no other duty but the erection of Lieut. McCormick's mill, until Commodore Jones gave the order to get the Edith in readiness for the end of the week, to proceed on a cruise to leeward, unconnected with the navy. Upon this order Mr. Seawarts lent his services to Mr. Varran, in shifting the shaft, which was done in three days. No workmen were ever employed to repair the machinery; no workmen went in the ship to finish any repairs on the passage. No such work was required. Mr. Seawarts paid Mr. Varran a large sum, under a pledge of doing all the trivial work that was required in the Edith; such as taking apart the machinery, preparatory to shifting the shafts; looking to the valves, piston, packing, joints, &c., done frequently in steamers after a passage, and always done when time permits. Mr. Varran went in the Edith as her chief engineer, at the *urgent solicitation* of Lieut. McCormick, and was paid to go by Mr. Seawarts, his salary increased to \$500 and rations per month; and, at the request of Lieut. McCormick, *I procured* him a second engineer, and did everything possible to expedite the return of the vessel, when I hoped to secure my command. I did not dream of the duplicity which was even then being practised upon me by Lieut. McCormick, particularly as he made to Commodore Long two applications, requesting him to permit me to relieve him in the command of the Edith. On Commodore Jones's return from the mines, Lieut. McCormick assured me that he had urged the Commodore also to relieve him in command, as his duties at the mill required all his attendance. The Edith having sailed on the 23d August, at 6 a. m., on the 24th, at 10 p. m., forty hours out, under steam and canvass, was wrecked near Cape Conception. Lieut. Commanding McCormick bent

sails after he got to sea. On the court of inquiry, held at San Francisco after her loss, neither Mr. Varran nor her second engineer, Mr. Neil, was called on to give evidence. The information about the condition of the *Edith* which I gave to Commodore Jones at Benicia, on his return from the mines, I received from Mr. Varran, and saw it for myself. It was often the subject of my conversation with others, and particularly with Lieut. McCormick; and only after my return from that station did I discover that it was made a subject of report and a charge against me to the commodore. I have been credibly informed that the machinist, Seawarts, stated to the commodore, that "if I was given the command of the *Edith*, he (Seawarts) would leave her and the work he was engaged upon." This I believe; as it accounts now for that inexplicable paragraph in Commodore Jones's letter to me, that "there were *additional* reasons for not putting me in the *immediate* command, which reasons it was not necessary for him to add." In my letter of the 14th of November, 1849, I did not complain of the suspension of the orders of the department, or of the treatment which it was the pleasure of Commodore Jones to exercise. I simply enclosed my correspondence with the commodore; related what I had done to execute the commands of the department without comment; leaving it to the wisdom of the department to act upon the investigation of the instructions it gave the commodore, and not believing that the department would decide to retain me "waiting orders," tacitly approving the course of Commodore Jones, in violation of the orders of the department.

I am, sir, very respectfully, your obedient servant,

RICHD. W. MEADE, *Lieut. U. S. Navy.*

HON. SECRETARY OF THE NAVY.

NAVY DEPARTMENT, *November 6, 1851.*

SIR: Your communication of the 24th ultimo was replied to on the 27th ultimo. In addition to what is stated in that letter, and in reference to the circumstances set forth in the papers submitted with your letter of the 28th instant, the department has now to inform you that, after Commodore Jones had been recalled from the command of the Pacific squadron to answer to certain complaints preferred by officers under his command, a charge was submitted by Lieutenant Craven, embracing the substance of your complaint against Commodore Jones. The department did not deem it necessary to include it among the charges preferred against that officer; and having so decided, it does not think it proper now to enter upon an investigation of the matter.

I am, respectfully, your obedient servant,

WILL. A. GRAHAM.

Lieut. R. W. MEADE, *U. S. Navy, Boston.*

U. S. SHIP PORTSMOUTH,

Boston Navy Yard, November 20, 1851.

SIR: I most respectfully acknowledge the receipt of a communication dated Navy Department, 6th instant, in reply to my last of 28th

ultimo, in which I respectfully asked a serious attention to certain documents I then transmitted, bearing upon the affair of the United States steamer Edith, which ship the department, in 1849, ordered me "to proceed to San Francisco by the overland route" to command, and which order and instructions Commodore Jones refused to comply with.

I would earnestly but respectfully state that Lieutenant Craven could not have embraced the substance matter of my complaints against Commodore Jones, as declared in the series of documents above alluded to.

I was aware that he had charged Commodore Jones, and specified a letter received by me from him, dated at San Francisco, August 17, 1849, which manifested a violation of the order of the department, and of the after-instructions he received from the Hon. Wm. Ballard Preston, dated Navy Department, April 14, 1849.

Mr. Craven could not have embraced the matter relating to the steam circular saw-mill, belonging to the government, erected at Sancilito, by Lieutenant James McCormick, with Commodore Jones's knowledge, the erection of which the government was made to pay for, under the false pretence that the machinery of the Edith (which was in perfect order) required repairs.

Lieutenant McCormick informed me, as was well known in California, that this mill was leased to the Sancilito Company, of which he, then commander of the Edith, in violation of his commission, was a party in contract, and that it was being erected by him for the company, who were to have the use of it for a lease of time, provided the company would erect it by contract at its own expense.

I assert that the ship Edith was ordered to anchor off Sancilito, a watering-place, the property of Lieutenant McCormick and his company; and that said Edith was used for this private purpose, with the consent and knowledge of Commodore Jones, who paid a machinist, under contract, an exorbitant sum for repairing the Edith's machinery, which was never touched by him, and who was kept employed by Lieut. McCormick, from sunrise till sunset, on his property, the mill, thus depriving me, unjustifiably, from obeying the orders of the department dated April 11, 1849, and by which act the government has seriously suffered, and from which resulted the *total* loss of the Edith.

I would again most earnestly and respectfully request an investigation of this matter, which renders my position in the navy humiliating, under all these facts, by its present order to a sloop-of-war. I have endeavored, since I have been attached to the Portsmouth, to faithfully discharge my duty; and should the department (which I trust it will not) refuse this act of justice to an injured officer, and detach me for the investigation I ask, I must tender, under *compulsion*, my resignation as a lieutenant in the navy of the United States.

I am, sir, very respectfully,

R. W. MEADE,
Lieutenant U. S. Navy.

Hon. Wm. A. GRAHAM.

Forwarded:

JNO. DOWNES,
Commandant.

NAVY DEPARTMENT, *November 22, 1851.*

SIR: The department has received your letter of the 20th instant, in relation to your complaints against Commodore Jones. Commodore Jones reached the United States, after his return from the Pacific, in August, 1850, and matters of complaint against him were under consideration until the ensuing November, when charges were exhibited against him, and his trial was ordered. During this period, it is believed that the officers of the navy, and the public generally, knew that the department had determined to bring that officer to trial, on matters arising from and growing out of his command in the Pacific ocean; yet no charge of complaint was then made by you, against Commodore Jones, for malversation, or for participating in, or inciting to fraudulent acts. He has been tried, and is now under the sentence of a court-martial, and the department, as you have already been informed, declines to take any steps to bring him to answer additional charges on complaints growing out of his late command.

The department will regret if these circumstances induce your resignation, and will not act on your tender to that effect until you shall be further heard from. It cannot, however, relieve you from your order to the Portsmouth.

I am, respectfully, your obedient servant,

WM. A. GRAHAM.

Lieut. RICHARD W. MEADE,

U. S. Sloop-of-war Portsmouth, Boston, Mass.

BOSTON NAVY YARD, *November 28, 1851.*

SIR: Your communication of 22d instant has just been received. I must again respectfully state, that on the 13th of November, 1849, I did complain and respectfully appeal to your honorable predecessor's consideration, to give me orders to the command of another ship, urging upon him that the late steamer Edith, which had been assigned to me, had been illegally withheld, invited investigation, and that the extraordinary conduct of Commodore Jones had been the subject of *common* remark, to my injury, by the people of California; that numerous citizens of standing had called upon the honorable T. Butler King, the government agent, as declared by Commodore Jones, (with the authority of the President) to make known my case to the department; whereupon he sent, unasked by me, an introductory letter, of which the enclosed is a copy.

The following day I made a written report: it was as forcible an appeal as became the facts, with a view to draw the attention of the department to its instructions given, contrasting them with Commodore Jones's letter to me. It was a simple narrative of events. I deemed comment improper, and threw myself on the justice of the department, to relieve the impressions formed against me in California, hoping it would do so by giving me that which I had not enjoyed, a command, or by letter approving of the course I had pursued to carry out and execute its orders. Instead of which, Commodore Jones's conduct for with-

holding my command, assigning her to the junior lieutenant of the squadron, in defiance of the orders and instructions of the department; his disrespect and insult of my commission, and of myself personally, before the people of a new country, has been approved by the department.

This was all known to the department in 1849, and all of this same matter, *with my consent*, was offered and charged against him by Lieut. Craven.

I was identified with him in said charge, as my modest and respectful invitation for an investigation into this matter was treated with silence. I respectfully ask whether such charges should have been dismissed to my injury, and whether my letter of November, 1849, was not a respectful report and appeal, becoming a junior officer, contending with the highest rank in the service. The department is respectfully referred to this passage of Commodore Jones's letter, dated San Francisco, August 17, 1849, in which he says to me: "In addition to the foregoing reasons for not putting you in immediate command of the Edith, there are others, which it is not necessary to add." Here is a cruel reflection from an officer of the highest rank to a junior, who was straining every nerve to fulfil his duty; while, on the other hand, Commodore Jones was violating the written instructions of the department, and participating in all matters connected with the Edith at Sancilito; and this passage of his letter, like every and all others in his reply to mine of 16th August, 1849, was to destroy the ends of justice—to mortify and destroy, as he is about to do, the whole professional career of a junior officer who has devoted his life to the service. I would respectfully ask if such conduct ought not to have been investigated by the department, and upon my appeal in November, 1849?

I did complain, ask, and expect, in this said letter, an investigation; instead of which, I was told to await orders.

I hastened to Washington on its receipt, and presented what I had wished to avoid—the introductory letter sent me by the honorable T. Butler King, and which was treated with silence. I then asked *permission* to take the overland route to recover my three years' stock of clothing, which is still in the spirit-room of the Warren. This was refused, while *others* could go in violation of orders. Upon this I saw Mr. Craven, read to him my correspondence with Commodore Jones, which I *know* to be the substance of his charges, and of those the department refers to, under date to me of November 6, instant. I was at the time preparing, and did prepare, a series of documents, among those I forwarded on the 28th ultimo, when, to my utter astonishment, I was informed that the matter assumed by Lieut. Craven, framed from my correspondence with Commodore Jones, had been dismissed by the department. I concluded then, if charges so grave, which would have brought out the matter connected with the series of documents forwarded on the 28th, and in which I was to be a witness, could possibly be dismissed, what use was there for myself to appeal *again* with any others, when those already presented were refused notice and *dismissed*? I could not, therefore, appeal, nor would I now appeal if I did not think that the department means to punish me further for its own neglect.

I regard my present orders a punishment. My juniors in rank in the service are all occupying the position of first lieutenants of sloops-of-war. Henry S. Stellwagen, esq., my junior, went out and came home first lieutenant of the frigate Savannah. Some officers similarly placed have been gratified by detachment, by simply making this fact known.

I ask a detachment on weightier grounds, though I claim it on this ground also. I trust that my reasons as declared above for not again complaining to the department against Commodore Jones, at the time referred to in your communication, will be conclusive: they are well known to my friends in and out of the service.

If I had had influence to succeed, I would not as a *navy officer* have exercised it; and will not use influence now, though I possess it and can claim it, to prove that my present position is punishment. I feel that there is no hope in this matter for me, in contention with Commodore Jones, after this and that glaring precedent established before, in violation of the orders of the department, in 1843, when he received written instructions by despatch, that Commodore Alexander J. Dallas was proceeding with orders, by the overland route, to relieve him in command of the Pacific squadron, and to have a vessel at Panama to receive the commodore on his relief. Did Commodore Jones do so? and was there any action in this case? In conclusion, I have no desire to leave the service; I am ardently devoted to my profession—all my associations are in it. I have never made an effort to be detached but once before, for a similar reason. I have ever been ready to obey any and *every* order of the government, and am ready with cheerfulness to obey any order now which it may be pleased to give me in my proper position in the service, provided justice is accorded to the commission I hold; but to continue in the service, denied this respect and justice which is due it, would be too great a sacrifice to my feelings; and again, *under compulsion*, I most respectfully tender my resignation, and must go to Congress for that relief which the department denies to me.

I am, sir, with high consideration, your most obedient, &c.,

R. W. MEADE,

Ex-officer U. S. Ship Portsmouth.

Hon. WILLIAM A. GRAHAM.

Received and forwarded:

THOMAS A. DORNIN,

Commander.

Forwarded 29th:

JAMES GLYNN,

Commander.

SAN FRANCISCO, September 28, 1849.

MY DEAR SIR: I beg to refer you to my letters to Mr. Crampton of a mere sketch of what is in progress here. My present purpose in writing a line to you is to ask your favorable consideration of the case of Captain Meade. The Edith has been lost, and he consequently thrown out of employment. His friends here beg me to write a line

asking employment for him, if possible. He wishes it on this coast. He has aided our movements as far as he could, and seems a meritorious officer: of this you are better informed than I can be. I only desire to ask your kind consideration for him.

Ever truly yours,

T. BUTLER KING.

Hon. W. BALLARD PRESTON, *Washington, D. C.*

NAVY DEPARTMENT, *December 1, 1851.*

SIR: Your resignation as a lieutenant in the navy of the United States, tendered in your letter of the 28th ultimo, is hereby accepted.

I am, respectfully, your obedient servant,

WILL. A. GRAHAM,

RICHARD W. MEADE, Esq.,

Late Lieutenant U. S. Navy,

Boston, Massachusetts.

V.

COPY OF THE CHARGES AND SPECIFICATIONS PREFERRED BY LIEUTENANT T. A. CRAVEN AGAINST COMMODORE JONES, IN 1849 AND 1850, WITH THE REASONS OF THE DEPARTMENT FOR NOT ACTING THEREON.

SEPTEMBER 15, 1849.

SIR: From Valparaiso, in the month of May last, I addressed a communication to the Navy Department, defending myself against aspersions, insidiously made against me by Commodore Thos. Ap C. Jones. I have not heard whether my letter has been received at the Navy Department, or if any action has been taken, by which such gross accusation should be removed.

I now enclose to the Navy Department a set of charges I have drawn up against Commodore Jones, and request that he may be furnished with a copy of them. I regret extremely that I am compelled to bring before the Navy Department an officer whose conduct seems to be so reprehensible, but conceive it to be my duty to myself to vindicate my own character, and my duty to my country to expose the misconduct of those who violate its laws.

Very respectfully, your obedient servant,

T. AUGS. CRAVEN,

Lieutenant.

Hon. WM. BALLARD PRESTON,

Secretary of the Navy, Washington.

Charges, and specifications of charges, brought against Captain Thomas Ap C. Jones, United States navy, at present commanding the United States squadron in the Pacific ocean.

CHARGE FIRST.—Evil example.

Specification.—In this : that the said Captain Thos. Ap C. Jones, being then in command of the United States Pacific squadron, did, while lying in the ports of Monterey and San Francisco, during the months of December, 1848, and January, 1849, or at some time thereabouts, unlawfully make use of large sums of money belonging to the United States government, such sums being applied by him for his own private purposes, in speculating with gold dust; the money belonging to the fund known as “the military contribution fund.” By the use of which public money, he, the said Captain Thos. Ap C. Jones, did in himself set an evil and corrupting example to all those having public moneys in charge, and also to all officers and seamen of the squadron, who had thus before them the example of their commander-in-chief, carried away by “the maddening effects of the gold mania,” such conduct being highly prejudicial to all discipline and good order.

CHARGE SECOND.—Scandalous conduct.

Specification first.—In this : that the said Captain Thomas Ap C. Jones, while in command of the United States Pacific squadron, did cause a slave to be placed for wages on the books of the ship-of-the-line Ohio, said slave being the property of the said Captain Thos. Ap C. Jones, who did appropriate for his own use and benefit the wages of said slave; thereby offending against that section of the articles of war which forbids false muster.

Specification second.—In this : that the said Captain Thos. Ap C. Jones, while in command of the United States Pacific squadron, did, during the months of May, June, and July, 1848, cause a subscription to be asked among the officers and seamen of the squadron, the object of such subscription being the purchase and emancipation from slavery of the before-mentioned slave, a negro, then serving as steward on board of the United States ship Ohio; the said Captain Thos. Ap C. Jones having circulated, or caused to be circulated, a *letter*, asking and encouraging such subscription, and commending the said slave as worthy of such redemption; such conduct on the part of said Captain Thos. Ap C. Jones being subversive of discipline, and in violation of a general order issued by the Hon. Jas. K. Paulding, while Secretary of the Navy, by which all officers are forbidden asking or receiving any gratuity from the crews of their vessels.

Specification third.—In this : that the said Captain Thos. Ap C. Jones, being then in command of the United States Pacific squadron, while lying in the ports of Monterey and San Francisco, did at various times during the months of November and December, 1848, apply to his own private use, for purposes of speculation in gold dust, large sums of public money belonging to the United States, such money belonging to the fund known as “the military contribution fund.”

CHARGE THIRD.—Embezzlement of public money.

Specification first.—In this: that the said Captain Thos. Ap C. Jones, while commanding the United States Pacific squadron, did, in the month of July, 1848, receive from McKean Buchanan, purser of the United States ship Dale, the sum of three thousand dollars, or thereabouts, said money belonging to the fund known as “the military contribution fund,” and which said sum of three thousand dollars has not been transferred to a purser, paymaster, or other disbursing agent of the government.

Specification second.—In this: that the said Captain Thos. Ap C. Jones, being then in command of the United States Pacific squadron, while lying in the ports of Monterey and San Francisco, did at various times during the months of November and December, 1848, apply to his own private uses, for purposes of speculation in gold dust, large sums of public money belonging to the United States, such money being part of the fund known as “the military contribution fund.”

CHARGE FOURTH.—Conduct unbecoming to an officer and gentleman—malicious falsehood.

Specification first.—In this: that the said Captain Thos. Ap C. Jones, being then in command of the United States Pacific squadron, while under oath as a witness, before a court-martial sitting for the trial of Passed Midshipman John Posey Hall, in the month of March, 1849, did say that the accused, Passed Midshipman Hall, did sign, jointly with Passed Midshipman Strain, a certain letter addressed by the said Passed Midshipman Strain to the Hon. Secretary of the Navy, and written at Callao, in the month of February or March, 1848, which statement, so far as regards said Passed Midshipman John Posey Hall, is untrue.

Specification second.—In this: that the said Captain Thos. Ap C. Jones, being then in command of the United States Pacific squadron, while under oath as a witness before a court-martial sitting on board of the United States ship Ohio, for the trial of Passed Midshipman John Posey Hall, in the month of March, 1849, did state that the said Passed Midshipman John Posey Hall was, at a former time and place, absent from the ship Warren, to which he was then attached, without leave, and on board the United States ship Ohio; and also that the said Passed Midshipman John Posey Hall was under arrest at the time of such absence without leave; the whole of which statement is positively untrue.

Specification third.—In this: that the said Captain Thomas Ap C. Jones, being then in command of the United States Pacific squadron, did, on the 25th October, 1848, or about that time, address a letter to the Hon. Secretary of the Navy, in which were the following remarks: “Nothing, sir, can exceed the deplorable state of things in all Upper California at this time, growing out of the maddening effects of the gold mania. I am sorry to say that, even in this squadron, some of the officers are a little tainted, and have manifested restlessness under moderate restrictions, imperiously demanded by the exigencies of the times, as you will perceive by the enclosed letter addressed to three of the lieutenants.” Such remarks, from the words “I am sorry to say,” &c., to “three of the lieutenants,” being wholly and entirely untrue, in word, expression, and implication.

CHARGE FIFTH.—Using reproachful language.

Specification.—In this: that the said Captain Thomas Ap C. Jones being then in command of the United States Pacific squadron, did, on or about the 25th October, 1848, address a letter to the Hon. Secretary of the Navy, in which were the following remarks: “Nothing, sir, can exceed the deplorable state of things in all Upper California at this time, growing out of the maddening effects of the gold mania. I am sorry to say that, even in this squadron, some of the officers are a little tainted, and have manifested restlessness under moderate restrictions, imperiously demanded by the exigencies of the times, as you will perceive by the enclosed letter addressed to three of the lieutenants.” Said remarks being, in thought, word, and intent, a false and malicious calumny, written for the purpose of injuring the three lieutenants alluded to, and being likewise injurious to the character of the officers of the navy in general.

Witnesses to the above charges.—Commander C. K. Stribling; Commander John Rudd; Commander A. K. Long; Lieutenants Fred. Chatard, Joseph F. Green, J. B. Marchand, Edward M. Yard, Ed. L. Handy, John J. Almy, T. Aug. Craven, James McCormick, Henry Eld, and M. B. Woolsey; Pursers Joseph Wilson, McKean Buchanan, Sam. Forrest, and E. D. Reynolds; Passed Midshipmen J. G. Strain, John P. Hall, and Robert McArran.

SEPTEMBER 15, 1849.

BOUND BROOK, *March 13, 1850.*

SIR: In September last I forwarded to the Hon. Secretary of the Navy a set of charges, of the most serious nature, preferred by me against Commodore Thomas Ap C. Jones, at present commanding the United States squadron in the Pacific. I am not informed that any official notice has been taken in the matter; and as my silence may, if continued, be imputed to a willingness on my part to let the subject rest, I am induced again to call the attention of the Navy Department to my complaint.

When I say my complaint, sir, I beg that I may not be misunderstood. I do not think that the offence of one officer can be the matter for the *personal* complaint of any other, but is purely and entirely official in character. From a sense of duty, I have brought before the Hon. Secretary these complaints; and not without reluctance, as I am sensible that the charges, if sustained, as I most conscientiously believe they will be, must bring discredit upon the service. I feel, too, that my own character is deeply involved and must bear a stain, unless I have an opportunity of freeing myself from the accusation made against me in the letter of Commodore Jones to the Navy Department, dated October 25, 1848, and numbered 34, the injurious character of which was complained of by me in my communication from Valparaiso in May last, and forwarded to the Navy Department via Panama.

I most earnestly beg, sir, that I may at an early day have an opportunity of proving the falsity of the accusation made against me; an accusation which reflects most strongly upon the navy. And may I be allowed to call the attention of the honorable Secretary to the fact

that the Ohio may shortly arrive in the United States. On board of that ship are most of the witnesses in the case; and unless the charges are tried while they are at hand, it may be forever out of my power to free myself from reproach. I am satisfied that justice will be rendered by the department, and have thus forborne urging my complaints until it should be near the time of the arrival of the Ohio.

I herewith forward to you, sir, an additional charge and specification of falsehood against Commodore Thomas Ap C. Jones.

I am, sir, very respectfully, your obedient servant,

T. AUGS. CRAVEN,

Lieutenant.

HON. WM. BALLARD PRESTON,

Secretary of the Navy, Washington.

Additional charge, and specification of charge, preferred against Captain Thomas Ap C. Jones, United States navy, by Lieutenant T. Augs. Craven, United States navy.

CHARGE—Falsehood.

Specification.—In this: that the said Captain Thomas Ap C. Jones, at present commanding the United States squadron in the Pacific, in a letter addressed to Lieutenant R. W. Meade, dated August 17, 1849, while declining to place Lieutenant Meade in command of the United States steamer Edith, as directed by the Navy Department, did use the following language, to wit:

* * * "I am officially informed by the honorable Secretary of the Navy, that, accompanied by a full complement of *engineers* and other officers for the Edith, you would take passage in the United States sloop Falmouth for this station; and on the arrival of the Falmouth, I am to place you in command of the Edith."

Which assertion is wholly untrue, so far as it concerns the said Lieutenant Meade, as will appear by reference to a letter of instructions, dated April 14, 1849, addressed by the honorable Secretary of the Navy to the said Captain Thomas Ap C. Jones.

MARCH 13, 1850.

WASHINGTON, August 28, 1850.

SIR: In addition to the reports already made by me to the Navy Department in the form of charges against Captain Thomas Ap C. Jones, I now, in connexion with them, submit to you the accompanying charges:

Many grave charges have been omitted by me; and among others, for want of *dates*, I have omitted a charge of appointing a *disbursing agent* at San Francisco, and thereby usurping authority belonging to the President and Senate; and I have also omitted a charge of fraudu-

lently selling and repurchasing a quantity of rice belonging to the United States government for the use of the squadron in the Pacific.

I would observe, sir, that, in the defence of my own character and honor as an officer, it may be proper and necessary for me to exhibit in its fullest extent the official misconduct of the officer who has assailed me; and I am prepared to prove that, by his disregard of law and the interests of the government, he is incapable of forming a correct estimate of the character of those placed under his command. I request, sir, that this letter may be filed with my charges, and also that a copy of all my communications on the subject be furnished to Captain Thomas Ap C. Jones.

Very respectfully, sir, your obedient servant,

T. AUGS. CRAVEN,

Lieutenant.

Hon. WM. A. GRAHAM,

Secretary of the Navy.

Additional charges, and specifications of charges, exhibited against Captain Thomas Ap C. Jones, United States navy, by Lieutenant T. Augs. Craven, United States navy.

CHARGE FIRST.—Wilfully causing wasteful expenditure and loss of public stores.

Specification first.—In this: that the said Captain Thomas Ap C. Jones, being at that time in command of the United States Pacific squadron, did, without any sufficient reason, order the storeship Chile (chartered by the government, freighted with stores for the Pacific squadron, and consigned to the United States navy storekeeper at Monterey, where there were good and sufficient storehouses belonging to or rented by the government) to proceed to San Francisco and there discharge her cargo, thereby causing an extra charge of five thousand dollars, or thereabouts, against the United States; said sum of five thousand dollars, or thereabouts, being the amount required and exacted by the captain of the said storeship for transporting the cargo from Monterey to the port of San Francisco, a distance of ninety miles.

Specification second.—In this: that the said Captain Thomas Ap C. Jones, by causing the storeship Chile to be discharged at San Francisco, (where there was no consignee, and where there were no warehouses for the reception of the stores, or for their safekeeping,) did subject the government to great loss or damage, inasmuch as a large quantity of provisions were landed on the beach or shores, where they were exposed to injury and depredation; and were, through necessity, sold at auction to save further loss to the United States government.

CHARGE SECOND.—Scandalous conduct, and carelessly performing the duties assigned him.

Specification.—In this: that the said Captain Thomas Ap C. Jones, being then in command of the United States squadron in the Pacific, did, in the month of August or September, 1849, or at about that time, transfer from the United States ship-of-the-line Ohio to the United States frigate Savannah, two hundred men, or thereabouts, whose terms of

service had not expired, and to supply the great deficiency in the crew of the Ohio, *then about to sail for home*, a number of men were transferred from the said frigate Savannah to the said ship Ohio, the said frigate Savannah having *but just arrived* on her station; and it is charged that the said Captain Thomas Ap C. Jones, by the exchange of the men as above stated, and by the subsequent discharge of those transferred to the frigate Savannah, did wilfully, and with premeditation, disable, and render inefficient for service at sea, the United States frigate Savannah.

CHARGE THIRD.—Illegally inflicting capital punishment.

Specification.—In this: that the said Captain Thomas Ap C. Jones, being then in command of the United States squadron in the Pacific, did, in the month of October, 1849, without authority, cause to be executed two men belonging to the crew of the United States schooner Ewing, said men having been tried by a court-martial and convicted of mutiny, and the said execution taking place within the waters of the Bay of San Francisco, a port of the United States, without the authority and sanction of the President of the United States.

WASHINGTON, August 28, 1850.

WASHINGTON, August 30, 1850.

SIR: Lest any misapprehension should exist as to my meaning, I have thought proper to explain a portion of the charges against Captain Thomas Ap C. Jones, sent by me to the department, dated August 28th instant.

In specification first of charge first, it would appear to those unacquainted with the facts that I have questioned the right and authority of the commanding officer of a squadron to order stores to this or that place: such is by no means my intention or wish; but the charge and specification will, when tried, exhibit some of the corrupt influences by which the affairs of the squadron were controlled.

It is my intention to produce further specifications of the charge of scandalous conduct, at such time as I may procure the required dates.

I would here take leave to say that the charges, being designed originally as a formal report, were made to assume their specific character that I might embody them with more distinctness. Before any action is taken upon them, I would request that they may be subjected to revision, that any inaccuracies, through want of technicality, may be corrected. I request that this letter be filed with the charges.

Very respectfully, your obedient servant,

T. AUGS. CRAVEN, *Lieutenant.*

Hon. WM. A. GRAHAM,

Secretary of the Navy.

NAVY DEPARTMENT,

December 10, 1850.

SIR: Your letter of the 22d ultimo was received a few days after its date. In it you do no more than justice to the head of this department

in expressing the belief that he entertains no feeling of hostility or unkindness towards you; but you express your surprise that the charges preferred against you should be signed by him, and suppose that this may have occurred from inadvertence. It is certainly true, as you remark, that I have no personal knowledge in relation to the subject-matters embraced in these charges, and that they were brought to my attention officially by other and junior officers in the service; but the offences they impute, if established, are offences against the criminal code of the navy; and the questions presented to the department, when such charges are preferred, are, whether, from their nature, they are worthy of consideration by a court; and if so, what is the proper form of proceeding? Designing to divest your case of all such as imputed mere technical breaches of discipline, I directed the omission of any charge on some of the grounds of complaint against you, and that those brought forward should be put in such form as, in the opinion of the judge advocate, would correspond with the evidence by which it was alleged they could be sustained. This is a discretion of the right and duty, to exercise which I presume there can be no doubt. Without it the department would, of necessity, be obliged to order a court on any charges that might be presented to it, and in the technical form which the party making the complaint should select, however erroneous or inartificial. Then, as to the person in whose name the charges are to be brought before the court-martial, I apprehend it can hardly be supposed that they should be signed by those on whose information they originated, or any one of them. The proceeding is, in fact, a proceeding of the government of the United States; and the inquiry raised by your exception to the course of the department is, what officer is to represent the government in such proceedings? Entertaining doubts on this point, I caused precedents to be searched, and find that the course of such proceedings in naval courts-martial has not been uniform, the charges being sometimes signed by the Secretary, and sometimes by the judge advocate. In the case bearing the strongest analogy to yours, its facts and circumstances having occurred on distant service, (that of Commander Wilkes, of the exploring expedition,) the charges were signed by the late Secretary Upshur. Upon that precedent, and others in the time of Secretary Thompson, another eminent jurist, who formerly administered the affairs of this department, the present form was adopted. It neither implies that the head of the department makes the prosecution his personal affair on the one hand, nor that the person on whose information false and malicious accusations are made shall, on the other, escape consequences by this form of proceeding which he would have incurred in another. The great point in all such cases is, whether the charges are true. If so, it matters not in what motive they originated—if not, the accuser may be culpable; and more or less so, according to the circumstances and motives of his conduct.

I am, very respectfully, your obedient servant,

WILL. A. GRAHAM.

Commodore THOS. AP C. JONES,
U. S. Navy, near Prospect Hill, Va.

NAVY DEPARTMENT,
January 25, 1851.

SIR: Your two communications—the one dated on the 7th of December last, and the other on the 21st instant—both preferring charges against Lieutenant T. A. M. Craven, and asking his arrest and trial by a court-martial, have been received.

In reply, I have the honor to state that the offences imputed to Lieutenant Craven in these charges are: 1st. Mutinous conduct in contempt of yourself, as his superior officer, while he was under your command in the Pacific squadron. 2d. Scandalous conduct, tending to the destruction of good morals, in certain charges alleged by him against you in a communication addressed to the head of the department, dated the 28th of August, 1850.

As to the first of the charges brought forward by you, I observe that all the specifications refer to acts committed on board of vessels in the Pacific ocean, and belonging to the Pacific squadron, of which you were the commander-in-chief in the month of October, 1848. I understand it to be now settled law, that, in your capacity as such commander, you had full power to order courts-martial for the trial and punishment of all offences against naval discipline there occurring—a power which, according to your official reports, you exercised in repeated instances. The offences constituting the supposed mutinous conduct in question are not stated to have been recently discovered, but, on the contrary, appear to have been known to you very soon after their alleged commission; and I must infer that they were not then esteemed of sufficient moment for the cognizance of a court-martial, otherwise one would have been organized in the squadron where they took place, and where the necessary witnesses could have been readily convened. This was not done then; nor was a court-martial at any time invoked on them until the receipt of your letter of the 7th December, a few days before the assembling of the court for your own trial. Under these circumstances, I cannot but regard this alleged mutinous conduct as having been either summarily punished by admonition or suspension, or else impliedly pardoned in the omission to order a court for its investigation; and I accordingly decline to make it the subject of a court-martial now.

In respect to the second charge—that Lieutenant Craven, in his letter to the department arraigning your conduct, made false and unjust charges against you in the particulars stated in your letter—I have to remark that, had a court of inquiry been asked on all the matters of complaint against you when they were referred to you for explanation, it would at once have been ordered. But that course not having been adopted, the department felt constrained to order a court-martial for the trial of such of them as, in its opinion, required it. After the explanation submitted by you, it was not deemed necessary to refer the particular accusations, of which you now complain, to the judgment of the court ordered for your trial; and accordingly they, with several other of the complaints against you, were not embraced in the charges preferred in the name of the department.

Your present application asks an investigation of the truth of these accusations—not in the form originally presented by Lieutenant Craven

of allegations against yourself, but in an averment of falsehood against him in preferring them. To this there are two objections: 1st. The department, in the exercise of its discretion, refused him the investigation in the form of direct accusation; and its action, as a preliminary tribunal, is so far an acquittal of yourself. 2d. A prosecutor, although the accused be acquitted, is not to be subjected to any penalty for his complaint unless the prosecution be both frivolous and malicious. I cannot so pronounce on this prosecution with no other evidence than that now before me; and therefore I must respectfully decline the order requested by you for the arrest and trial of Lieutenant T. A. M. Craven.

I am, very respectfully, your obedient servant,

WILL. A. GRAHAM.

Commodore T. AP C. JONES,

U. S. Navy, Washington, D. C.

VI.

"COPIES OF THE CORRESPONDENCE BETWEEN THE DEPARTMENT AND THE COMMANDERS OF THE PACIFIC SQUADRON, AND ALL OTHER OFFICERS OF THE NAVY, IN RELATION TO THE ERECTION OF A STEAM CIRCULAR SAW-MILL IN CALIFORNIA, AND THE EXPENDITURES THEREON."

NORFOLK, *November 1, 1847.*

SIR: In my letter of the 11th ultimo, enclosing some suggestions of Commander Stribling, in reference to supplying the Pacific squadron with certain articles of stores and provisions, I added my recommendation of a set of Taylor's marine camels for a first-class sloop-of-war; I now beg leave, most respectfully, to reiterate that recommendation; also the supplying of a small steam-engine, &c., sufficient to drive a saw-mill, to which might be added grinding apparatus, which could be usefully employed, when not sawing for the government, in grinding grain for the army, navy, and settlers.

With such facilities, and proper ship-carpenter's tools, I am confident that repairs to any extent might be economically made, even on a frigate, but certainly on all smaller ships of the navy; but, without them, there would be much risk and delay, there being no suitable wharf-harbors for careening ships-of-war on that whole extent of coast from Valparaiso to the Columbia river.

I have the honor to be your obedient servant,

THOS. AP C. JONES.

Hon. JOHN Y. MASON,

Secretary of the Navy.

[Endorsements.]

Refer to Bureau of Construction for opinion.

J. Y. M.

The camel may be of service in crossing the bar at the Columbia and for other purposes.

If it is the intention of the government to hold any port on the Pacific, a steam-engine would be serviceable in the manner suggested by Commodore Jones.

C. W. S.

The Chief of Construction will be pleased to ascertain on what terms and in what time a set of camels, for a sloop, can be procured; also the cost, &c., of a steam-engine for a saw-mill.

J. Y. M.

Executed and reported.

C. W. S.

NAVY DEPARTMENT,

Bureau of Construction, &c., &c., April 14, 1848.

SIR: I ship, by the "Huntress," a steam-engine; by the next opportunity you will receive a saw-mill complete and a set of "camels," for the use of your command.

I sent out in the "St. Mary's" other articles of insoluble rubber, which I trust have safely come to hand.

Respectfully, &c.,

CHARLES W. SKINNER.

Commodore T. A. C. JONES,
Commanding Pacific Squadron.

NAVY DEPARTMENT,

Bureau of Construction, &c., &c., July 28, 1848.

SIR: By the last several opportunities the bureau has shipped to the station under your command a large invoice of stores, of such descriptions as it was supposed you were in need; also a steam-engine and saw-mill, with an engineer to erect it.

As the bureau cannot possibly know what you most require, or the proportions in which you desire they may be forwarded, it is necessary that specific requisitions be made on the bureau, which will meet with immediate attention and despatch.

Respectfully, &c.,

CHARLES W. SKINNER.

Commodore T. A. C. JONES,
Commanding Pacific Squadron.

Cost of saw-mill, with frame for building, machinery, tools, &c., &c., shipped for California June 20, 1848.

[Extract from invoice.]

1 saw-mill, with machinery fitted, cost.....	\$4,559 06
Cost of frame for building, with appendages.....	713 12

Tools for saw-mill and engine, viz:

1 turning-lathe, \$234; 3 pair of stocks, \$122 85.....	356 85
10 pair cast-steel dies, \$81 90; 30 taps, \$81 90.....	163 80
1 drill-brace, with 9 cast-steel drills.....	8 96
20 chipping-chisels, \$7 72; 5 chipping-hammers, \$6 99..	14 71
1 soldering-pot and 2 irons, \$5 32; 8 wrenches, assorted, \$19 57.....	24 89
7 pair smith's tongs, \$5 26; 4 crow-bars, \$4 63.....	9 89
1 smith's hammer, \$2 34; 2 sledges, \$5 85.....	8 19
2 chisels, \$1 89; 4 oil-cans, \$3 51.....	5 40
4 hauling-in trucks, \$140 63; 2 hauling-in dogs, \$7 30..	147 93
21 pair smith's swedges, \$13 33; 6 assorted axes, \$14 04..	27 37
1 portable forge, \$140 40; 6 mill-saws, \$48.....	188 40
12 dozen mill-saw files, \$59 20; 2 cross-cut saws, \$6 50..	65 70
2 dozen 14-inch hand bastard files, \$13; 1 dozen 14-inch half-round files, \$5 50.....	18 50
1 dozen 12-inch smooth files, \$6 25; 1 dozen 12-inch round files, \$4 50.....	10 75
1 dozen hand-saw files, \$1 19; 4 screw-wrenches, \$11 25..	12 44
1 anvil, \$17 50; 1 bench-vice, \$12.....	29 50
1 pair smith's bellows.....	23 00

Account "Mexican hostilities."

6,388 46

NAVY DEPARTMENT, *June 16, 1848.*

SIR: You are hereby detached from the office of the engineer-in-chief, and you will proceed to New York by the 5th of July next, and report to Captain McKeever, commandant of the navy-yard, for a passage in the storeship soon to sail for the Pacific, for the purpose of erecting a steam-engine and saw-mill. On your arrival at Monterey, report to the commanding naval officer present.

I am respectfully yours,

J. Y. MASON.

2d Assist. Engineer WM. F. MERCIER,
Washington, D. C.

NAVY DEPARTMENT,
July 29, 1848.

SIR: You are hereby appointed an acting carpenter in the navy of the United States.

I enclose to you the requisite oath, which, when taken and subscribed, you will return to the department with your letter of acceptance.

You will then proceed to New York, without delay, and report to Captain McKeever for a passage to California in the storeship *Chile*; and on your arrival report to Commodore Jones, commanding the Pacific squadron, for duty, in erecting the steam saw-mill, or such other duty as he may assign to you.

The navy agent at Philadelphia will be directed to advance you three months' pay and your travelling expenses to New York, and the navy agent there is directed to pay your passage in the "*Chile*."

I am, respectfully, your obedient servant,

J. Y. MASON.

Acting Carpenter JOHN BROWN,
U. S. Navy, Philadelphia.

NAVY DEPARTMENT,
December 1, 1849.

SIR: "Be pleased to report to the department" * * * * "the condition of the government steam saw-mill sent to California in 1848; under what arrangement it was erected; for whose benefit it has been used; and its present state and condition. You will be pleased to place the saw-mill in charge of the navy agent or purser at San Francisco as government property.

"I am, very respectfully, your obedient servant,

"WM. BALLARD PRESTON.

"Com. T. A. C. JONES,

"Commanding U. S. Squadron, Pacific ocean."

[No. 91.]

FLAG-SHIP SAVANNAH,
Benicia, January 28, 1850.

SIR: In compliance with your call, under date of December 1, I have the honor herewith to enclose a copy of my contract with Robert A. Parker, of San Francisco, for erecting and putting in operation the steam saw-mill sent by order of the Navy Department to this station, in 1848 and 1849.

When I first reached San Francisco, in November, 1848, I found parts of the steam-engine, machinery, and saw-mill had arrived in a military transport, and in the absence of any vessel or officer of the navy, the squadron not having arrived from Lower California, the parts above alluded to were carelessly thrown on shore, partly in the water, at San Francisco, and in a very perishing state; nor was it in my power to place them in a much better condition, for all that I could do was to collect the parts and stow them in an open yard, as it was impossible to obtain dry storage in San Francisco at that time, nor since, that would not, exclusive of the expense of moving, have amounted to

more in a single month for house-rent than the first cost of a perfect mill.

As to erecting this mill by any means at my command, that was entirely out of the question, for our men, about those times, could not be intrusted on shore to supply *themselves* with provisions and water.

The only alternative left me to avoid utter ruin and destruction of the mill and machinery, was the expedient adopted, whereby the mill has been preserved from destruction, and is now available for any work that may be required for the navy, or it could be sold to advantage should the department prefer it. In the course adopted I was not a little encouraged by the example set by the other branch of the service in the disposition made of their mills out here. Another consideration, too, which had great weight with me in so disposing of the mill, was the destitution of, and exorbitant price of, building materials at San Francisco, so much needed to shelter the inpouring population.

The mill has been set up by Mr. Parker under a close house on the beach at Sancilito, the watering-place of the port of San Francisco, and not very distant from abundance of red-wood, which is rafted to the mill.

The ground upon which the mill stands is within fifty *varas* of high-water mark, which, according to all Mexican grants, may be claimed without price, by the government, for its use whenever required.

The expense of setting up the mill, and the building to cover it, exceeds by two or three times the first cost and transportation of the mill to its present location.

Under these circumstances I shall await your further orders before I annul the contract with Mr. Parker.

I shall, however, notify him to be prepared to surrender the premises on the 30th day of April, by which time your orders can be received.

I have the honor to be your obedient servant,

THOS. AP C. JONES,

Commander-in-chief U. S. Naval Forces, Pacific ocean.

HON. WM. BALLARD PRESTON,

Secretary of the Navy.

—

Copy of R. A. Parker's contract with Commodore Jones for erecting saw-mill.

This indenture, made and entered into this seventh day of April, in the year of our Lord one thousand eight hundred and forty-nine, between Commodore Thomas Ap C. Jones, commander-in-chief of the United States naval forces on the Pacific station, for and on behalf of the United States Navy Department on the one part, and Robert A. Parker of the other part, witnesseth: That the said party of the first part, Commodore Jones, for and in consideration of certain services to be hereinafter mentioned, does grant and give to the said Parker the use of a certain steam saw-mill, with the engine, machinery, fixtures, and tools thereunto belonging or accompanying the same, belonging to the United States Navy Department, for the space of eighteen months from the first day

of May next ensuing; the said Parker binding himself and his assigns to set up the said mill, and put the same in operation, within four months from the first day of May aforesaid. A minute inventory of the machinery, tools, and fixtures shall be taken in duplicate; the said Parker binding himself and his assigns to return the same, according to the inventory aforesaid, to the proper officer of the United States, in like order and condition in which he received them—the usual wear and tear in such cases only excepted, whenever, under the contract, he may be called to do so.

For the term of three months from the commencement of sawing, no rent shall be exacted; but from and after that time the said Parker binds himself and his assigns to furnish, upon the order or requisition of any commanding officer of the United States navy in the Bay of San Francisco, or at Monterey, such sawed lumber for the use of the navy as the mill may be able to cut from any lumber on hand, or which may be sent to the mill by such naval commander, to be used on shore or afloat, but *for naval purposes only*, as he may require, the price of which shall not exceed cost and charges of procuring, transporting, and sawing. The said lumber for naval purposes is to be received at the mill, and the quantity of lumber so called for is not to exceed, in any one month, one-third of the average capacity of the mill for sawing in that period.

It is understood that in addition to the saw-mill, a grist-mill, not yet arrived, has been ordered to this station. Should the same arrive in any reasonable time, it is understood and agreed that it also shall be turned over to the said Parker, who shall put it up and run it in connexion with the saw-mill for the same length of time; for the use whereof, the said Parker agrees and contracts to grind into breadstuff, or horse-feed, any grain sent to the mill, suitable therefor, for the use of persons or teams in the employment of the navy at or about San Francisco, free of toll to any extent not exceeding two days in any one week, or at the rate thereof.

If, contrary to all reasonable expectations, the government should require the steam-engine, mills, &c., for their own use before the expiration of this contract, in that case, provided the mills have not cleared all costs and charges for setting up and putting to work, and a fair business profit thereon, referees shall be appointed by the parties, respectively, to ascertain and name the sum, if any, necessary to reimburse the party aforesaid, which, when duly ascertained, will be paid by the United States to the aforesaid Robert A. Parker, or his assigns.

For the faithful performance of all the undertakings on his part as herein contained, the said Robert A. Parker binds himself and his assigns in the penal sum of one thousand dollars, lawful money of the United States.

Witness our hands and seals, at San Francisco, the day and year first above written.

THOS. AP. C. JONES. [SEAL.]
ROBT. A. PARKER. [SEAL.]

The original contract made with Mr. Parker for setting up the mill was dated in January, 1849, and required the mill to be erected in San Francisco; but it was discovered that the work could not be commenced until the arrival of the storeship *Chile*, having the remainder of the mill and machinery on board, which, although the *Chile* arrived in February, could not be landed till April, when, for good and substantial reasons, the seat was changed from San Francisco to Sancilito; and it being satisfactorily shown that the time and cost of setting up the mill would be much greater than was first estimated by the contracting parties, *this* contract, now in force, was substituted for the original thereby cancelled.

THOS. AP C. JONES.

BENICIA ROADS, *January 28, 1850.*

U. S. NAVY DEPARTMENT,
Washington, March 12, 1850.

SIR: Your despatch No. 91, of the 28th January, with its enclosure, has been received.

You will be pleased to cause an accurate account to be made (and report to the department) of the cost and charges of setting up and putting in operation the steam saw-mill at San Francisco, for the purpose of ascertaining whether the mill has cleared itself.

If, under the terms of the contract entered into with Mr. Parker, the mill has already relieved itself, then you will resume the possession of the said saw-mill, and, if your means will enable you to do so, you will use the same for the preparation of such timber, &c., as may be necessary for the purposes of the squadron under your command.

If, however, upon a careful examination, it is ascertained that Mr. Parker would be still entitled to remuneration thereunto, then you are ordered to permit the mill to remain in his possession until he is reimbursed for the cost and charges of its erection under the contract, at which time you will assume the control, and retain the saw-mill as heretofore directed.

The department regrets that you deemed it proper to enter into the contract with Mr. Parker, of the existence of which contract it had not been apprized until the receipt of your despatch No. 91.

The object for which the mill was forwarded to California was, the facilities which might be rendered to the squadron in the Pacific, and not with a view of entering into such arrangements with private individuals as the contract evinces. You will also be pleased to furnish the department with an account of the sawed lumber furnished for the use of the government, under the contract with Mr. Parker.

I am, respectfully, your obedient servant,

WM. BALLARD PRESTON.

Commodore THOS. AP C. JONES,

Commanding U. S. Squadron, Pacific ocean.

[No. 115.]

FLAG-SHIP SAVANNAH,
Benicia, June 29, 1850.

SIR: In compliance with your order of the 12th of March, 1850, I enclose a copy of Mr. Robert A. Parker's bill of expenses for erecting and setting to work the steam saw-mill sent to this station by the Navy Department in 1848-'49; also a bill of lumber sawed for the use of the navy. Upon the receipt of your letter dated December 1, 1849, I served the accompanying notice (No. 3) on Mr. Parker, and soon after the receipt of your order of the 12th of March, 1850, furnished him with a copy of so much of that letter as had a bearing on the saw-mill.

Mr. Parker considers your first order as equivalent to a demand for the mill, and consequently as abrogating the contract under which the mill was put up. He claims—though, in my opinion, without the least show of justice—heavy remuneration for erecting the mill, alleging that the mill had not yet cleared its expenses when the preparatory notice to quit was served. As the terms of the contract, in the event of such a demand before the full expiration of the contract, required arbitrators to be chosen by the contracting parties "to ascertain and name the sum, if any, necessary to reimburse the party aforesaid," I have named purser John N. Hambleton on the part of the United States, to meet any person appointed on the other part, to make full examination of the claim, and to report thereon. A copy of my order to Mr. Hambleton is enclosed herewith; also, a brief of the case, as understood by me.

In your letter of the 12th of March, 1850, you express your regret that I should have found it necessary to make such a contract. You cannot, even now, regret the necessity more than I did at the time it was first entered into; but the necessity was imperious, and what better could I have done? The machinery, &c., was occupying houses and ground, the rent on which, up to this time, would have exceeded \$40,000; and the engine and machinery would have been destroyed by the last great fire here, as the buildings in which they were stored, as well as all other buildings in the vicinity, were burned.

But I had another and a higher motive than mere saving of dollars and cents. The immense emigration pouring into this newly-acquired territory were perishing from exposure, for want of materials to construct houses; and it was a great desideratum with me, as I hoped it was and would have continued to be with the Executive, to afford every possible relief to our distressed countrymen, and especially when it could be done without cost to the public treasury. Mr. Parker's first contract was made in January, 1849; but, owing to important parts of the mill being still on the transit out here, so that the work could not be commenced, after the missing pieces did arrive, some slight alterations were made in the terms, giving more time for erecting the mill. And that is the contract now in force.

That my hopes and just expectations in thus temporarily disposing of the public property have not been fully realized, must be attributed to the failure of the undertakers to carry out their engagements in good time, and not to any defect in the terms of the contract, which I trust,

upon reconsideration, the Hon. Secretary of the Navy will be disposed to view with a more approving eye.

I have the honor to be your obedient servant,

THOS. AP C. JONES,

Commander-in-chief Pacific squadron.

Hon. WILLIAM BALLARD PRESTON,

Secretary of the Navy.

Robert A. Parker in account with saw-mill.

1849.		
May	7,038 feet timber, sawed	\$1,407 60
	Logs for pier, at the rate of \$7 per 1,000, in the woods	39 20
	Hauling logs out for pier	106 00
	1 ton coal for blacksmith	45 00
September.	2 chairs for office	5 00
	1 four-oared boat	245 00
	Lock and bolt	2 50
	4 gallons oil	16 00
	1 door knob	50
	1 keg nails	8 00
	Transportation on the same	2 00
October...	1 lamp and 6 pounds chalk	1 25
	3 Manilla lines	1 50
	Oil and turpentine	2 50
	Broom and cask white lead, 50 pounds	7 75
	2 pounds green paint	2 00
	Green paint, black and red lead	6 00
	18,000 feet lumber, weather-boarding, slating for roof, &c., at \$200 per M	3,600 00
November.	31,000 shingles, at \$24 per M	744 00
	Transportation of shingles	35 25
	Stove for office	10 00
	50 pounds white lead	7 25
	Green paint	2 00
	Black and red lead and paint-brushes	6 00
	Window sash for office	18 00
	Charcoal to braze pipes	10 00
	New steam-pipe	281 00
	8,500 bricks	718 00
	Transportation on same	85 00
	Window sash, 312 lights	234 00
	Stove and fixtures	80 00
	33 pounds cut spikes	4 13
	John Brown's bill of expenses whilst getting out timber for pier	52 00
	8 saplings for scaffold	72 00
	5 joist, 80 feet each, 3 by 12	80 00
	Rope and blocks for railing frame	28 00
	Captain Lynch's bill, for use of launch and lumber	164 00
	1 bolt canvass	17 50
	1 skiff	10 00
	1 pump and lead pipe	42 00
1850.		
February...	273 pounds chain for hauling up logs	80 00
	1 anchor for rafting	20 25
	1 blanket for steam-pipe	8 00
	Bill of iron and steel	312 00

\$8,619 48

ACCOUNT—Continued.

1849.	Salt, \$5; transportation of coal	\$30 00	
	Plates and dishes	5 00	
	Grayson, Guild & Co.'s bill	41 44	
	Candles, \$2 50; 1 barrel bread, \$14 64	17 14	
	Boat-hire	4 00	
	J. P. Reynolds & Co.'s bill	52 00	
	Freight on window-sash, and passage for 5 carpenters	18 00	
November.	Fitzgerald, Baush, Brewster, & Co.'s bill	52 68	
	1 coffee-pot and mill	4 00	
	Canvass, \$3 75; 4 blank books for accounts	12 25	
	Saleratus, \$1; 1 barrel pork	51 00	
	Boat-hire, searching after coal	2 00	
	Sugar and tea, \$16; 1 barrel flour, \$18	34 00	
	Stores from Fredonia	30 23	
	Screws, &c., for carriages	8 00	
December.	Paper, \$1 25; sugar, \$12 25	13 50	
	12½ pounds Rio lead, \$2; beans, \$3	5 00	
	1 sack beans, \$5; 1 quarter beef, 125 pounds, at 8 cents	15 00	
	Sugar, \$4 50; 2 barrels pork, \$90	94 50	
	102 pounds sugar, \$18 36; crushed sugar, \$3 75	22 11	
	1 sack flour, \$16; 1 barrel bread, \$10 98	26 98	
	Matches, \$1; boat-hire, in search of coal	7 00	
1850.			
January ...	2 barrels pork, \$70; 2 barrels flour, \$36	106 00	
	Beans, rice, &c.	25 53	
	13 goat-skins	13 00	
	Parker's bill	53 75	
	Hawks, Parker & Co.	84 20	
	Gibson & Co.'s bill	29 40	
	Meacham & Co.'s bill	39 35	
	Mr. Perkins's bill rendered	33 16	
	Fitzgerald, Baush, Brewster & Co.'s bill	3 67	
February ..	Hawks, Parker & Co.—1 barrel bread	10 71	
	2 half barrels pork	40 00	
	Cartage on the same	3 00	
	6 gallons oil	17 00	
	Fitzgerald, Baush, Brewster & Co.'s bill	5 00	
	200 pounds bread	16 00	
	Bill groceries	30 00	
March	Woodworth & Morris's bill	70 35	
	Tea and pepper, \$1	9 40	
	6 gallons sperm oil	12 00	
	4 pounds pepper and salt	5 50	
	3 barrels pork	75 00	
April	Perkins's bill, sundries rendered	108 00	
	40 pounds sugar, at 25 cents	10 00	
	Mr. Perkins's expenses in San Francisco	2 00	
	Grayson, Guild & Co.'s bill	75 50	
	Leather belting	24 62	
	Brig Hellespont—1 barrel pork	16 00	
	28 feet oars, at 25 cents	7 00	
	74 pounds sugar, at 26 cents	19 24	
	5½ gallons oil	16 50	
	6 pair yoke bows	12 00	
	1 circular saw	30 00	
	J. R. Wildman—2 barrels pork	50 00	
			\$2,559 42
<i>Labor.</i>			
1849.			
May	United States sloop-of-war Warren's crews, for landing and transporting mill	50 00	

ACCOUNT—Continued.

1849.		
June	Barge's crew, for putting 9 pieces saw-mill into a launch	\$15 00
	3 hands to go to and back from Sancilito in hired launch	34 00
	Barge's crew, for getting fender-posts and other pieces of mill on board the brig O. C. Raymond..	70 00
	Moore, and two other hands, for assisting mill-hands in landing the same	6 00
	Smith of Edith—work	1 00
	Philo Smith, carpenter	208 00
	Wm. Smith, carpenter	212 00
	George Askwell, laborer	105 60
	John Andrews, laborer	758 60
	Robert, laborer	115 20
July	Thomson H. Moore, laborer	89 80
	Robinson Cook, laborer	35 00
	Louis Aldamis and Pedro	51 00
	Paid carpenters for three days' work	30 00
August 11.	Charles Haines, laborer	129 50
	Wm. McDonald, laborer	133 00
	Wm. H. Reed, carpenter	548 25
	Samuel Dunbar, engineer	160 00
	M. P. Brown, blacksmith	160 00
	George, blacksmith	44 75
	James Bennet, cook	714 25
	M. Delmond, carpenter	273 00
	James Bourke, carpenter	294 00
	Richard Turpine, laborer	634 00
	Thomas Greerison	81 60
September.	Richard Schmidt	106 50
October...	Williams, carpenter	115 37
	Jeffreys, carpenter	90 00
	Hilyer, carpenter	90 00
	Abbey, carpenter	90 00
November.	J. Scollins, cook	141 00
	Abraham Simpson	105 00
	Mr. McMahan, bricklayer	400 00
	Philip McMann, laborer	55 00
	Thomas McMann, laborer	52 80
	Andrew Foucit, laborer	24 00
	Robert McCombs, laborer	38 40
	Blacksmith's helper	14 50
December.	Jos. Brochman, carpenter	535 00
	Thomas Davis, laborer	43 75
	James Harris, laborer	43 75
1850.		
January...	Richard B. Smith, blacksmith	1,502 50
	Janson Taylor, laborer	270 80
	Janson Peterson, cook	241 48
February..	—— Ruffan, laborer	300 00
	Andrew Smith, cook	116 25
	John Root, laborer	32 60
March	H. Herrick, sawyer and carpenter	1,335 60
	Peter Jacobson, laborer	691 00
	J. C. Lanning, engineer	753 84
	George McQuigg, sawyer	697 60
	—— Fisher, laborer	36 00
April.....	John H. Jones, carpenter	360 03
	—— Hulberts, fireman	875 00
	Mr. Davis, engineer	90 00
	Mr. Perkins	1,846 00
	C. M. & E. M. Barns, for sawing	605 00

ACCOUNT—Continued.

1850.			
April.	Arthur Seawarts.....	\$900 00	
	Engineer belonging to the Edith in the employment of Mr. A. Seawarts.....	85 00	
	Samuel McCraig, laborer.....	125 00	
	Peter Jacobson, laborer.....	125 00	
	.....	100 00	
	.....	100 00	
			\$16,834 15
September.	Captain Wm. A. Richardson, account for beef.....	400 00	
	Richard Schmidt, extra work.....	7 00	
	Extra work, pumping water into boiler.....	10 00	
	Smith of the Ohio, (74) for soldering pipe.....	5 00	
			422 00
	<i>Fuel.</i>		
1849.			
September.	16 cords wood.....	240 00	
	Steamer Mint, 4 tons coal, \$45 per ton.....	180 00	
	H. Pearce, 10 tons, at \$40 per ton.....	400 00	
	Robert Berry, 12½ tons, at \$27 50 per ton.....	343 75	
	George C. Pryor, 18 tons, at \$30 per ton.....	540 00	
	Hutman & Miller, 10 tons, at \$40 per ton.....	400 00	
	Captain Ring, 30 tons, at \$35 per ton.....	1,050 00	
	Freight on 84½ tons, at \$10 per ton.....	845 00	
			3,998 75
	8 yoke of oxen.....	2,500 00	
	1 shanty.....	50 00	
	Log trunks.....	140 00	
			2,690 00
	James McCormick, for services as superintendent.....		2,500 00
	Material.....	8,766 63	
	Groceries.....	2,559 42	
	Labor.....	16,834 15	
	Beef, &c.....	432 00	
	Fuel.....	3,998 75	
	Oxen, &c.....	2,690 00	
	Superintendent.....	2,500 00	
			37,770 95
1849.	Credit, by sales of lumber:		
Nov. 24	Boards and lathing of roof, \$200 per M.....	1,800 00	
Dec. 1	1,763 feet lumber.....	572 97	
	1,643 do.....	258 57	
	1,419 do.....	440 00	
1850.			
January...	560 do.....	70 50	
	310 do.....	97 85	
	110 do.....	35 75	
	Sales in February, March, and April.....	4,479 40	
			7,733 50
			30,037 45

FLAG-SHIP SAVANNAH,
Benicia Roads, January 29, 1850.

SIR: Required to be sawed for the use of the Pacific squadron, by the naval saw-mill at Sancilito, the following bill of lumber:

- 15,000 Fifteen thousand feet full-inch boards, eight, (8,) sixteen, (16,) and twenty-four (24) feet lengths, of any width.
- 150 One hundred and fifty pieces redwood scantling, free of sap, and ten (10) or twenty feet long, five (5) by seven (7) inches.
- 300 Three hundred pieces redwood scantling, five by three, (3,) sixteen (16) or eighteen (18) feet long, but all of the same length. •

THOS. AP C. JONES,
Commander-in-chief Pacific squadron.

Mr. ROBERT A. PARKER,
Naval Saw-mill, Sancilito.

True copy. Test:

J. A. SHERBURN, *Secretary.*

This requisition was speedily complied with; and the whole of the lumber, redwood of superior quality, remains near the saw-mill at Sancilito.

THOS. AP C. JONES.

FLAG-SHIP SAVANNAH,
Benicia, June 22, 1850.

SIR: I enclose herewith extracts from two orders from the Hon. Secretary of the Navy, in relation to a certain steam saw-mill erected at Sancilito under my contract with Mr. R. A. Parker, (No. 1 of the accompanying series.*) My brief No. — is a very liberal statement of what might and ought to have been the earnings of the mill, from which it is manifest that the assignees of Mr. Parker can have no just claim to one cent upon the United States for erecting the mill, nor for the house which covers it.

You will therefore require Mr. Parker's agent or assignee to deliver over to you the mill, and all appurtenances thereunto belonging, according to the terms of the contract, on the first day of July, and will thereafter dispose of the mill as the Navy Department or Commodore Charles S. McCauley, my successor, may direct.

Should Mr. Parker's assignee demur to this arrangement, as I have reason to believe he will, you will consider yourself fully authorized and hereby appointed the referee on the part of the United States navy, under the contract, "to ascertain and name the sum, if any, necessary to reimburse the party aforesaid," and, as such, will meet any referee named by the other party; and in case of any difference of opinion,

* From 1 to 11, inclusive.

you will conjointly elect an umpire, who had better be a legal gentleman of good standing.

I am, respectfully,

THOS. AP C. JONES,

Commander-in-chief Pacific Squadron.

Purser JOHN N. HAMBLETON,

U. S. Navy, San Francisco.

True copy. Test:

J. A. SHERBURN, *Secretary.*

FLAG-SHIP SAVANNAH,

Benicia Roads, January 28, 1850.

SIR: Please to take notice (the Honorable Secretary of the Navy having instructed me, by letter dated December 1, 1849, to place the steam saw-mill belonging to the Navy Department of the United States, recently set up at Sancilito by you, under your written contract made and entered into with me, on the 7th day of April, 1849,) that you are hereby required to transfer and deliver over to the purser or navy agent for the port of San Francisco, on the 30th day of April next, ensuing the date hereof, or to such other person as may be duly authorized to receive the aforesaid mill, with all things pertaining thereto, according to the terms, conditions, and true intents and meaning of said contract above cited.

THOS. AP C. JONES.

Mr. ROBERT A. PARKER.

True copy. Test:

J. A. SHERBURN,
Secretary.

FLAG-SHIP SAVANNAH,

Benicia, June 22, 1850.

On the part of the United States Navy Department, the claim of the assignees of R. A. Parker for damages, under a certain contract for erecting and putting in operation a steam saw-mill belonging to the United States, on the beach at Sancilito, (see contract) is resisted—

First. Because the aforesaid R. A. Parker, the second party to the above cited contract, did not use all due diligence and despatch in erecting said mill, whereby near three working-months, over and above the four months allowed for erecting said mill, were lost through default of the contractor.

Secondly. That when the mill was put in perfect order, for want of logs, or from other causes or mismanagement, the mill was *not kept steadily at work*; but, on the contrary, the mill has been idle more than a moiety of the working-time since it commenced sawing.

Thirdly. The mill is believed to be capable of cutting from 8,000 to 10,000 feet per twenty-four hours; but saw only 5,000 per working-day,

and allow twenty-six working-days to the month, and date the working-months from October 1, 1849, to April 30, 1850, and we have 182 days, sawing equal to 910,000 feet of lumber, which at \$200 per M. (and that is below the average price of lumber within the above dates,) we have the gross sum of \$182,000, less one-half for cost of stock and sawing; and there will be left to the millers \$91,000, from which we deduct the inordinate bill of costs (letter B) presented by Mr. Parker, \$37,770 95, (which bill, however, when surcharged, will be reduced more than 50 per cent.) and there will remain a clear profit to the millers of \$53,229 05 for seven months' sawing, from October 1, 1849, to April 30, 1850.

From April 30, 1850, to June 30, is three months more, to which add twenty working-days, from August 7, 1849, when the four months alluded to for erecting the mill to October 1, when the repairs of pipes were completed, and we have another gross product, \$98,000, which reduced by one-half per cost of stock, and sawing, as before, leaves \$49,000 to be added to \$53,229 05,—*one hundred and two thousand two hundred and twenty-nine dollars and five cents, which it was perfectly competent for the saw-mill to have earned for the millers after paying every charge that can be brought against the mill, for erecting and running the same, had the mill been set to work at the end of the four months allowed for that purpose by the contract, and kept steadily at work, as it ought to have been, and might have been had common prudence and foresight been exercised to provide the saw-logs at convenient landings during the summer or dry season.* That this was not done, and that due diligence was not practised in erecting the mill, was in no wise or respect the fault of the United States, nor any of her agents, but wholly and solely the fault of the second party to the contract, who now claims the right to abandon the mill to the United States, and claims damages or remuneration for erecting the mill. Such claim is preposterous, and upon no principle of law or equity can such claim be sustained.

The bill rendered (letter A) embraces all materials and workmanship for building the house over the mill; but if it did not, as the house was deemed by the contractors necessary for the preservation of the machinery, and for carrying on the sawing, and for the accommodation of the operatives attached to the mill, after allowing any estimate, however extravagant, that could be asked for the house, the United States can have nothing to pay, as there would still be a balance of nearly \$100,000 in favor of the contractors. As to the site or ground on which the mill is erected at Sancilito, and as much ground circumjacent thereto, *within fifty Spanish varas of high-water mark*, as may be needful for landing logs, piling lumber, or erecting quarters for the millers, &c., the United States have a right, as the lawful successors to the republic of Mexico, not only to the sovereignty over, but the right, under the laws of Mexico, to appropriate to her own use without hindrance, any portion of land, ranches, or islands, so situated, and which it was competent for the republic of Mexico to have appropriated to her own use when the war broke out between the two countries in 1846. This, however, is a question which can only be settled by the judiciary of the *United States*, or by an act of Congress, and is there-

fore here adverted to only in answer to any claim for rent, &c., which the lessors of the saw-mill might raise before referees.

THOS. AP C. JONES,
Commander-in-chief Pacific Squadron.

True copy. Test:

J. A. SHERBURN, *Secretary.*

UNITED STATES SHIP WARREN,
Sancilito, June 26, 1850.

SIR: I yesterday, in obedience to your order, demanded of the agent of Mr. Parker, possession of the saw-mill on the 1st of July.

I enclose a copy of Mr. Parker's account, and am, very respectfully, your obedient servant,

JNO. N. HAMBLETON,
Purser U. S. Navy.

COMM. T. AP C. JONES,
Commander-in-chief of Pacific Squadron.

UNITED STATES SHIP WARREN,
Sancilito, California, July 19, 1850.

SIR: By order of Commodore T. Ap C. Jones, I handed the enclosed papers, relating to the saw-mill belonging to the United States, at this place, to Commodore C. S. McCauley, as will appear by my letter to him. He declined receiving them, and ordered me to forward them to the Navy Department.

I am, very respectfully, your obedient servant,

JOHN N. HAMBLETON,
Purser U. S. Navy.

HON. WM. BALLARD PRESTON,
Secretary of the Navy.

UNITED STATES SHIP WARREN,
Sancilito Bay, July 14, 1850.

SIR: I forward herewith the papers relating to the saw-mill belonging to the United States, at Sancilito. I demanded possession of it, on the 1st July, by order of Commodore Jones, and was appointed by him a referee on the part of the Navy Department, to ascertain the amount due Robert A. Parker's assignee. The award is enclosed. We could look at nothing behind the contract, or determine what might have been done by Mr. Parker and his assignee, believing that self-interest would have been a sufficient incentive for them to have used their best exertions in conducting the business. Vouchers were not

exhibited for all the charges, and we had to rely on the books for many of them. Mr. Parker's assignee claims the building containing the saw-mill, and keeps possession of the key.

I am, very respectfully, your obedient servant,

JOHN N. HAMBLETON,

Purser U. S. Navy.

Com. CHARLES S. McCauley,

Commander-in-chief of the Pacific Squadron.

Robert A. Parker in account with Sancilito Steam Saw-mill Co.

1849.			
May	-----	Captain Richardson, 7,038 feet timber, \$200 per M.....	\$1,407 60
		Logs for pier, \$7 per M, 5,600 feet.....	39 20
		Hauling logs out of the woods for pier.....	106 00
		1 ton coal for blacksmith.....	45 00
September	-----	2 chairs for office.....	5 00
		1 four-oared boat.....	245 00
		Lock and bolt.....	2 50
		4 gallons oil.....	16 00
		1 door knob.....	50
		1 keg nails.....	8 00
		Transportation of the same.....	2 00
October	No. 33	1 lamp and 6 pounds chalk.....	1 25
		3 Manila lines.....	1 50
		Oil and turpentine.....	2 50
		Broom, 50 cents, and 1 cask white lead, 50 pounds.....	7 75
		2 pounds green paint.....	2 00
		Green paint, black and white lead.....	6 00
		12,000 feet lumber, weatherboarding, flooring, slating for roof, and partitions.....	3,600 00
November	40	31 M shingles, \$24 per M.....	744 00
		Transportation of shingles.....	35 25
		Stove for office.....	10 00
		50 pounds white lead.....	7 25
		Green paint.....	2 00
		Sash for 2 windows in office.....	18 00
		Charcoal to braze pipes.....	10 00
	13	Allair's bill, new steam pipe.....	281 00
		8,500 bricks bought of Ellis Chandler & Co. and whaling brig.....	718 00
		Transportation for the same.....	85 00
October	14	Window sash; 312 lights, at 75 cents per light.....	234 00
	15	Stove and fixtures.....	80 00
June	-----	John Brown's expenses while getting out timber for pier.....	52 00
October	-----	8 saplings for scaffold.....	72 00
		5 joist, 80 feet each, 40 feet, 20 feet, 3 by 12.....	80 00
		Rope and blocks for raising frame.....	28 00
	10	Captain Leech's bill, for use of launch.....	164 60
	7	Post's bill, 1 bolt canvass.....	17 00
Order	3	1 skiff.....	10 00
	11	Pump and lead pipe.....	42 00
February	-----	273 pounds chain for hauling up logs.....	80 00
		Anchor for rafting, bought of Captain Mitchell.....	20 25
		1 blanket to wrap steam-pipe.....	8 00
		Seawarts's bill of iron and steel.....	312 00
Buzz-saw.			
	29	Saw, mandrill, and pulleys.....	70 00
		34 feet belting.....	17 00

ACCOUNT—Continued.

1849.			
February...	No. 18	Other fixtures.....	\$39 45
		96 pounds iron for shaft for drum.....	19 20
		Drayage	1 50
		<i>Groceries, &c.</i>	
May		Cooking utensils.....	23 75
		Jno. S. Owens's bill, sundries.....	21 10
		Getting boilers in army scow, La Londressa.....	12 00
June.....		Boat hire.....	10 00
		Bought of Millas, Howard, & Co., wheelbarrows, &c.....	32 75
		English brig Henry Hill, coal and picks.....	12 50
July		Oil	9 00
		Isaac George, iron and steel.....	17 50
		Boat hire and extra hands.....	7 00
		Cartage on provisions.....	2 00
		Boat hire carrying articles to D. Raymond.....	4 00
	2	Starkey, Jamon, & Co., sheet iron.....	73 65
		Lufkins, for chests to put tools in.....	10 00
	3	A. Robinson, for iron.....	30 38
	4	Starkey, Jamon, & Co., white lead.....	4 00
		Finley, Johnson, & Co., picks.....	9 00
		Philo Smith, grindstone.....	5 00
		2 logs and 1 plank.....	37 40
		Candles and tumblers.....	7 00
		Files, carving knife, and fork.....	6 00
		Bought of Dewitt & Harrison, sundries.....	13 25
		Tyler, for pots	9 00
		Captain Necker, 5 barrels salmon.....	45 00
		Fish for workmen sundry times.....	8 00
		1 bag flour, \$12 50; 1 barrel bread, \$9 50.....	22 00
		Mugs and oil.....	3 75
August.....		1 bag coffee, English brig Emma	15 64
		Sugar, locks, and hinges.....	7 80
		Sugar and stores from Edith.....	37 87
		Bought of Captain Crowninshield, flour, beef.....	45 00
	5	Agnews, Rogers, & Co.'s bill.....	18 52
		Captain Coulliard, 1 box candles	6 00
	6	Agnews's bill, sugar.....	7 65
		1 barrel sugar, 133 pounds, at 12 cents.....	16 62
	8	G. W. Waddington's bill.....	61 98
		Bought of Rost, Benton, & Co., iron.....	27 00
		Paid Elbridge for use of boat.....	20 00
	9	Eggleston & Co.'s bill.....	50 71
	33	Salæratius, tea, sugar.....	30 40
September.....		Rice, soft solder, bread, and flour.....	40 66
		Casks and cotton cloth.....	3 71
		Salt and salæratius.....	2 62
		Pumping up boilers.....	2 00
		130 pounds coffee, \$11 75; tea, \$6.....	17 75
		Drayage.....	2 00
		Passage to town, (Seawarts).....	3 00
		Bread, \$13 20; cotton cloth, \$5.....	18 20
		4 gallons oil, \$16; 1 barrel pork, \$25, (bill 22).....	41 00
		Jno. Andrews's passage to and from town, and expenses there.....	12 00
October ..	38	Salæratius and 2 balls cotton wick.....	2 50
		Half dozen bowls.....	3 25
		1 barrel flour, \$12; 60 pounds beef, \$4 80.....	16 80
		Salt and transportation of coal.....	30 00
	32	Plates and dishes.....	5 00
	37	Grayson, Guild, & Co.'s bill.....	41 44
	34	Candles, \$2 50; 1 barrel bread, \$14 64.....	17 14

ACCOUNT—Continued.

1849.			
October	-----	Boat hire.....	\$1 00
		Bought of T. P. Reynolds & Co. 1 barrel oil, &c.....	52 00
		Freight on window sash and passage of five carpenters.....	18 00
November	No. 17	Fitzgerald, Baush, Brushlin & Co.'s bill.....	52 68
		Coffee-pot and mill.....	4 00
		Canvass, \$3 75; 4 blank books for accounts.....	12 25
		Saleratus, \$1; 1 barrel pork, \$50.....	51 00
		Boat hire, searching for coal.....	2 00
		Sugar and tea, \$16; 1 barrel flour, \$18.....	34 00
		Stores from Fredonia.....	30 23
		Screws, &c., for carriage railways.....	8 00
December	-----	Paper, \$1 25; sugar, \$12 25.....	13 50
	31	12½ pounds red lead, \$2; beans, \$3.....	5 00
		1 sack beans, \$5; 1 quarter beef, 125 pounds, \$10.....	15 00
		Sugar, \$4 50; bought of W. W. Baker 2 barrels pork, \$90..	94 50
		102 pounds sugar, \$18 36; crushed sugar, \$3 75.....	22 11
		1 sack flour, \$16; 1 barrel bread, \$10 98.....	26 98
		Matches, \$1; boat hire, searching for coal, \$6.....	7 00
		Bought of Hawks, Parker & Co. 2 barrels pork, \$70; 2 barrels flour, \$36.....	106 00
		Bought of Hawks, Parker & Co., beans and rice.....	25 53
		13 goat skins for lacings.....	13 00
		Bought of Hawks, Parker & Co., per R. A. Parker, bill of groceries.....	53 75
		Bought of Hawks, Parker & Co. 1 barrel pork, \$35; 246 pounds sugar, \$49 20.....	84 20
		Bought of Gibson & Co., groceries.....	29 40
		Do... Mr. Perkins, groceries.....	33 16
February	39	Fitzgerald, Baush, Brewster & Co.'s bill.....	3 67
	20	Hawks, Parker & Co., 1 barrel bread.....	10 71
		2 half-barrels pork, \$40; 1 bag rice, \$6.....	46 00
		Cartage.....	3 00
	28	6 gallons oil.....	17 00
		Fitzgerald & Co.'s bill.....	5 00
		200 pounds bread, (Birchard,) at 8 cents.....	16 09
		Bill of groceries.....	30 00
March	19	Woodworth & Morris's bill.....	64 50
	21	Tea, \$8 40; pepper, \$1.....	9 40
		6 gallons oil.....	12 00
		4 pounds pepper and salt.....	5 50
		3 barrels pork, bought by R. A. Parker.....	75 00
April	-----	Bill of groceries, purchased by Mr. Parker.....	108 00
		Sugar, 40 pounds, at 25 cents.....	10 00
		Mr. Perkins's expenses in San Francisco.....	2 00
		Grayson, Guild & Co., groceries.....	75 50
	25	Leather belting and leather.....	24 62
		Brig Hellepont, 1 barrel pork.....	16 00
	24	28 feet oars, 25 cents per foot.....	7 00
	23	Charles Oats's bill, 74 pounds sugar, at 26 cents.....	19 24
	35	5½ gallons oil.....	16 50
	26	6 pair yoke bows.....	12 00
	27	Circular saw.....	30 00
		J. R. Wildman, 2 barrels pork and rice.....	46 00
		Bought of English brig Hellepont 40 fathoms hawser for hauling up rope.....	40 25
<i>Labor.</i>			
May	-----	United States ship Warren's crew for landing and transport- ing mill.....	50 00
		Barge's crew for putting 9 pieces of saw-mill to launch.....	15 00
		3 hands to go to Sancilito and back in hired launch.....	34 00

ACCOUNT—Continued.

1849.			
June	No. 13	Barge's crew for getting fender posts and other pieces of mill on board brig O. C. Raymond.....	\$70 00
		Moore and two other hands for assisting mill hands in landing the above	6 00
		Smith of the Edith for work	1 00
		Philo Smith, 26 days, at \$8 per day	208 00
		Wm. Smith, 26½ days, at \$8 per day	212 00
		Geo. Askwell, laborer, 22 days, at \$4 80 per day	105 60
		Jno. Andrews, laborer, 158 days, at \$4 80 per day	758 60
		Robert, laborer, 24 days, at \$4 80 per day	115 20
July		Thompson H. Moore, laborer, 18¾ days, at \$4 80 per day ..	89 80
		Robinson, cook	35 00
		Lewis Aldamis and Pedro, laborers	50 00
		Paid a carpenter for 3 days and discharged	30 00
August		Charles Harris, laborer, 27 days, at \$4 80	129 50
		Wm. McDonald	133 00
		Wm. H. Reid, carpenter	548 25
		Sam. Dumbur, 20 days, at \$8 per day	160 00
		M. P. Brown, blacksmith, 20 days, at \$8 per day	160 00
		George, at \$4 80 per day	44 75
		James Bennett, 14¾ days, at \$4 80 per day	714 25
		Mr. Desmond, carpenter, 19½ days, at \$14 per day	273 00
		Jas. Bourke, carpenter, 21 days, at \$14 per day	294 00
		Armina, Sandwich Islander, cook	63 00
		Richard Turpin, laborer, at \$4 80	634 00
		Thos. Grerison, at \$4 80 per day	81 60
		Richard Schmidt, at \$4 80 per day	106 50
October		Williams, carpenter, rated at \$200 per month	115 37
		Jeffreys, 10 days, at \$9 per day	90 00
		Hilyer, 10 days, at \$9 per day	90 00
		Abbey, 10 days, at \$9 per day	90 00
November		J. Scollins, cook, at \$4 80 per day	141 00
		Abraham Simpson, at \$4 80 per day	105 00
		Mr. McMahon, bricklayer, (contract)	400 00
		Philip McMann, laborer, at \$4 80 per day	55 00
		Thos. McMann, at \$4 80 per day	52 80
		Andrew Francis, at \$4 80 per day	24 00
		Robert McComb, at \$4 80 per day	38 40
		Blacksmith, help	14 50
December		Jos. Brockhead, carpenter, at \$10 per day	535 00
		Thos. Davis, laborer, at \$4 80 per day	43 75
		Jas. Harris, at \$4 80 per day	43 75
1850.			
January		Richard B. Smith, blacksmith, at \$9 per day	1,502 50
		Jansen Tyson, laborer, at \$4 80 per day	274 80
		Jansen Peterson, cook, at \$4 80 per day	241 48
February		Ruffan, laborer, at \$4 80 per day	300 00
		Andrew Smith, cook, at \$4 80 per day	116 25
		John Root, laborer, at \$4 80 per day	32 60
March		H. Herrick, carpenter and sawyer, at the rate of \$275 per month	1,335 60
		Peter Jacobson, laborer, at \$4 80 per day	691 00
		Geo. C. Lanning, at \$175 per month	753 84
		Geo. McQuigg, sawyer	607 60
		Fisher, laborer	36 00
April		Jno. H. Jones, at \$140 per month	360 03
		Hubbert, fireman, at \$125 per month	875 00
		Mr. Davis, engineer	90 00
		Mr. Perkins, up to March, at the rate of \$275 per month, and from that half of this sum, other half being charged to Godwin & Co.	1,600 00
April		C. M. & E. M. Barns, for sawing	605 00

ACCOUNT—Continued.

1850.			
April.....	-----	Arthur Seawarts, 90 days, at \$10 per day.....	\$900 00
		Engineer employed by Mr. Seawarts, making smoke-pipe.....	85 00
		Samuel McCrae, at \$4 80 per day.....	125 00
		Peter Jacobson, at \$1 80 per day.....	125 00
		Erskine, half month, at \$100 per month.....	50 00
		Smith of the "Ohio," for soldering steam-pipe, in October, 1849.....	5 00
		<i>Cutting logs.</i>	
March.....	-----	Francis Carbury, 19 logs—12, at \$1 75, \$19; 7, at \$2, \$14....	33 00
April 7.....	-----	Wm. McDonald, 100 logs, at \$2 each.....	200 00
13.....	-----	Thomas Ross, 25 logs, at \$2 each.....	50 00
30.....	-----	do..... 175 logs, at \$2 each.....	350 00
May 7.....	-----	Thomas Greenwood, paid for logs, at \$2.....	144 00
March.....	-----	Bought of Dr. Fabian 50 logs, at \$12, (these logs were cut and hauled and delivered at the Embarcadero).....	600 00
		20 piles, at \$18 each.....	360 00
		<i>Rafting.</i>	
		George Birchard, 110 logs, at \$3 each.....	330 00
		Thomas Conner, Jas. Ryan, and Charles Sperry, rafting 255 logs, at \$3 each.....	765 00
		Redwood party with teams, (John McCrea, teamster,) 87 days' labor, viz:	
		19 days, at \$4 80 per day.....	91 20
		8 days, at \$5 76 per day.....	46 08
		60 days, at \$6 73 per day.....	403 80
		Abraham McCrae, 57 days, viz:	
		24 days, at \$3 84 per day.....	92 16
		33 days, at \$4 80 per day.....	158 40
		John Woodside, 71 days, at \$5 76.....	408 96
		Simon Ambuck, 50 days, at \$115 per month—26.....	221 00
		Final settlement with mill hands:	
June 15.....	-----	Samuel McCrae, laborer, at \$1 80 per day.....	146 00
		R. Dean, laborer, 26 days, at \$4 80 per day.....	120 00
		A. Henry, laborer, 29 days, at \$4 61½ per day.....	135 00
		C. M. & E. M. Barnes, sawyers, at \$10 per thousand.....	1,141 57
		P. M. Mullen, laborer, 30 days, at \$4 61½.....	135 23
		Hubberts, firemen, at \$125 per month.....	209 80
		Andrew Canian, laborer, 34½ days, at \$4 61½.....	159 00
		Wm. Dotherty, 31½ days, at \$4.....	126 00
		Paid Wm. Tucker for repairing trucks.....	19 00
April 23.....	-----	Jas. Ryan, 30 days, at \$1 80 per day.....	146 40
		Thos. Conner, 5½ days, at \$4 80 per day.....	250 80
May.....	-----	Wm. McDonald, (blacksmith,) 47 days' blacksmithing, repairing smoke-pipe, circular saw, &c.....	356 00
		Mr. Whipple, engineer.....	330 00
June 15.....	-----	Peter Jacobson, 77 days, at \$1 80 per day.....	345 60
		We have since March, supposed it costs us at the rate of \$1 per day to subsist our men, (in that is included the pay for a cook, at \$5 per day,) 8 hands being employed.....	608 00
		<i>Fuel account.</i>	
September.....	-----	16 cords wood.....	240 00
October.....	-----	R. W. Berry, 12½ tons coal, at \$27 50 per ton.....	343 75
Nov. 21.....	-----	Geo. C. Prior, 18 tons coal, at \$30.....	540 00
27.....	-----	Hutman & Miller, 10 tons, at \$40.....	400 00
December.....	-----	H. Pease, 10 tons, at \$40.....	400 00
1850.			
Jan. 7.....	-----	Steamer Mint, 4 tons, at \$45.....	180 00
February.....	-----	Edward A. King, 19 tons, at \$35.....	665 00
		Commission on the same.....	28 25

ACCOUNT—Continued.

1850.			
April.....		A. S. Rogers, 5 tons 192 pounds coal, at \$32 per ton.....	\$163 00
		S. H. Williams & Co, 3½ tons coal, at \$20 per ton.....	70 00
		Brig Hellespont, a quantity of coal.....	17 75
		Bought of George Brewer 8 yoke of oxen, chains, and yokes.	2,500 00
		Shanty at the Red Woods.....	50 00
		2 log trucks.....	140 00
		Bought of Capt. Richardson fresh beef, (May, 1849, to May, 1850.)	400 00
September.....		Richard Smith, for work.....	7 00
		Extra-work pumping up the boilers.....	10 00
		[Whole amount of lumber sawed, 232,495 feet—of which George Brewer received for his share of 51,758, \$25,879; Bernardine Garcia, for his share of 5,298, \$2,649; L. T. Sagit, for his share of 9,086, \$4,583; amount delivered. 33,111 feet; Mills's share, 199,384 feet.]	
		Stumpage on 199,384 feet, at \$7 50 per thousand.....	1,495 38
		Omitted in charging freight of coal, 82 tons, at \$10 per ton ..	820 00
			45,951 22
1849.		<i>Sales of lumber.</i>	
Nov. 24	No. 24	3,526 feet lumber, at \$325 per thousand.....	1,145 95
December.	1	3,286 feet lumber, at \$157 per thousand—error, \$1 24.....	517 14
		2,839 feet lumber—Ward, Meresh, & Co.....	880 00
		1,120..... do..... do.....	140 00
		6,970 feet lumber, Chas. T. Botts.....	697 00
March.....	15	27,356 feet, Navy Department, at \$125.....	3,419 50
December.	17	621 feet, U. S. revenue brig, at \$3 12½.....	195 61
		25 slabs..... do.....	18 75
		1,200 feet slabs.....	60 00
		110 feet lumber, Hellen Maria.....	35 75
		360 feet inch-boards, at \$1.....	36 00
April.....		Sancilito House, 21,795 feet; ten-pin alley, 10,357 feet; cot- tage, 3,038 feet = 35,190 feet, at \$60 per thousand.....	2,111 40
		Godwin & Co., 4,865 feet..... do.....	291 90
		Pollard, & Randall, viz:	
		6,810 feet, at \$100 per thousand.....	\$681 00
		Loss on the same.....	122 00
			559 00
		Ward, Meresh, & Co., viz:	
		Square timber, 2,160 feet, at \$75 per thousand.....	162 00
October.....		Furnished mill 18,000 feet, at \$200 per thousand.....	3,600 00
		7,038 feet lumber, (returned to Captain Richardson,) a loan, at \$200 per thousand.....	1,407 60
			15,277 60
		Total amount of lumber sold, 116,292 feet; amount of sales...	
		Amount of lumber on hand, 83,092 feet.	
		Cr.	
		By error in calculation of the price of lumber.....	1 24
			15,276 36
		Appraised value of 83,092 feet lumber, valued by the referees	2,908 22
		By appraised inventory accompanying the account.....	2,000 00
			20,184 58

NOTE.—The lumber used for weatherboarding, &c., was sawed by the mill, and the 7,038 feet, also, which was returned to Captain Richardson when lumber was high. The amount used in the erection was 25,038 feet, and, although accounted as a credit, it is certainly a charge, and a proper one, for erection, which amounts to \$5,007 60.

JAS. McCORMICK.

Inventory of effects purchased for the steam saw-mill at Sancilito, all of which have been used, and some rendered worthless, which I take at the price affixed by the referees.

1 boat	\$245 00
1 stove	10 00
* 1 pump and lead pipe	42 00
1 buzz-saw	70 00
Other fixtures	39 45
* Cooking utensils	23 75
Sheet iron	73 65
Tool chests	10 00
Picks	9 00
* Files, carving-knife and fork	6 00
* Bowls	3 25
Coffee-pot and mill	4 00
* Goat-skins for lacing	13 00
Oars, \$7 ; ox bows, \$12	19 00
Circular saw	30 00
Oxen, chains, and yokes	2,500 00
Rope and blocks	28 00
* 1 skiff	10 00
273 pounds chain	80 00
1 anchor	20 25
Belting	17 00
Iron shaft	20 70
Wheelbarrows	32 75
* Iron and steel	17 50
* Iron	30 38
Grindstone	5 00
Pots, \$9 ; iron, \$27	36 00
Plates and dishes	5 00
* Screws for carriage, &c.	8 00
Leather belting and leather	24 62
40 fathoms hawser	40 45
Log trucks	140 00
	3,613 55

The appraised value is \$2,000, at which the referees decided James McCormick, the assignee of Robert A. Parker, should receive them.

SANCILITO, July 9, 1850.

NOTE.—Articles marked thus * are worthless or entirely used up, and the remainder have been considerably used.

JAS. McCORMICK.

Tools, &c., belonging to Engineer Department.

1 vice	U. S.
1 set taps and dies, from $\frac{3}{8}$ to $1\frac{1}{2}$ inch....	"
3 pair stocks.....	"
1 lathe	"
1 rest-holder.....	O.
5 lathe rests.....	"
2 tap wrenches	"
1 forcing brace	"
1 packing wrench	"
7 cold chisels, assorted	"
9 cold chisels, flat	U. S.
4 cold chisels, cape.....	"
7 S. wrenches	"
1 strait do	O.
6 screw do., assorted	U. S.
3 chipping hammers	"
2 riveting.....do.....	O.
9 drills	"
1 rose bitt.....	"
1 drill chuck	"
1 heater for engine	U. S.
12 mill saws, 1 broken	"
1 cross-cut saw, large.....	"
2 cross-cut saw, medium	"
4 crowbars.....	"
2.....do	O.
1 hack saw.....	"
19 brass hand-cocks, assorted	U. S.
24 dozen and 2 files, assorted.....	"
1½ ream emory paper.....	"
8 brass packing rings, extra.....	"
8 screw braces for saw carriage.....	"
18 cast-iron rollers for saw carriage, extra	"
16 set boxes for saw carriage, extra.....	"
11 brace bolts, extra.....	"
16 cast-iron binders, extra	"
8 spare washers, extra	"
17 wrought iron dogs	"
9.....do	O.
*37 grate bars, new	U. S.
35 grate bars, in use	"
13 through-bolts	"
2 eye-bolts	"
1 damper plate, extra	"
86 cast-iron bars for railway, extra	"
4 cast-iron clamps.....	"
7 wrought-iron clamps	"
7 split keys, extra	"
1 tap, fine thread, extra	O.

154 pounds hemp packing	U. S.
1 roller for hoisting apparatus, extra.	"
14 pulley blocks, assorted.	"
1,115 pounds wrought iron, in bars, assorted.	O.
276 pounds steel	do.
8 pounds smoke-pipe rivets, iron.	"
3. do. do. copper	"
20 pounds boiler-pipe, iron.	U. S.
11 pounds wrought-iron nails for railway.	"
Scrap iron.	

Blacksmiths' tools.

1 forge and bellows.	U. S.
1 vice	"
2 anvils.	"
2 hammers	"
3 sledges	"
1 sledge	O.
1 pair shears.	"
1 centre punch.	"
1 steel square.	"
14 male and female swedges.	U. S.
3 flatters.	"
5 pair tongs	"
8. do.	O.
7 heading tools.	"
5 punches.	"
1 punch	U. S.
1 cold chisel.	"
1. do.	O.
2 soldering irons	U. S.
3. do.	O.
1 coppersmith's hammer.	"
1 coppersmith's mandril	"
1 blacksmith's shovel	U. S.

Carpenters' tools.

2 long jointing planes.	
2 short. do	
4 jack-planes.	
1 smoothing-plane.	
1 pair match-planes.	
1 Philistine plane.	
3 bead-planes.	
1 plough and irons.	
5 handsaws.	
1 buck-saw.	
5 axes.	
2 hatchets.	

2 adzes.
 20 socket chisels, assorted.
 22 augers, assorted.
 16 gimlets, assorted.
 1 steel square.
 3 trying squares.
 2 bevel squares.
 1 oilstone.
 1 drawing knife.
 2 plane irons.
 1 claw hammer.
 1 brace.
 34 bitts for brace, assorted.
 11 caulking tools.
 7 paint brushes.
 2 whitewash brushes.
 9 papers brads, assorted.
 2 papers screws, assorted.
 1 carpenter's vice.

We, the undersigned, referees in a case of the United States Navy Department and James McCormick, assignee of Robert A. Parker, respecting a saw-mill belonging to the United States government, at Sancilito, California, after a careful examination of the contract in the premises, and of all the accounts exhibited, find, in the true meaning and spirit of that contract, as follows:

The whole expense for erecting the saw-mill and putting it in operation, was.....	\$45,951 22
The whole receipts, earnings, and property on hand, turned over to James McCormick, as per inventory herewith, was.....	20,184 58
	25,766 64

We therefore find a balance due James McCormick, assignee of Robert A. Parker, of twenty-five thousand seven hundred and sixty-six dollars and sixty-four cents.

JNO. N. HAMBLETON,
Referee on the part of the Navy Department.
 TALBOT H. GREEN,
On the part of Robert A. Parker's assignee.

SANCILITO, CALIFORNIA, July 9, 1850.

No. 1.—R. A. Parker's contract for putting up saw-mill, 7th April, 1849. For copy, see Commodore Jones's despatch No. 91, January 28, 1850.

No. 2.—Brief statement in case of saw-mill by Commodore Jones, June 22, 1850. See his despatch No. 115, June 29, 1850.

No. 3—Order of Commodore Jones for delivery over of saw-mill, January 28, 1850. See his despatch No. 115, June 29, 1850. (Navy Department.)

No. 4.

FLAG-SHIP SAVANNAH,
Benicia Roads, January 28, 1850.

SIR: Herewith I enclose triplicate notices, which you will immediately serve on Mr. R. A. Parker, leaving one with him, and return to me the other two, with the time of serving them endorsed on the back of each, signed by yourself.

Various rumors and reports of the views and intentions of the lessors of the saw-mill have occasionally reached me, in nature so foreign from the true intent and meaning of the contract, as I understand it, that I deem it proper to state that any attempt to put the mill out of working order, or to uncover the building, or to appropriate the building to any other purpose than that which legitimately belongs to such a house, will compel me, without further ceremony, to take possession in the name of the United States, not only of the mill, but as much of the ground around it as may be necessary for landing logs, and erecting all buildings needful to keep the mill in operation. Furnish Mr. Parker with a copy of this letter.

Respectfully, &c.,

THOMAS AP C. JONES,
Commander-in-chief Pacific Squadron.

Lieut. JAMES McCORMICK,
United States Navy.

True copy. Test:

J. A. SHERBURN,
Commodore's Clerk.

No. 5.

SANCILITO, *February 6, 1850.*

SIR: I received on last Saturday, per Captain Johnson, yours of the 28th January. I have had the notices respecting the mill endorsed, and herewith enclose them.

I have turned over the letters to Mr. Parker, who will reply to them. I will add, however, that he has not at any time seriously contemplated putting the house holding the mill to any other purpose than that for which it was built, and hope you will not give heed to any more "rumors;" and if any person shall make report, he will be obliged to you for his name.

I do not comprehend the meaning of this expression: "to put the mill out of working-order, or to uncover the building." After expending

so large a sum of money as he has, it would argue Mr. Parker demented to suppose he would ruin his house, or in any way infringe his contract, which has been up to this time an enormous expense, without paying any profit whatever. The whole sawing does not, I think, exceed fifty thousand feet.

I gave Mr. Parker your requisition. He is both willing and anxious to comply; but at this time we have not a single log at the mill, and we are not able to get them hauled out of the woods, owing to the badness of the roads. You may depend that it is far from *our* wish that the mill should be idle, as the expenses are great.

I received on last Friday your letter enclosing me the finding of the court of inquiry, which was gratifying, but not more than I anticipated.

Yours, very respectfully,

JAMES McCORMICK.

Com. THOMAS AP C. JONES.

True copy. Test:

J. A. SHERBURN,
Commodore's Clerk.

No. 6.

SANCILITO, *February* 6, 1850.

DEAR SIR: I have endeavored to ascertain the precise day the mill commenced sawing, which was on the 13th of September. On that day she sawed 400 feet, when the force-pump was found not to work, and little was done from that time till the end of the month, as many little things not noticed in the erection required attention. The mill sawed from the day of starting till the 1st of October only 4,000 feet, and has not now exceeded, I think, 50,000 feet.

The mill account cannot be made out till my chest arrives, as all the important papers are in it. I expect it daily. I think the amount of cash now expended is about \$20,000, in round numbers. You know the many disadvantages we have labored under in its erection.

I visited the widow Reeds, as I told you I would, but found things there anything but satisfactory. But if this weather remains good, we will very soon be able to supply the requisition. You will recollect I mentioned to you a difficulty in charging for lumber; so I propose that we sell half of the requisition at the market price, *as we can only control one-half*. The other belongs to the persons bringing the logs to the mill. It is for that half that I ask the market price; the other half belonging to the mill, we are willing that it be taken, deducting only the expense of sawing. This is the condition of the contract; and I believe what I propose is in accordance with the contract made by the quartermaster's department.

I will go up to the woods on Friday again, and do all I can to get the logs hauled. I'll be glad of an early answer.

Yours, truly,

JAS. McCORMICK.

Capt. Z. JOHNSTON,
Commanding U. S. Flag-ship Savannah.

True copy. Test:

J. A. SHERBURN,
Commodore's Clerk.

No. 7.

FLAG-SHIP SAVANNAH,

Benicia, February 15, 1850.

SIR: In obedience to your order of the 31st of January, I proceeded to San Francisco, and delivered the official letter-bag to the postmaster at that place. The order for Lieut. Com. Handy I placed in the hands of Mr. Hoffman, of Baltimore, who kindly offered to deliver it in person.

I then proceeded to Sancilito, and examined the government saw-mill erected at that place under the supervision of Mr. Robert A. Parker. I found it in seemingly good working-order; it is put up in a substantial manner—does not exhibit any evidence of improper use or abuse. The house covering it is of good, substantial construction, and affords ample protection to the machinery, &c.

The mill commenced work about the 13th September; but in consequence of some defect in the steam-pipe, did very little work before the 1st October: from that date to the present time, I am told it has only sawed about fifty thousand feet. The great difficulty in procuring logs in the winter, or wet season, is, I believe, the cause of so little work being done. This could and ought to be remedied, by procuring a sufficient supply during the dry season to keep the mill going during the wet. I am convinced, however, if fully supplied with logs and well managed, it is capable of sawing from eight to ten thousand feet per day. Ten men, including engineers, are sufficient to keep it well supplied with logs, and at full work. The cost of erecting the mill, and building over it, I could not ascertain, for reasons contained in the enclosed letter of Lieut. McCormick.

I have the honor to be, very respectfully, your obedient servant,

Z. F. JOHNSTON,

Commander.

Commodore T. A. C. JONES,
Commander-in-chief U. S. Naval Forces, Pacific ocean, &c.

True copy. Test:

J. A. SHERBURN,
Commodore's Clerk.

No. 8.

SAN FRANCISCO, *April 26, 1850.*

SIR: I enclose an extract from a letter received from the Navy Department by the last mail, relating to your contract with me for the use, for a limited time, of a steam saw-mill belonging to the United States. Be pleased to furnish me, with as little delay as possible, the fullest information you can, to enable me to comply with the Secretary's letter, as well as to regulate further action in regard to the mill and its employment.

Very respectfully, &c.,

THOS. AP C. JONES,
Commander-in-chief Pacific Squadron.

Mr. ROBERT A. PARKER,
Of the steam saw-mill, Sancilito.

True copy. Test:

J. A. SHERBURN,
Commodore's Clerk.

No. 9.

FLAG-SHIP SAVANNAH,
Benicia, May 22, 1850.

SIR: I have received your letter of the 15th instant, containing a statement of the cost of sawing a bill of lumber for the navy, as per my order of the latter part of January last. The bill submitted by you is neither in form nor order. It must be made out on a separate sheet of paper, and in the name of Mr. Parker; it must show, too, the separate items of cost, such as the cost of the logs delivered at the mill, the number of days the saws were running, the number of hands employed each day, and the wages paid to each. While this is doing, I shall send down to Lieut. Pickering to survey and measure the lumber, which, if received, will be forthwith paid for, according to contract.

According to the contract, the mill accounts ought to have been kept in such a way that the books would have shown every item of expense at a single glance. I cannot approve any lumping charges; such accounts will not be passed at Washington. I must also be satisfied that you got your work done at current rates, and that the mill was not standing still—engineers and hands on pay when they ought to have been working. I do not say this was the case; but it is necessary for you, and may be for me, to show that it was not. The accounts, &c., I have asked for, will, of course, go to Washington.

Respectfully, &c.,

THOS. AP C. JONES,
Commander-in-chief Pacific Squadron.

Lieut. JAMES McCORMICK, &c.

True copy. Test:

J. A. SHERBURN,
Commodore's Clerk.

No. 10.

SAN FRANCISCO, June 3, 1850.

DEAR SIR: I remained at Mr. Van Nostrand's office from 2 to near 5 p. m., expecting you.

I hope you will, before you quit the city to join the squadron, settle the saw-mill question. I have selected Mr. T. H. Green as my *referee*, and Mr. Botts as my legal adviser, in this question. I am so often taken away from this place, that I cannot give it my personal attention.

The lumber bill I hope you may approve, as I tell you candidly that I am much in want of the money; and as I am determined to stop the mill on next Saturday, I wish to pay the hands off. This amount, with other funds at my disposal, will enable me to stop before the failure of others to meet their engagements may ruin me. I hope you will decide these affairs.

Yours, very respectfully, &c.,

JAMES McCORMICK.

Commodore JONES.

Extract of a letter bearing date Navy Department, December 1, 1849.

Be pleased to report to the department your proceedings in this case (the late John Brown, acting carpenter,) as well as the condition of the government steam saw-mill sent to California in 1848; under what arrangement it was erected, for whose benefit it has been used, and its present state and condition. You will also be pleased to place the saw-mill in charge of the navy agent or purser at San Francisco, as government property.

I am, respectfully, your obedient servant,

WM. BALLARD PRESTON.

Com. THOMAS AP C. JONES,

Commanding U. S. Squadron, Pacific ocean.

True copy. Test:

J. A. SHERBURN,

Clerk to Commander-in-chief Pacific Squadron.

NAVY DEPARTMENT, January 7, 1851.

SIR: In the letter of purser John N. Hambleton, addressed to you, under date of 14th July last, relative to the saw-mill at Sancilito, belonging to the United States, is the following remark: "Mr. Parker's assignee claims the building containing the saw-mill, and keeps possession of the key."

You will immediately, on receipt of this letter, claim full and unrestrained possession of the said saw-mill in behalf of the United States, and proceed, after due notice, to sell the same at public auction, the

proceeds of which will be returned to the treasury of the United States. Should any opposition be offered to your taking possession, you will be pleased to place the case in the hands of the district attorney of the United States, who will take the necessary steps to recover the property.

I am, very respectfully, your obedient servant,

WILL. A. GRAHAM.

Com. CHAS. S. McCauley,

Commanding U. S. Squadron in the Pacific ocean.

UNITED STATES STORE-SHIP SUPPLY,

Bay of San Francisco, March 31, 1851.

SIR: Mr. Parker's assignee having refused to yield possession of the saw-mill, the property of the United States, at Sancilito, I have, in obedience to your instructions to Commodore McCauley, under date of January 7, 1851, put the case into the hands of the United States district attorney.

Respectfully, your obedient servant,

C. H. KENNEDY,

Lieutenant Commanding, and senior officer present.

Hon. WM. A. GRAHAM,

Secretary of the Navy, Washington, D. C.

UNITED STATES ATTORNEY'S OFFICE,

San Francisco, July 31, 1851.

SIR: The lieutenant commanding at this place, C. H. Kennedy, United States navy, has exhibited to me certain instructions from your department, requiring him to place the matter relating to the saw-mill at Sancilito, in this State, in my hands for suit. Mr. Kennedy had copies of the documents on file in your department concerning the matter. He thinks these papers were put in my hands. If such is the case, they were destroyed in the recent fire. I have been unable to find any such documents in my office. I shall be obliged, therefore, if copies could be sent me.

Respectfully, your obedient servant,

CALHOUN BENHAM,

United States Attorney, N. D. C.

Hon. WM. A. GRAHAM,

Secretary of the Navy Department.

NAVY DEPARTMENT, *September 9, 1851.*

SIR: Your letter of the 31st July last has been received.

Instructions in relation to the saw-mill at Sancilito, belonging to the United States, were sent to Commodore McCauley in January last; and until his report is received, detailing his proceedings in the prem-

ises, the department does not deem it necessary to give additional instructions.

I am, very respectfully, your obedient servant,

WILL. A. GRAHAM.

CALHOUN BENHAM, Esq.,

U. S. Attorney, N. D. C., San Francisco, California.

WASHINGTON, January 1, 1851.

SIR: Since my interview with you on yesterday, in which I was much surprised to learn that there was likely to be any difficulty on the part of the department in recognising the claim presented under the award made by the referees appointed under the contract between Commodore Jones and Mr. Parker relative to the saw-mill in California, I have thought it due to the parties interested that I should submit the following views before your decision is rendered:

There are but two grounds, as it appears to me, upon which payment under the award can, with any appearance of justice, be withheld.

The first is, that there has been *fraud* on the part of the referees in making the award against the government; but as this is not assumed, nothing need be said on that point.

The second is, that Commodore Jones had no authority to enter into the contract; and if I understand it, the present Secretary does not himself assert that no such authority existed, but that his predecessor had disavowed it. I cannot know under what especial instructions Commodore Jones was acting in reference to the mill. If he had *express instructions* to make any specific use or disposition of the property other than that which was made, leaving to him no discretionary power, (which can scarcely be presumed,) then there might have been some plausibility in the disavowal of his authority on the part of Mr. Preston; although even in that case it might with propriety be urged that the Secretary had himself subsequently recognised the contract by his despatch of the 12th of March, 1850, in which he directs Commodore Jones to permit the parties to remain in possession of the mill until the terms of the contract are complied with, so far as relates to reimbursement; and especially might be urged the hardship and injustice that would result to the citizen in California who should be required to know in advance all the secret instructions of the department to one of its highest officers, on a remote station, in a far distant region of the country, in regard to so unimportant a matter as the disposition he was authorized to make of a saw-mill which the government had placed in his possession, and which, *as its agent*, it would be monstrous to presume he was not at liberty to use for the best advantage of the government, according to his own judgment and discretion. Such an idea could not have been entertained there; such an idea cannot be indulged here consistently with other powers exercised by him, of which no question has been made. But the additional fact should not be lost sight of, that it was the best arrangement that could be made. Commodore Jones had no means of working it himself; and to have stored it away,

while it would have been attended with enormous cost to the government, would not only have rendered it utterly useless, but have subjected it to rot, rust, and other material injury; it was therefore better to rent it, on terms by which the government would have been fully remunerated, but for the inconsiderate and untimely interference of the then Secretary, who, by his instructions of the 1st of December, 1849, directed Commodore Jones to annul the contract, and take possession of the mill, which he himself afterwards was willing should remain in possession of the parties under the contract.

Upon him (the Secretary) alone rests the responsibility of any and all loss and inconvenience that the government has sustained; and it would be hard, indeed, if this responsibility and loss should be made to fall upon a private citizen, who has faithfully and honorably executed his part of the contract, as appears by the papers filed in the case.

But can it be true that Commodore Jones, who was in command of the American squadron on the Pacific coast, exercising *plenary* military, and *most enlarged* if not *plenary* civil authority in California, was so circumscribed and limited in his discretionary power as to this minor and unimportant matter of renting out (or selling, if that were best) a steam saw-mill, as to have no power to make a contract for its use, by which alone the government could derive a benefit from it? And I submit, with all respect and proper deference, whether it becomes this government, or any of its departments, to resort to such a subterfuge to avoid the payment of a legal and equitable obligation, arising under a legitimate contract, in order to shelter the department itself from the responsibility of its own indiscretion? I am happy to say that I feel confident that the present head of that department will never justify or sanction such an evasion of its obligations.

Would the government be keeping faith with its citizens by adopting such a course? Can it be the purpose, or is it the policy of this government, to take such advantage in a transaction of this nature, and thereby set an example that would encourage, if not justify, the citizens of this vast country, in their countless contracts with the government, to take every advantage in their power, contrary to the true spirit and meaning of their contracts? I trust that during the continuance of this administration (whatever may have been said of those that have preceded it, or whatever may be the course of those to come after it) the citizen may look for strict and impartial justice from a government (as far at least as Executive action is concerned) which denies to the citizen the right of an appeal to the judicial tribunals of the country.

Again: If it was the purpose of the Secretary to disown the contract entirely, should he not have instructed Commodore Jones (when he was ordered to take possession of the mill) not to carry out that stipulation in the contract which provides for the appointment of the referees in the event of the demand for the surrender of the property? Did he do it? And if not, has the government the right first to avail itself of the benefit that might result from the reference, which, if it had been in its favor, would have been conclusive against the other party, and afterwards refuse to comply with the award against itself upon the ground that this officer, standing high in its confidence, and intrusted with the largest powers in regard to the most important and solemn matters, in

volving life, liberty, property, and public revenue, had no right to exercise the small discretion of renting out a steam saw-mill which had been placed in his possession and confided to his care for the use of the government, and who did employ it, I repeat, to the best possible advantage, as there is every reason to believe?

Under all these circumstances, I respectfully submit that the honor and good faith of the government require that this claim should be recognised, and the proper committee be recommended to make an appropriation for its payment during the present session of Congress.

Permit me to add that the opinion has become too general, that the government does not deal justly by its citizens, and that everybody is therefore at liberty to swindle it that can. It is only by one course that so injurious an impression can be removed.

I am, with the highest respect, your obedient servant,

JNO. M. BOTTS.

The Hon. SECRETARY OF THE NAVY.

WASHINGTON,

Saturday evening, January 4, 1851.

MY DEAR SIR: I was much in hopes of hearing from you relative to the claim from California, presented early in the week, before I was compelled to return to Richmond, in order that I might, if necessary, adopt such measures as might be proper for bringing the case before Congress.

Be pleased to inform me, (at Richmond,) at your earliest convenience, of the decision at which you may have arrived respecting it.

I am, with the highest respect, your obedient servant,

JNO. M. BOTTS.

Hon. WM. A. GRAHAM.

NAVY DEPARTMENT, *January 7, 1851.*

SIR: Your letter of the 4th inst., in support of the claim of James McCormick, late a lieutenant in the navy, as assignee of Robert A. Parker, has been received.

The saw-mill which gives rise to the claim, cost the government the sum of \$6,300. It was paid for out of the appropriation for Mexican hostilities, and carried to California for naval uses merely.

The commander of the squadron was not authorized to make an agreement, by which the government was to incur a debt in setting it up for use, or in using it. He had funds, or the means of raising them, for all purposes within his legitimate sphere, but no power to involve the government in a partnership operation of profit and loss, in cutting and vending lumber. My predecessor in this department, on learning that such a contract had been made, disavowed it, and directed that the saw-mill, which was public property, should be demanded and taken possession of by Commodore McCauley, who succeeded to the command of the Pacific squadron. After this refusal by the depart-

ment to admit the authority to enter into the contract, a reference was made to arbitration, likewise without authority, and the award on which you insist was the result. But Mr. McCormick, who was a lieutenant in the Pacific squadron when the contract and award were made, having taken an assignment from the contractor, Parker, retains the key of the mill-house, and is understood to hold possession, as a means of enforcing the payment of the award. Now, I cannot consent that a naval officer shall, without the approbation of the department, either bind the government to a partnership in business, or to the performance of an award for the settlement of such business. Such an admission would not only be repugnant to the regulations of the service, but would impose burdens on the treasury to which no limit could be set.

In this very case, an article of property costing \$6,300 is made, by this contract and award, to occasion a demand on the government for four times that amount.

But, independently of the objection to the demand itself, the department has no fund under its control for the payment of claims of this nature; and if it were recognised, it would still be necessary to ask an appropriation by Congress to pay it.

I am, with the highest respect, your obedient servant,

WILL. A. GRAHAM.

Hon. J. M. BORTS,
Richmond, Va.

RICHMOND, *January 10, 1851.*

SIR: Your communication of the 7th instant has been received, and I regret the conclusion at which you have arrived relative to the award of the referees in the mill case.

I am so ignorant of the rules of proceeding in the departments at Washington, that I am uncertain whether to regard the decision in this case as your own, or as that of one of the accounting officers of the department, which you have sanctioned.

If you have not looked at the papers filed carefully yourself, may I ask that you will give them your personal attention? I ask this because I do not see that the claim has been rejected on grounds upon which the department can stand justified, unless a different rule of interpretation and law prevails in affairs of government from those in private life between man and man.

Without opening the argument again in regard to the authority of Commodore Jones to make the contract, I will take occasion to say that he went to the Pacific under Judge Mason's administration of the department, and under his instructions; and I do not doubt he will unhesitatingly say that he does not regard Commodore Jones as having in any manner transcended his authority, or violated his instructions, by the contract he entered into.

I hope to be able to obtain from him a statement to this effect; and if it would exert any influence on your judgment in this case, I will

forward it directly to the department, if obtained ; otherwise I should have to send it before the committee in Congress.

My friend, Mr. Boccock, a member of the Naval Committee, has kindly proposed to bring the subject before that committee and ask an appropriation for its payment. I must ask, therefore, that the papers left with you may all be handed over to him, (when he calls,) including my letter of the 1st instant.

If he should not call, please have them transmitted to him.

I am, with the highest respect, your obedient servant,

JOHN M. BOTTS.

Hon. WM. A. GRAHAM,
Secretary of the Navy.

NAVY DEPARTMENT,
January 29, 1851.

SIR: Agreeably to the request contained in your letter of the 10th instant—transmitted to this department by the Hon. Mr. Boccock, of the House of Representatives, on the 27th instant—I have enclosed to that gentleman, to be submitted to Congress, the papers relating to the claim of James McCormick, assignee of R. A. Parker.

I am, respectfully, your obedient servant,

WILL. A. GRAHAM.

Hon. J. M. BOTTS,
Richmond, Va.

HOUSE OF REPRESENTATIVES,
January 27, 1851.

SIR: I have the honor to enclose a letter from the Hon. J. M. Botts, in relation to a claim which he brought to your consideration a few weeks ago. If your opinion shall be against the claim, may I ask the favor of you to transmit the papers to me, to enable me to make the effort to have a provision for its payment inserted in the naval appropriation bill.

I desire to obtain a copy of Mr. Secretary Preston's letter to Commodore Jones, of the 1st December, 1849, in which he directs him to abrogate the contract for the lease of the saw-mill.

With the highest and most sincere respect, I am your obedient servant,

TH. S. BOCOCK.

Hon. Mr. GRAHAM,
Secretary of the Navy.

NAVY DEPARTMENT,
January 29, 1851.

SIR: In compliance with the request contained in a letter from the Hon. J. M. Botts, of Richmond, Va., of the 10th instant, transmitted

by you to this department on the 27th instant, I have the honor to enclose herewith the papers relating to the claim of James McCormick, assignee of R. A. Parker, growing out of the erection of a saw-mill in California for the use of the government, under the authority of this department.

I also transmit, agreeably to your request, a copy of Mr. Secretary Preston's letter to Commodore Jones, dated December 1, 1849.

I am, very respectfully, your obedient servant,

WILL. A. GRAHAM.

Hon. THOS. S. BOCOCK,
House of Representatives.

NAVY DEPARTMENT,
April 14, 1852.

SIR: Be pleased to furnish me, from the accounts in your office, with a detailed statement of all expenditures made for or on account of the erection of a steam circular saw-mill sent by the department to California, in June, 1848.

I desire to know to whom, and for what, payments have been made from navy appropriations for the purpose above stated.

The accounts of R. M. Price, esq., late a purser in the navy, will exhibit most of the expenditures which were made, and possibly others may be found in those of the late steam propeller Edith.

I am, very respectfully, your obedient servant,

WILL. A. GRAHAM.

A. O. DAYTON, Esq.,
Fourth Auditor Treasury Department.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
April 20, 1852.

SIR: In reply to your letter of the 14th instant, I have the honor to state, that upon the most careful examination no vouchers or other papers have been found in this office which show any expenditure from the naval appropriations on account of the erection of a steam circular saw-mill sent by the department to California.

I have the honor to be, sir, very respectfully, your obedient servant,

A. O. DAYTON.

Hon. W. A. GRAHAM,
Secretary of the Navy.

VII.

COPY OF COMMODORE JONES'S RESPONSE TO LIEUTENANT CRAVEN'S CHARGES, IN REPLY TO A LETTER FROM THE SECRETARY OF THE NAVY, DATED SEPTEMBER 7, 1850.

PROSPECT HILL, VA.,

September 24, 1850.

SIR: On my return home, a few days since, I found your letter of the 7th instant, transmitting a series of complaints, touching my official duties as commander-in-chief of the United States naval forces on the Pacific station, and asking my explanation, or reply thereto; which I now proceed to render, in full confidence which [*that*] no admission which I may deem proper to make, explanatory of my multifarious duties and official acts during a command of nearly three years, under circumstances most of the time novel, and more intricate and embarrassing than ever before befel any commanding or executive officer since the formation of the federal government, [*will be used against me.*]

Notwithstanding the vexatious nature of the allegations preferred against me, they bring a solace to declining years, seeing that not even a combination of malice and self-interest has been able to concoct any charge against me which is not either futile in its nature or perfectly susceptible of such explanations as will add to, rather than detract from, a reputation based upon near forty-five years' devotion to the public service, on land and water, in peace and in war, without ever having been called to answer before a court-martial. Is it not a little remarkable, sir, that those self-constituted conservators of the morals, of the discipline, and of the expenses of the navy, should have failed to make any effort to clear their own skirts of my charges of *restiveness and opposition to lawful orders*, by some other means than that of *recrimination*? Did those restive officers feel any security in the truth, the whole truth, and nothing but the truth, it seems to me that they would have first sought, by a rigid and searching scrutiny into my charge *against them*, to establish their own innocence, and thereby place themselves on the immovable rock of justice, from which they might, with a better show of patriotism and fidelity to the public service, assume the highest judicial and executive functions they have most presumptuously attempted to exercise.

As regards the charge, "evil example," and all the specifications touching the appropriation of public moneys to my own private use, a simple narrative of facts will enable you to determine its true character. Among the means adopted by President Polk for prosecuting the war against Mexico was one for the collection of what was termed "military contribution;" (see "Circular instructions to collectors and other officers of the customs," dated "Treasury Department, April 7, 1847," with accompanying orders to the Secretary of War and of the Navy.) At page four of the honorable Secretary of the Treasury's letter to the President, Mr. Walker says: "These duties can only be collected as a military contribution, through the agency of our brave officers of the army and navy, who will no doubt cheerfully and faithfully collect and keep the moneys, and account for them, *not to the treasury*, but to the

Secretary of War or of the Navy, respectively." Upon the return of peace, in June, 1848, and on a winding up of all moneyed transactions connected with the collection and expenditure of the military contribution collected by the squadron on the west coast of Mexico, there remained about \$65,000 subject to my control; of that amount about \$40,000 was expended, after the war, in the removal of about three hundred Mexicans from Lower California, who, by their adhesion to the American cause during the war, had forfeited their allegiance to Mexico, and with that forfeiture their estates, and even their lives jeopardized. At the close of this transaction, there still remained in my hands, of the military contribution collected during the war, subject to the order of the *Navy Department*, about \$23,000, for which I was personally and officially responsible to the Secretary of the Navy, *but not* to the Treasury Department. And why not to the Treasury Department? Because both the President and the Secretary of the Treasury had declared that the fund in question was not collected under any authority of Congress, but under the laws of war and of nations—an "undoubted belligerent right." The liquidation of the just claims of the Lower California refugees was the last war-claim to which I deemed the military contribution fund applicable; neither was it, nor any part of it, needed for the use of the squadron under my command, as there were ample funds on hand for current use until I could receive instructions from the Navy Department as to what disposition to make of this surplus fund.

The squadron arrived at the port of Monterey with the refugees and Colonel Burton's battalion of New York volunteers on board, in the fore part of October, 1848—a period of the greatest excitement which followed the development of the rich gold mines in California. Every necessary of life was from 1,000 to 5,000 per cent. above ordinary prices, and labor was equally exorbitant. There was nothing in California which did not command ten times its ordinary value, save only *gold, uncoined gold*; and this, chiefly for the want of coin as a circulating medium, was fifty per cent. below par when the squadron reached Monterey; and at Suter's Fort, and even at San Francisco, it was still lower; and as coin was in great demand on the seaboard for the payment of custom-house dues, and in the mines for trade, the amount of coin in circulation was fast diminishing by accumulation in the custom-house, while the disbursements were comparatively small. Vessels arriving with cargoes indispensable for the daily wants of the inhabitants of our newly-acquired territory, were often delayed in their entry for want of *coin*—coin alone being receivable at the custom-houses. In this state of things it was suggested to me by Purser Joseph Wilson, of the "*Lexington*" storeship, that I ought to put the surplus military contribution fund, then in my hands, into circulation, for the benefit of the commercial as well as the consuming community, then suffering so much for the want of a circulating medium for all the purposes of life. At first I hesitated, and questioned the strict propriety of so doing; but upon more mature reflection, and a thorough examination of the subject, and of the President's orders in connexion with the circulars already cited, I came to the conclusion that I might do so without infringing any law or order, provided I should pay over the full amount due the government when-

ever required to do so. Accordingly, I gave Purser Joseph Wilson the following order :

“FLAG-SHIP OHIO,
“ *Monterey Bay, November 1, 1848.*

“SIR: There being an unexpended balance of several thousand dollars of the military war contribution fund, collected at Mazatlan by the squadron during the late war with Mexico, over and above any legitimate claim which I can now foresee as likely to arise against it; and as the inhabitants of Upper California, and especially the miners in the gold regions, are greatly embarrassed in their dealings and operations for want of a silver circulating medium, you will, on your arrival at San Francisco, exchange so much of the aforesaid fund as may then be in your hands for uncoined gold, at the current market price; which gold you will hold subject to my further orders.

“Very respectfully, &c., your obedient servant,

“THOS. AP C. JONES,
“ *Commander-in-chief U. S. Naval Forces,*
“ *Pacific ocean.*

“To Purser JOSEPH WILSON, Esq.,
“ *United States Ship Lexington.*”

It was not until April 1 that I received the Hon. J. Y. Mason's letter of January 20, 1849—his first call on me for a “full account of the military contributions collected, and of their disposition;” and even that letter, to which I replied under date of the 25th of the same month, accompanied by a statement of the account, contains no order to pay over, or in any way to dispose of, any balance that might be in my hands. In the latter part of August, 1849, seeing or hearing that Congress had passed a law directing a transfer to the treasury of all balances of the military contribution remaining in the hands of receivers or collectors, I, of my own accord, without waiting for orders, paid to Purser Rodman M. Price, acting navy-agent and purser at San Francisco, as his receipt in the Fourth Auditor's office, dated 30th of August, 1849, will show, the sum of \$18,000, about the amount I supposed would be due the government after retaining between three and four thousand dollars for the payment of awards to several Lower California refugees, who had not, up to that date, claimed the balances awarded to them in La Paz, Lower California, in August, 1848.

If there is anything in the foregoing transaction which amounts to a misdemeanor, the offence, whatever it may be, is not of a military character; and the remedy must be by civil action, as provided by law for the punishment of public defaulters, &c. (See section sixteen of the act to provide for the better organization of the treasury, &c., approved August 6, 1846.)

As to my failing to charge myself, or to give the government credit, for “three thousand dollars, or thereabouts,” of the military contribution fund received from Purser McKean Buchanan, the boldness of that assertion is equalled only by the malignity of its authors. My correspondence with the Navy Department, and my account-current filed

in the Fourth Auditor's office, fully contradict first specification to second charge.

Passing to second charge, and the first and second specifications thereto, the facts of the case must speak for themselves. On the 14th day of December, 1814, aiding in the defence of New Orleans, I received a musket-ball, which, passing through the joint of my left shoulder, destroyed the articulation; and from that hour to this, I have been unable to dress or undress myself without assistance; consequently, I have been compelled to keep constantly in my service, and about me, a body-servant acquainted with my wants and necessities: that person has always, until less than one year, been my own slave. Since the close of the war with England, I have performed four long cruises on foreign service; and on each and every such cruise, I had *special* permission from the Navy Department to take my slave for the purpose aforesaid, who, like other servants, has in every instance, even when I was a lieutenant in the Mediterranean squadron in 1816-'17, and '18, been borne on the ship's books, and I, as his master, received so much of his wages as was not necessary for his personal comfort and reasonable enjoyment. On my recent cruise, Griffin Dobson, my slave, who attended me on a former cruise to the Pacific in 1842-'43, and '44, accompanied me by permission of the Hon. J. Y. Mason. Early in July, 1848, while the "Ohio" was at the port of Guaymas, in Mexico, Griffin, to my great surprise, asked me one day if I would allow him to buy himself, if he could raise sufficient funds. In answer to my astonished inquiry as to what had put such a notion into his head, (for this was before we had received any intimation of the discovery of gold in California,) he replied that the men on board the "Ohio," both white and colored, would not let him have any peace, and that they had offered to raise, by subscription, a sufficient fund to buy himself, if I would agree to it. Griffin being a faithful servant, and seeing how unpleasantly he was situated, I consented to the proposition; but with the express stipulation that the sale would be of no effect until we both returned to Virginia. Purser Forrest, of the "Ohio," was made the depositary of both the free papers and the amount subscribed, which was about \$400. I had often refused \$1,000 for Griffin, and could have obtained that sum for him in October, 1847—the month I left home. Thus this affair stood till May, 1849, when I yielded to Griffin's earnest solicitations to allow him to anticipate the time fixed for his discharge from my service, so as to avail himself of the high wages of California to raise money enough to buy his wife and several children, still slaves in this State. This transaction, which was so gratifying to Griffin, and, as I have reason to believe, was at the time considered by all the squadron as both liberal and praiseworthy, I little supposed could ever be distorted into an offence against the rules and discipline of the navy, especially as Captains Taylor and Stribling, and many other officers of the "Ohio," were contributors to the subscription.

As regards the first and second specifications to fourth charge, the record of the court, to which they allude, having been by me transmitted to the Navy Department, with Passed Midshipman John Posey Hall's *sentence of dismissal from the navy*, and not having seen the joint

letter of Passed Midshipmen Hall and Strain *since I returned it to them in the early part of 1848*, I have no means of refreshing my memory. I know whatever I swore to I believed to be true, and was substantially true.

The third specification to the fourth charge is answered by my charges against Lieutenants T. A. Craven, Joseph F. Green, and J. B. Marchand,* as is also the fifth charge and the specification thereto.

To the additional charge of "falsehood," I have only to say that my letter of the 17th of August, 1849, addressed to Lieutenant R. W. Meade, was written on shore, at San Francisco. Separated from my files, I wrote from memory. It is not very remarkable that such discrepancy should have occurred, as there could be no good reason for sending a worthless commander, at great expense, over-land to a steamer, when, at the same time, all the other officers—and, above all, her engineers—were left in the eastern States to take passage in a sloop-of-war bound around Cape Horn, which did not reach San Francisco in less than *eight* months after the date of the Secretary of the Navy's letter of 14th April, 1849, announcing Lieutenant Meade's appointment to the "Edith." It is not the custom of the Navy Department to order commanders to ships and vessels of the navy six or eight months before a ship is ready to receive him or can get a crew.

For the *general*, as well as the specific, discharge of my duties while in command of the Pacific squadron, I hold myself, at all times, strictly answerable to the Navy Department; but I deny, utterly, any right in those under my command to do more than to make report to the department of *facts*. I deny, in toto, the right of inferiors to put *their opinions* in competition with the judgment of their superior and commanding officers.

As regards so much of the additional charges preferred by Lieut. T. A. Craven as relates to the mismanagement and waste of public stores, it is sufficient for me to say that the only semblance of truth therein set forth is, that I ordered the storeship "Chile" to San Francisco, instead of discharging her at Monterey. It is susceptible of proof that there was no public storehouse at Monterey into which the "Chile's" cargo could have been stored; neither was there a suitable storehouse to be rented at Monterey *at any price*. The assertion that any portion of the "Chile's" cargo was damaged by exposure at San Francisco is utterly false, having no other foundation for such assertion than the fact of landing at San Francisco from the "Southampton," after having been previously advertised, and publicly sold to the highest bidder, a quantity of old provisions and clothing, unfit, from age, to issue to the navy, in order to make room for the "Chile's" cargo, which was principally distributed to the squadron to save storage and to avoid desertion by

* It was my intention to submit to the Honorable Secretary of the Navy specific charges against Lieuts. Craven, Green, Marchand, and Stanly, based upon the accompanying official documents and other circumstances connected therewith; but for the present I deem it sufficient for my own vindication to lay before you the lieutenants' rebellious letters of the 19th and 21st of October, 1848, to me directed, (Nos. 1 and 3,) and my reply thereto, (No. 2, confidential, October 20,) of the same series, and Commander C. K. Scribbling's answer to my interrogatory, April 10, 1849, (No. 4,) to establish my allegation of *restiveness* and *opposition to lawful orders*, which merited allegation was the "*primum mobile*" of hostility to me.

the employment of our men on shore, as well as to save store-rent, which in San Francisco, at that time, was too high even to name.

As to fraudulently selling and buying rice, or any other kind of stores, public or private, belonging to, or for the use of, any ship or vessel belonging to the navy, I solemnly declare the assertion devoid of the slightest shadow of truth. It is a cunningly-devised tale, conjured up by a malicious combination of convicts and other unworthy members of our once honorable service, aiming to destroy my reputation as the only hope of escaping the odium which my clemency alone averted in 1848.

As regards the exchange of portions of the "Ohio's" and "Savannah's" crews in September, 1849, my official reports, with reasons assigned, both before and after the act, were duly received by the Navy Department, and they speak for themselves.

It now remains for me to notice the charge of "illegally inflicting capital punishment." As full reports of those executions were duly rendered to the Navy Department, suffice it to say, that the 35th article of the act of Congress approved 23d April, 1800, confers on the President of the United States, the Secretary of the Navy, the commander-in-chief of the fleet, or the commander of a squadron while acting out of the United States, the power to convene courts-martial, and to carry sentences into execution, as well as to pardon or mitigate sentences after conviction. For any abuse of this high, I may say sovereign attribute or power, the remedy is by impeachment, or by an action for damages, which the aggrieved may bring in any court of competent jurisdiction against any *member* of a court-martial, and perhaps a like action might stand against the commander of a squadron who should carry into execution an illegal sentence, passed by a court-martial convened by his warrant. But neither the members composing a court-martial, nor the officer ordering such court, can ever be held to answer before *another court-martial* for any vote, opinion, sentence, or execution which might take place under such sentences. The remedy, as already stated, is, in all such cases, by a due course of law in a civil action before a court of competent jurisdiction. These principles of law and usage are equally applicable to the tirade and whining complaints of Lieutenant *Fabius Stanly*, a double convict, whose unlucky star has subjected him to two trials, by two separate courts-martial, under similar charges brought by two different commanders, *A. K. Long* and *Z. T. Johnston*, and to the verdict of "guilty" in part by both courts; and although the last court, by sophistical reasoning and disregard to the practice of naval courts-martial, *in refusing to allow the charges and specifications to be read to the witnesses*, and in the face of testimony upon which the court declares Commander Johnston "was not only justifiable in making his report to the commander of the squadron, but was called upon by his duty to do so," did acquit the said Lieutenant Fabius Stanly of the second charge, of "conduct unbecoming an officer and a gentleman," but found him "guilty of disobedience of orders;" this being a *second conviction* for similar offences, though under different specifications, within a few months. (See proceedings of both trials, red A and B, and particularly the court's labored apology, pages 49 to 54, inclusive, of red B.)

With these mere heads of defence, I should be willing to trust my vindication before the present honorable Secretary of the Navy; but there are considerations above, far above, any personal interest I may have in the matter at issue: I mean the maintenance of discipline and subordination in the navy. If subordinates, who rebel against the lawful and laudable efforts of the commander of a squadron to enforce discipline, can turn upon their superiors, as Lieutenants Stanly, Green, Marchand, and Craven have done in their libellous attacks upon Commander Johnston and myself, the navy's chivalry, respectability, and usefulness have departed never more to return.

I neither seek nor shrink from trial by court-martial on the charges preferred against me, although far removed from the community and scenes where the alleged offences are laid; and although death, time, and distance deprive me of many important witnesses, whether in my own defence, or in prosecuting the charges which I have or may prefer against those unworthy officers, thrice armed as I am in the justness of my cause, I have nothing to apprehend from any malicious combination from any quarter.

Whatever course the honorable Secretary of the Navy may deem most expedient to pursue towards me, I beg that it may be decided on with as little delay as the public interest will admit of, as there are now in Washington several citizens of California whose testimony I may require, and who will not remain in the eastern States long after the adjournment of Congress.

I have the honor to be, most respectfully, your obedient servant,

THOS. AP C. JONES,

Late Commander-in-chief Pacific Squadron.

Hon. WM. A. GRAHAM,
Secretary of the Navy.

NEAR PROSPECT HILL, VIRGINIA,
March 29, 1852.

SIR: Referring to my letter of the 18th of October, 1851, acknowledged by yours of the 22d of the same month, I enclose herewith evidence of the error in the printed copy of my communication to the Navy Department, dated October 24, 1850, printed by order of the Senate, (Ex. Doc. No. 45,) to which my letter of the 18th of October particularly referred. As that letter is again called for by the Senate, as an accompaniment to Lieutenant Craven's charges against me, (also called for by the Senate,) I respectfully request you to cause the correction to be made in the letter on file at the department, as well as in the copy which will be sent to the Senate.

I have the honor to be, very respectfully, your obedient servant,
THOMAS AP C. JONES.

Hon. WM. A. GRAHAM,
Secretary of the Navy.

PROSPECT HILL, VIRGINIA,
January 6, 1852.

*

In Executive Document (Senate) No. 45, page 373, is given what purports to be a letter from Commodore Thomas Ap Catesby Jones, dated Prospect Hill, Virginia, September 24, 1850, to the Hon. William A. Graham, Secretary of the Navy, which letter is in answer of certain complaints alleged against Commodore Jones, a copy of which was transmitted to him by the aforesaid Secretary of the Navy, with a letter bearing date September 7th, of the same year. On a careful examination of the *first* paragraph of said letter of September 24, 1850, I find it to be printed in such a manner as to be entirely unintelligible, and incomprehensible in fact. The insertion of the word "*which*" after the word "*confidence*" in the *fifth* line of the *printed* letter, instead of the word "*that*," which was the word used in the *original* letter, and the omission of the words "*will be used against me*," which also occurred in the original at the *close* of said paragraph, not only makes nonsense of the whole, but renders the structure of the paragraph incomplete, as must be evident even to the most casual reader.

The *draught* of said letter of September 24, 1850, was copied *by me*, and returned to Commodore Jones for correction and amendment; after which I made another copy, which was likewise submitted to the Commodore for examination. In the second copy the words "*will be used against me*" were accidentally omitted, and my attention was called to it by Commodore Jones, who inserted the omitted words with pencil.

From this (second) copy I made a *third*, which was, after examination by Commodore Jones, sent to the Secretary of the Navy.

To the best of my knowledge and belief, the letter transmitted to the Navy Department was a *true* copy of the letter now in Commodore Jones's possession in my handwriting, and in which the correction above referred to was made in pencil.

M. PATTERSON JONES, U. S. N.

STATE OF VIRGINIA, *Fairfax County*, to wit:

I do hereby certify that the foregoing is a true copy of the original, in the handwriting of Passed Midshipman M. Patterson Jones, of the United States navy, bearing date Prospect Hill, Virginia, January 6, 1852.

Given under my hand this 31st day of March, 1852.

W. W. BALL, J. P.

VIII.

COPIES OF TWO LETTERS FROM COMMODORE JONES TO THE SECRETARY OF THE NAVY, DATED RESPECTIVELY DECEMBER 7, 1850, AND JANUARY 21, 1851; TOGETHER WITH THE CHARGES AND SPECIFICATIONS AGAINST LIEUT. T. A. M. CRAVEN, AND THE DOCUMENTS WHICH ACCOMPANIED SAID LETTERS TO THE SECRETARY OF THE NAVY.

NEAR PROSPECT HILL, VA., *December 7, 1850.*

SIR: Moved by a sense of duty, not more to myself than to the public service, I reluctantly prefer charges against Lieut. T. A. M. Craven, of the United States navy, for a serious violation of the laws and discipline thereof. A glance at the accompanying charges and specifications (in duplicate*) will show that the circumstances on which the specifications to my first charge against the lieutenant are founded, comprise the *facts* on which I based my allusions to that officer in my official despatch No. 34, to the Hon. J. Y. Mason, Secretary of the Navy, dated October 25, 1848; and as my allusions in that despatch to the misconduct of Lieutenants Jos. F. Green, J. B. Marchand, and T. A. M. Craven, form a conspicuous and libellous specification to one of the charges on which I am soon to be tried at their instance, I hope the honorable Secretary of the Navy will see the necessity for putting Lieut. Craven under arrest with all convenient despatch, so as to have him present and ready for trial by the same court that is to try me; as it is possible that court may find it necessary to put Lieut. Craven on trial under my first charge against him before I am tried on the lieutenant's specifications, which, as a matter of course, fall to the ground, unless he can *purge* himself of my allegations.

One copy of the charges enclosed is intended for Lieut. Craven, who I most respectfully request may be brought before the same court that is to try me. I make this request with much earnestness, as some important witnesses having interests in California, or who are residents of that State, are departing by every steamer; another of whom, (several having already gone thither since the adjournment of Congress,) I have just learned, has taken his passage for the 1st of January proximo, on his way back to that most distant State.

I have the honor to be, with the greatest respect, your obedient servant,

THOS. AP C. JONES,

Late Commanding-in-chief Pacific Squadron.

Hon. W. A. GRAHAM,

Secretary of the Navy.

* These charges against Lieut. Craven were foreshadowed by the note at page 7th of my explanatory communication of the 24th September past, in reply to your letter of the 7th of that month.

T. AP C. J.

List of witnesses to support the charges preferred by Commodore Thomas Ap C. Jones, late commander-in-chief of the United States naval forces in the Pacific ocean, against Lieutenant T. A. M. Craven, of the United States navy.

Commander A. K. Long; Commander Z. F. Johnston; T. O. Larkin; William M. Stewart; Passed Midshipman M. K. Warrington; Lieutenant C. Ap R. Jones; Lieutenant Edward M. Yard; C. T. Botts; James McCormick; Captain J. L. Folsom, U. S. A.; Major Henry Hill, U. S. A.; Lieutenant J. K. Duer; Lieutenant John Downes, jr.; Lieutenant M. B. Woolsey; Lieutenant John J. Almy; Chaplain Walter Colton; Boatswain Moses Hall; Commander C. K. Stribling, U. S. N.; Commander Rudd, U. S. N.; Lieutenant J. F. Green, U. S. N.; Lieutenant J. B. Marchand, U. S. N.; Purser Samuel Forrest, U. S. N.; Purser Joseph Wilson, U. S. N.; Purser McKean Buchanan, U. S. N.; Purser S. E. Woodworth, late of the navy; Lieut. Lanman, U. S. N.

THOMAS AP C. JONES,
Late Commander-in-chief Pacific Squadron.

DECEMBER 7, 1850.

The United States vs. T. A. M. Craven, a lieutenant in the U. S. navy.

CHARGE FIRST.—Mutinous conduct.

Specification first.—In this: that he, the said Lieut. T. A. M. Craven, of the United States navy, when attached to the sloop-of-war Dale, one of the ships composing the United States squadron on the Pacific station in 1848, did write or cause to be written, and send or cause to be sent, to Commodore Thomas Ap C. Jones, at that time in command of the Pacific squadron, as aforesaid, then at anchor in the Bay of Monterey, Upper California, a certain letter, (A) in the following words, viz:

[A.]

“UNITED STATES SLOOP DALE,

“*Bay of Monterey, October 19, 1848.*

“SIR: By your special order No. 2, I find myself, in common with other ‘watch-officers’ of this ship, forbidden to visit the shore. As the order is a most unusual one, and bears exceedingly hard upon those who are subjected by the necessities of their profession to so many privations, I beg most *respectfully* to call your attention to the matter, that it may be reconsidered by you; for I am not aware of having committed any offence which should occasion such restraint.

“If the discipline of the squadron or general good of the service require a non-intercourse with the shore to be observed rigidly by officers of every grade, I submit cheerfully; but when I find myself among a proscribed set, it becomes a duty to myself and station to make this appeal to your sense of justice.

“Very respectfully, your obedient servant,

“T. AUGUS. M. CRAVEN, *Lieutenant.*

“Com. THOMAS AP C. JONES,

“*Commanding U. S. Naval Forces, Pacific.*”

Forwarded:

JOHN RUDD, *Commander.*

Which letter, in *time*, in *spirit*, and in *consequence*, was calculated to *embarrass*, *thwart*, and *oppose* Commodore Thomas Ap C. Jones, the superior and commander-in-chief of the said Lieutenant T. A. M. Craven, and set over him according to the rules and discipline of the navy; and did *actually embarrass*, *thwart*, and *oppose* his said superior and commander-in-chief, as aforesaid, in the execution of his lawful duties, at a period of extraordinary difficulty and excitement, when the commander of the squadron required, and had a right to expect, the hearty co-operation and support of every officer under his command.

Specification second.—In this: that he, the aforesaid Lieutenant T. A. M. Craven, did write, indite, or cause to be written, and sent to Commander C. K. Stribling, captain of the fleet, and at that time commanding Commodore Jones's flag-ship, the Ohio, at anchor in the Bay of Monterey, Upper California, the following letter, (C,) viz:

[C.]

"UNITED STATES SLOOP DALE,
"October 21, 1848.

"SIR: In compliance with your advice, sent through Lieutenant Yard, I have withheld the accompanying communication one day longer. If the restriction has been *entirely* removed, or is made *general* in its operation, I am satisfied, and withdraw; but otherwise, I desire that my letter (A) to Commodore Jones be handed him at the earliest hour.

"Very respectfully, your obedient servant,

"T. AUGUS. M. CRAVEN,
"Lieutenant.

"Captain STRIBLING,
"Flag-ship Ohio."

Accompanied by another letter, (A, forming part of first specification to first charge;) which letters being sent to the commander of the squadron, after the aforesaid Lieutenant T. A. M. Craven had received Commodore Jones's confidential communication of the 20th of October, 1848, addressed "to Lieutenants Joseph F. Green, J. B. Marchand, T. A. M. Craven, and others of their class in the Pacific squadron," and hereunto appended, explanatory of the commodore's motive and object in issuing his "Special Order No. 2," complained of, evinces *unwarrantable* "*restlessness*" under the lawful orders of his superior and commander-in-chief, thereby setting a bad example to those around him, was well calculated to create dissatisfaction in others, and finally lead to and excite mutiny; and actually did *greatly embarrass the commander of the squadron in the execution of his public duties* at a momentous period, requiring the hearty co-operation of *all officers* under his command to enable him to maintain the honor of the navy, and the public interests committed to his care.

Specification third.—In this: that he, the aforesaid Lieutenant T. A. M. Craven, did, as set forth in first and second specifications to this charge, write and send forth, or cause to be sent forth, through the

agency of Commander C. K. Stribling, and others, and against the advice of the said Commander C. K. Stribling, as well as against the advice of his immediate commanding officer, John Rudd, commander of the United States sloop Dale, to which sloop the said lieutenant was then attached, the two letters hereunto appended and already referred to in the first and second specifications of this charge, bearing date, respectively, "United States sloop Dale, Bay of Monterey, October 19, 1848," and "United States sloop Dale, October 21, 1848," and marked A and C; which letters, in *tone*, in *terms*, and in *object*, especially when the circumstances which called for and dictated the "Special Order No. 2" are duly considered, are disrespectful and *reproachful in spirit*, *insubordinate and mutinous in effect*, especially letter C, containing *dictatorial terms and conditions* offered to Commodore Thomas Ap C. Jones, commanding the squadron in which the said Lieutenant Craven was at the time serving, as a *sine qua non*, or *price*, to purchase his, the aforesaid Lieutenant T. A. M. Craven's, *acquiescence* in the lawful orders of Commodore Jones, the said Craven's superior officer and commander-in-chief, set over him according to the rules and discipline of the navy; which dictatorial terms, mandates, or *sine qua non*, required the commander of the squadron to "*entirely*" rescind, or make "*general in its operation*," so as to apply the restrictions of "Special Order No. 2" to "*officers of every grade*," when, in the opinion of the commander of the squadron, the public interest did not require any more general or universal application of such restrictions than were required by his "Special Order No. 2." These acts, doings, and writings of the aforesaid Lieutenant T. A. M. Craven, showing his contempt for, and disregard of, the lawful authority of his superior and commander-in-chief, and setting a bad example to all the squadron, was calculated to bring the authority of the commander of the squadron into contempt, and to excite and encourage "other watch-officers" and officers of corresponding duties in the squadron to restlessness under lawful and necessary orders, thus sowing seed of insubordination and contempt for superiors, which, if unrebuked, would soon ripen into mutiny.

Specification fourth.—In this: that he, the aforesaid T. A. M. Craven, a lieutenant in the navy of the United States, while serving on board the United States sloop "Dale," one of the vessels composing the Pacific squadron, then commanded by Commodore Thomas Ap C. Jones, between the eighteenth (18th) and twenty-second (22d) days of October, 1848, the Dale, with other ships of the Pacific squadron, then being at anchor in the Bay of Monterey, Upper California, did, within the days above specified—*i. e.* between the 18th and 22d of October, 1848—if not conjunctively, with knowledge and previous understanding, and with the same object and to the same or similar end and effect, concert, coalesce, or simultaneously with Lieutenants Joseph F. Green and J. B. Marchand undertake, to criticise, condemn, and denounce as partial and unjust the lawful orders of Commodore Jones, the commander of the squadron, by writing, or causing to be written and sent, a certain letter forming first specification to first charge, and marked A; and did further, in contempt for the lawful authority of the commander of the squadron, write, or cause to be written and sent, a certain other letter, forming second specification to first charge, and marked C, ad-

dressed to "Captain Stribling, flag-ship Ohio," which letters, considered *collectively*, under the peculiar circumstances which existed when uttered, as set forth in second specification to this charge, are *reproachful* and *accusatory* in *spirit* and in language, *dictatorial* in demands, and are *insubordinate* and *mutinous* in effect and example.

THOS. AP C. JONES,

Late Commander-in-chief Pacific Squadron.

DECEMBER 7, 1850.

CHARGE SECOND.—Scandalous conduct, tending to the destruction of good morals.

Specification first.—In this: that he, Lieutenant T. A. M. Craven, did, in an official communication, addressed to the Hon. William A. Graham, Secretary of the Navy, dated "Washington city, August 28, 1850," purporting to be "additional charges and specifications of charges exhibited against Thomas Ap C. Jones, U. S. navy," write, indite, or cause to be written, and sent to the Hon. William A. Graham, Secretary of the Navy, as aforesaid, the following charge and specifications, viz:

"CHARGE FIRST.—Wilfully causing wasteful expenditure and loss of the public stores.

Specification first.—In this: that the said Captain Thomas Ap C. Jones, being at that time in command of the United States Pacific squadron, did, without any sufficient reason, order the storeship Chile (chartered by the government, freighted with stores for the Pacific squadron, and consigned to the United States naval storekeeper at Monterey, where there were good and sufficient storehouses belonging to, or rented by the government) to proceed to San Francisco, and there discharge her cargo; thereby causing an extra charge of five thousand dollars, or thereabouts, against the United States, said sum of \$5,000, or thereabouts, being the amount required and exacted by the captain of the said storeship for transporting the cargo from Monterey to the port of San Francisco, a distance of ninety miles." Which charge and specification, except the fact of the chartered storeship Chile being ordered from Monterey to San Francisco, and the payment of additional freight for that additional voyage, is utterly false, as the aforesaid Lieutenant T. A. M. Craven might and ought to have known when he made said report to the Secretary of the Navy.

Specification second.—In this: that he, the aforesaid Lieutenant T. A. M. Craven, in his communication of the 28th of August, 1850, addressed to the Hon. Wm. A. Graham, Secretary of the Navy, cited and referred to in the first specification to this charge, made the following *untrue* and *false* charge or allegations, viz: "In this: that he, the said Captain Thos. Ap Catesby Jones, by causing the storeship Chile to be discharged at San Francisco, (where there was no consignee, and where there were no warehouses for the reception of the stores or for their safe-keeping,) did subject the government to great loss or damage, inasmuch as a large quantity of provisions were landed on the beach or shores, where they were exposed to injury and depredation, and were, through necessity, sold at auction, to save further loss to the United States government;" which paragraph or specifica-

tion is utterly false and untrue in every particular and circumstance, except the words "and where there were no warehouses for the reception of the stores or for their safe-keeping:" which false declarations or reports the aforesaid Lieutenant T. A. M. Craven made, or caused to be made, when he ought to have known, or at any rate had the means and opportunity of knowing, them to be *untrue*.

Specification third.—In this: that he, the aforesaid Lieutenant T. A. M. Craven, in his communication of the 28th of August, 1850, addressed to the Hon. Wm. A. Graham, Secretary of the Navy, as aforesaid, cited and referred to in first and second specifications of this charge, uses the following language, viz:

"WASHINGTON CITY, August 28, 1850.

"SIR: In addition to the reports already made by me to the Navy Department in the form of charges against Captain Thos. Ap C. Jones, I now, in connexion with them, submit to you the accompanying charges.

"Many grave charges have been omitted by me; and among others, for want of *dates*, I have omitted a charge of appointing a *disbursing agent* at San Francisco, and thereby assuming authority belonging to the President and Senate; and I have also omitted a charge of fraudulently selling and repurchasing a quantity of rice belonging to the United States government, for the use of the squadron in the Pacific."

Which allegations are utterly *false* and untrue, except as to the fact of a temporary disbursing agent being appointed by Commodore Jones, to supply the place of R. M. Price, esq., at San Francisco, *peremptorily* removed by the Secretary of the Navy, without allowing sufficient time for Mr. Price's successor to relieve him; but more especially all that relates to "fraudulently selling and repurchasing a quantity of rice belonging to the United States government, for the use of the squadron in the Pacific." Which charge is not only devoid of truth, but the said Lieutenant T. A. M. Craven, whilst making this charge, declares his *lack of proof* to establish the aforesaid scandalous allegation of speculation and fraud, so wantonly set forth against his superior and commanding officer.

THOS. AP C. JONES,

Late Commander-in-chief of the Pacific Squadron.

DECEMBER 7, 1850.

A.

UNITED STATES SLOOP DALE,

Bay of Monterey, October 19, 1848.

SIR: By your special order No. 2, I find myself, in common with other "*watch-officers*" of this ship, forbidden to visit the shore. As the order is a most unusual one, and bears exceedingly hard upon those who are subjected by the necessities of their profession to so many privations, I beg most *respectfully* to call your attention to the matter,

that it may be reconsidered by you, for I am not aware of having committed any offence which should occasion such restraint.

If the discipline of the squadron or general good of the service require a non-intercourse with the shore to be observed rigidly by officers of every grade, I submit cheerfully; but when I find myself among a proscribed set, it becomes a duty to myself and station to make this appeal to your sense of justice.

Very respectfully, your obedient servant,

T. AUGUS. M. CRAVEN,

Lieutenant.

Commodore THOS. A. C. JONES,

Commanding United States Naval Forces, Pacific.

Forwarded:

JOHN RUDD, *Commander.*

B.

To Lieutenants Joseph F. Green, J. B. Marchand, T. A. M. Craven, and others of their class in the Pacific squadron:

I am deeply mortified to hear, *verbally*, through Captain Stribling, that some of the sea-officers of this squadron have taken exception to so much of my special order No. 2 as, for the present, stops watch-officers* going on shore on liberty. I am more than mortified to find there is even one among us who cannot perceive the imperious necessity of the measure, and the especial care that was taken, in framing the order, to avoid imposing unnecessary restraint on any individual under my command.

After the bold and daring acts of desertion which occurred from the "Warren," the "Ohio," the "Lexington," and "Southampton," while all the officers were on board, as in the case of running away with the Ohio's boat on the evening of the 18th instant, and with the Warren's in noon-day, who can foresee what may not happen if one-half or one-third of the officers should be out of the ship? Is it not manifest that if such things have occurred with all on board—could not be prevented by *all*, that the absence of many might offer facilities, and even induce acts of still greater violence?

How often has every commander in the squadron (and I might add lieutenants, too) complained of the want of officers for boat-duty, even in the usual intercourse with the shore, when there was comparatively no inducement to desert. Is there one among you who does not see the absolute necessity of at least doubling the usual number of midshipmen in every boat sent on shore, exclusive of such officers as must land to guard any watering or other parties employed to get off provisions and stores?

With the limited number of passed midshipmen and midshipmen in the squadron, every lieutenant ought to know, that from that class there are

* All lieutenants, masters, passed and acting midshipmen, and all other sea-officers, excepting only pursers, surgeons, chaplains, clerks, &c.

none to spare from duty to go on liberty. Of the other watch, *i. e.* regular sea-officers, the squadron is also short; and to fill the vacancies, besides the impediments imposed by the restraints of law to increase the number of lieutenants by acting appointments, would be to reduce still lower the number of officers for boat-duty.

Cannot officers see, in the urgent necessity for increased vigilance, in the additional employment of several of the class of *complainants* on courts-martial, that I should have been recreant to my trust had I done less than I have done to prevent and punish desertion?

Is it, then, because I did not enact the dog-and-manger law, and impose unnecessary restraint on non-combatants, whose presence, in my opinion, might be dispensed with during the day, thereby enabling *them* to attend to the *personal wants* of their mess-mates, restrained or curtailed in their liberty on shore by *imperious official necessity*, that dissatisfaction has shown itself where I least of all expected opposition? I cannot, I will not believe it. The complaint has grown out of misapprehension of our true position and what is due to our country, and to conclusions hastily drawn by irresponsible subordinates undertaking to discuss and to judge of the motives, orders, and measures of their commander-in-chief, who is held responsible to his country for all that occurs in the squadron under his command.

Can any officer devise any less oppressive means or measures, with the slightest prospect of success, for the suppression of desertion, than those which I have employed? Some may answer, Quit the coast—abandon your station—*go home and say to those who intrusted us with command*, I can't command my men—they will run away from me!! Those who love ease and comfort better than their country, and those who are not willing to meet their country's *foe*, in whatever shape, phase, name, or guise, he may appear, might do it! For one, I will not, until I have exhausted all the means which God and the laws of our country have placed in my hands to prevent and punish offences. The combined efforts of the Old World against our common country, could not inflict so deep a wound upon her power and future greatness as would be the recreant act of abandoning our station because we cannot suppress desertion from our ships.

That any officer of the squadron holding the rank of lieutenant, which now-a-days can only be reached by many years of long service, and at the age of mature manhood, can see in the restrictive "Special Order No. 2" anything of a personal or reproachful character, is to me beyond conception. If the passing over the captain of marines be the exception, that exception arose from inadvertence. And, furthermore, my General Orders in relation to captains granting liberty to officers, (art. 9,) in its true spirit, would require my special permission for the only remaining officer, any class, to leave the ship on liberty, whilst all others of the same class were out of her.

Since I have been thus most unexpectedly called on to arouse the sea-officers of the squadron by endeavoring to withdraw the veil which seems to obstruct a direct and clear view of things as they actually exist in the squadron, and consequently prevents their seeing or feeling the necessity for the extraordinary vigilance required of them, I will take occasion here to say, that although nothing was further from my

mind in framing Special Order No. 2 than to give it the character of a *reprimand*, I must nevertheless *now* add, that the present state of things in the squadron has, in my opinion, been not a little aggravated by the unguarded expressions of officers of every grade in the squadron, who too frequently, and without much regard to time and place, have *conceded that the temptation to desert was too great to be resisted; that the men would desert; that the officers could not prevent it, &c.*; and I am sure some of you will recollect my occasional chidings upon this subject, from the very first arrival of the "Southampton" at La Paz, bringing intelligence of the gold mania; and from that day to this I have never suffered any such expressions to be uttered in my presence, whether by officers under my command or by any other person, without promptly admonishing the utterer of such frightful admissions, having, as I can but think they have had, a highly pernicious influence on the minds of the men of the squadron.

A moment's reflection ought to satisfy every well-regulated mind, that if the rulers of any community, and, above all, of military bodies, admit that any *temptation* or allurements can justify or even *palliate* infidelity in those under them, such admissions must render superiors who acknowledge them, *impotent to prevent and powerless to punish such offence.*

THOS. AP C. JONES,

Commander-in-chief U. S. Naval Forces, Pacific ocean.

FLAG-SHIP OHIO, MONTEREY BAY,

October 20, 1848.

C.

UNITED STATES SLOOP DALE,

October 21, 1848.

SIR: In compliance with your advice, sent through Lieutenant Yard, I have withheld the accompanying communication one day longer. If the restriction has been *entirely* removed, or is made *general* in its operation, I am satisfied, and withdraw; but otherwise, I desire that my letter to Commodore Jones be handed to him at the earliest hour.

Very respectfully, your obedient servant,

T. AUGUS. M. CRAVEN,

Lieutenant.

Captain STRIBLING,

Flag-ship Ohio.

NATIONAL HOTEL,

Washington, January 21, 1851.

SIR: Under date December 7, 1850, I had the honor to enclose charges and specifications, in duplicate, against Lieutenant T. A. M. Craven, with a list of highly respectable witnesses to support those charges. Not having received any response to my letter of the 7th December, and as some witnesses, material for the support of the charges, forwarded with that letter, will soon return to California, I

feel in duty bound to repeat my complaints, and renew my application for the arrest and trial of Lieutenant Craven, before the material witnesses now at hand disperse.

I send herewith a triplicate of the first charge and specifications which accompanied my letter of 7th of December; also, another draught of the specifications to the charge of "scandalous conduct, tending to the destruction of good morals," differing a little from the originals, which were sent with my letter of the 7th December; and I respectfully request that the originals may be altered to conform to the draught now sent, and that Lieutenant Craven may be furnished with a corrected copy of the charges at the time he is put in arrest, which I infer has not yet been done.

The enclosed report of a survey held at Monterey, in November, 1848, by order of Commander A. K. Long, of the United States sloop-of-war Warren, needs only to be placed in juxtaposition with Lieutenant Craven's first specification to his additional charge ("wilfully causing wasteful expenditure and loss of public stores") against Commodore Jones, (which specification in substance forms the first specification to Commodore Jones's *second* charge against Lieutenant Craven,) to prove Lieutenant Craven a wanton calumniator, or else establish collusion between the surveying officers and the naval storekeeper at Monterey, to embezzle public property. As the latter idea cannot be entertained for a single moment, *wilful falsehood* must be riveted on Lieutenant T. A. M. Craven, as appears under his own sign-manual. The interval between the date of the survey, November 27, 1848, and the arrival of the Chile at Monterey, was but a few weeks, during which brief period there was scarcely a building of any description erected in Monterey—certainly nothing like a storehouse; nor was there a vacant storehouse, either public or private, on the 27th day of November, when the survey was held; neither on the 29th day of January, 1849, on which day the Chile arrived at Monterey. Of this fact there is no lack of *oral proof now present*.

I have the honor to be, with the highest respect, your obedient servant,

THOMAS AP C. JONES,
Late Commanding Pacific Squadron.

Hon. WM. A. GRAHAM,
Secretary of the Navy.

[The draught of the specifications to the charge of "scandalous conduct," &c., transmitted with the foregoing letter, differs from the original as follows, viz:

In the altered specification 1, of the second charge, it is averred that Lieutenant Craven did "write and send to the Secretary of the Navy," &c., instead of did "write, indite, or cause to be written, and sent to the honorable William A. Graham, Secretary of the Navy," &c.

In the same specification as altered, at the close, it is averred that the charge and specification preferred by Lieutenant Craven are "utterly false, as the aforesaid Lieutenant T. A. M. Craven well knew when

he made said report to the Secretary of the Navy," instead of "utterly false, as the aforesaid Lieutenant T. A. M. Craven might and ought to have known when he made said report to the Secretary of the Navy."

In the altered specification 2, of the second charge, the averment at the close is in these words: "which false declarations and reports the aforesaid Lieutenant T. A. M. Craven made, or cause to be made, knowing the same to be false and untrue," instead of, "which false declarations or reports the aforesaid Lieutenant T. A. M. Craven made, or caused to be made, when he ought to have known, or at any rate had the means and opportunity of knowing, them to be untrue."]

UNITED STATES SHIP WARREN,
Monterey Bay, November 27, 1843.

SIR: In obedience to your order of this day, we have carefully examined the building used for the storage of provisions, clothing, &c., belonging to the navy. It is our opinion that there is not sufficient room for their safe-keeping, nor does there appear to be any means of making the said building secure against the entrance of burglars, as the doors and their fastenings are of the worst description—such as may at any time easily be forced. The staple of the lock of one of the lower doors has recently been drawn, and we found that a number of bales had been cut open and the clothing stolen, viz: two bales of pea-jackets, and one of blue cloth-jackets. Five bales of other descriptions had also been cut and portions of their contents taken away—the thief or thieves having selected with deliberation.

We consider that no blame whatever can be attached to the store-keeper for this, as the clothing was placed in the only available stores in Monterey provided for him by the navy agent.

As there is no police in Monterey, we advise that the navy store-keeper hire two watchmen to guard the building by night, if they can be had; we also further recommend that the clothing be distributed among the ships of the squadron as early as possible, the Warren taking on board at once so much of it as can with convenience be stowed.

Very respectfully, &c.,

J. J. ALMY, *Lieutenant.*

T. AUG. M. CRAVEN, *Lieutenant.*

JOHN L. WORDEN, *Lieutenant.*

Commander A. K. LONG,

U. S. Ship Warren.

IX.

COPIES OF CORRESPONDENCE BETWEEN THE SECRETARY OF THE NAVY, THE COMMANDANT OF THE BOSTON NAVY-YARD, THE COMMANDER OF THE SLOOP-OF-WAR FALMOUTH, AND LIEUTENANT R. W. MEADE, BETWEEN THE 5TH DAY OF MARCH AND THE 1ST DAY OF JULY, 1849, IN RELATION TO THE APPOINTMENT AND TRANSPORTATION OF SAID R. W. MEADE AND OTHER OFFICERS AND ENGINEERS FROM BOSTON TO THE PACIFIC, FOR THE UNITED STATES PROPELLER EDITH.

WASHINGTON, *March* 20, 1849.

SIR: In relation to the subject on which I have the honor to address you, I beg leave to refer you to the enclosed certified copy of "An act making appropriations for the naval service for the year ending 30th of June, 1850," and to which the Honorable the Secretary of War has this day called the attention of General Jesup for immediate action thereon.

In August, 1848, I applied for the command of the transport Edith, and your predecessor, the Hon. J. Y. Mason, not having the control, (that vessel being one of those attached to the War Department,) authorized me to state to the Secretary of War that he would be gratified by my appointment to the Edith, and would, in that event, defray my expenses to the seat of my command. On reference to General Jesup, I was informed that he had selected another for the command—a citizen, with whom he had an implied contract. The General also stated that he had suggested the transfer to the navy of all the vessels belonging to the War Department, and that the measure having been recommended by the Secretary to Congress, he must decline anticipating action thereon. The reply of General Jesup was reported by me to the Hon. John Y. Mason, who assured me that, whenever the transfer was made, I should be ordered to the Edith, and my expenses paid to my command.

I immediately called the attention of a few of the senators and representatives, friendly to the navy, to the President's message and accompanying documents (30th Congress, 2d session, pages 82 and 189) having reference to the subject. A resolution relating to the transfer was introduced, attached to the navy appropriation bill, at the close of the session, and, having become a law, has been left by the Hon. J. Y. Mason for your action.

I would respectfully state, that the present commander of the Edith, a civilian, is now in the receipt of \$300 per month; that all the vessels now under the control of the War Department are commanded by civilians, at high salaries; and that, by the proposed transfer to naval officers, an important saving would accrue to the government, amounting, in the case of the Edith alone, to \$3,600 per annum.

The Edith could be made efficient for the protection of our commerce, especially if furnished with a suitable armament and crew. These are more necessary, since the advices from our western coast have shown that no crew under civil enlistment can be kept; and that our commerce may be subjected to sudden depredations, which the presence of an armed steam-vessel, under a naval officer, would be sufficient

to prevent. Weighty as are the foregoing considerations, they are not more important than that of the employment which would be afforded to the navy.

Respectfully submitting these observations, I have the honor to renew my application, requesting to be the bearer of the despatch transferring the transport Edith, now on the Pacific coast, with orders to her as lieutenant commanding, to perform whatever duty the government may assign to her commandant.

I have the honor to be, very respectfully, your obedient servant,

R. W. MEADE,

Lieutenant United States Navy.

Hon. W. B. PRESTON,
Secretary of the Navy.

“SEC. 3. *And be it further enacted,* That the Secretary of War be, and he is hereby, authorized and directed, in conformity with the recommendation contained in his annual report, to transfer to the Navy Department such vessels now belonging to the War Department as, in his judgment, will promote the public interests.”

DEPARTMENT OF STATE,

March 6, 1849.

I certify that the above is a true extract from “An act making appropriations for the naval service for the year ending the thirtieth of June, one thousand eight hundred and fifty.”

W. S. DERRICK,

Chief Clerk.

NAVY DEPARTMENT, *April 3, 1849.*

SIR: Proceed to Boston, Massachusetts, and report to Commodore Downes for the command of the United States sloop-of-war Falmouth.

I am, respectfully, &c.,

WM. BALLARD PRESTON.

Com. THOMAS PETIGRU,
U. S. Navy, Charleston, S. C.

CHARLESTON, S. C., *April 7, 1849.*

SIR: I have the honor to acknowledge the receipt of your order of the 3d instant. By the next steamer I will take my passage for Boston, and will report myself to Commodore Downes without delay, in obedience to your order.

Very respectfully,

T. PETIGRU,

Commander United States Navy.

Hon. W. B. PRESTON,
Secretary of the Navy, Washington.

NAVY DEPARTMENT, *April 11, 1849.*

SIR: You will proceed to San Francisco, California, and report to the commanding officer of the United States squadron in the Pacific, for the command of the United States steamer Edith.

I am, respectfully, &c.,

WM. BALLARD PRESTON.

Lieut. RICH'D W. MEADE,

U. S. Navy, - Washington. D. C.

WASHINGTON, *April 11, 1849.*

SIR: Under your order of this date to report to the commanding officer of the United States squadron in the Pacific, for the command of the United States steamer Edith, which I shall proceed to obey, I respectfully request to be permitted to allot to my family one hundred dollars per month, and to receive the usual advance.

I have the honor to be, very respectfully, your obedient servant,

R. W. MEADE,

Lieutenant United States Navy.

Hon. WM. BALLARD PRESTON,

Secretary of the Navy.

NAVY DEPARTMENT, *April 14, 1849.*

SIR: You are hereby detached from the frigate Raritan, and you will proceed to Boston and report to Commodore Downes for a passage in the United States sloop-of-war Falmouth to the Pacific ocean, where you will report to Commodore Jones for duty as acting master on board the United States steamer Edith, when she shall have been received from the War Department by Commodore Jones.

I am, respectfully, &c.,

WM. BALLARD PRESTON.

Passed Mid'n FRANCIS GREGORY,

United States Navy, New York.

NAVY DEPARTMENT, *April 18, 1849.*

SIR: You are hereby detached from the office of the Engineer-in-chief, and you will proceed to Boston, Massachusetts, without delay, and report to Commodore Downes for a passage in the United States sloop-of-war Falmouth for the Pacific ocean, where, on your arrival, you will report to Commodore Jones for duty on board the United States steamer Edith, when she shall have been received from the War Department by Commodore Jones.

I am, respectfully, &c.,

WM. BALLARD PRESTON.

Second Asst. Eng. EDWD. A. WHIPPLE,

United States Navy, Washington, D. C.

NAVY DEPARTMENT, *April 18, 1849.*

SIR: Proceed to Boston, Massachusetts, without delay, and report to Commodore Downes for a passage in the United States sloop Falmouth for the Pacific ocean, where, on your arrival, you will report to Commodore Jones for duty on board the United States steamer Edith, when she shall have been received from the War Department by Commodore Jones.

I am, respectfully, &c.,

WM. BALLARD PRESTON.

First Asst. Eng. WM. H. SHOCK,
United States Navy, Baltimore.

Orders of similar date and tenor were addressed to third assistant engineer John Carroll, at Philadelphia, and third assistant engineer Wm. A. R. Latimer, at Norfolk, Virginia.

WASHINGTON CITY, *April 18, 1849.*

SIR: Being ordered to report to the commandant of the Boston station for a passage in the United States sloop-of-war Falmouth, I would respectfully request that the usual advance may be paid to me in this city.

I am, respectfully, your obedient servant,

EDWARD A. WHIPPLE,
Second Assistant Engineer U. S. Navy.

Hon. WM. B. PRESTON,
Secretary of the Navy.

BALTIMORE, MD., *April 19, 1849.*

SIR: I had the honor to receive, this day, orders from the department to proceed to Boston, and report for passage in the United States sloop-of-war Falmouth to the Pacific, for the purpose of joining the steamer Edith.

I would respectfully beg of the department a revocation of these orders, in favor of first assistant engineer Naylor C. Davis, esq., who is, I understand, very anxious to go to that station.

I ask the favorable consideration of the department to my request under the following circumstances: that out of all the service I have performed in the navy, two-thirds has been on board small steamers, under the disadvantages attending the same. Going out as senior engineer, my expenses will be so much augmented as to leave but a small amount to support my family during so long an absence as mine would be.

Very respectfully,

WM. H. SHOCK,
First Assistant Engineer U. S. N.

Hon. WM. B. PRESTON,
Secretary of the Navy, Washington, D. C.

NAVY YARD, BOSTON, *April 19, 1849.*

SIR: I respectfully inform the department that I have this day reported to Commodore Downes for passage to the Pacific ocean in the United States sloop-of-war Falmouth, in obedience to their order of the 14th instant.

I am, sir, respectfully,

FRANCIS GREGORY,
Acting Master U. S. Steamer Edith.

Hon. WM. BALLARD PRESTON,
Secretary of the Navy, Washington, D. C.

Forwarded:

JNO. DOWNES.

BOSTON, MASS., *April 20, 1849.*

SIR: I have the honor to advise the department of having reported myself to Commodore Downes, in obedience to your order of the 3d instant.

Respectfully,

T. PETIGRU,
Commander U. S. Navy.

Hon. W. B. PRESTON,
Secretary of the Navy, Washington.

Forwarded:

JNO. DOWNES.

NORFOLK, VA., *April 20, 1849.*

SIR: I have the honor to acknowledge the receipt of my orders, and will proceed to Boston without delay.

Very respectfully, your obedient servant,

WM. A. R. LATIMER,
Third Assistant Engineer U. S. Navy.

Hon. WM. B. PRESTON,
Secretary of the Navy.

NAVY DEPARTMENT, *April 21, 1849.*

SIR: You are authorized to rate Charles C. Hunter (upon his reporting) as master's mate, and to transfer him by the Falmouth to the Pacific station, for service on board the steamer Edith.

He will receive twenty-five dollars per month and one ration.

I am, respectfully, yours,

WM. BALLARD PRESTON.

Commodore JOHN DOWNES,
Commandant Navy Yard, Boston, Mass.

NAVY DEPARTMENT, *April 21, 1849.*

SIR: Your letter of the 19th instant has been received.

Your order to take passage in the sloop Falmouth, for duty on board the steamer Edith, in the Pacific, is hereby revoked.

You will proceed to New York without delay, and report to Lieut. Commanding S. P. Lee, for duty on board the United States steamer Legaré, attached to the Coast Survey.

I am, respectfully, &c.,

WM. BALLARD PRESTON.

First Ass't Eng'r WM. H. SHOCK,
*U. S. Navy, Baltimore, Md.*NAVY DEPARTMENT, *April 21, 1849.*

SIR: Proceed to Boston, Massachusetts, without delay, and report to Commodore Downes for a passage in the United States sloop Falmouth, for the Pacific ocean, where you will report to Commodore Jones for duty on board the United States steamer Edith, when she shall be received from the War Department by Commodore Jones.

I am, respectfully, &c.,

WM. BALLARD PRESTON.

First Ass't Eng'r NAYLOR C. DAVIS,
*U. S. Navy, South Middleton, N. Y.*SOUTH MIDDLETON, *April 23, 1849.*

SIR: Having learned from Mr. John K. Mathews that he has been ordered to the United States steamer Massachusetts, in the Pacific, and he being desirous of being relieved from that duty in consequence of sickness in his family, I would most respectfully request to be ordered to that vessel in his stead.

I have the honor to be, sir, most respectfully, your obedient servant,

N. C. DAVIS,

*First Ass't Eng'r U. S. N.*Hon. W. B. PRESTON,
*Secretary of the Navy, Washington, D. C.*NAVY YARD, BOSTON, *April 24, 1849.*

SIR: Since my admission to the navy, two-thirds of the duty I have performed has been in small steamers, from one of which I was sent prostrated and unfit for duty (the Spitfire,) and after a short service in the Mississippi, was condemned and sent home unfit for anything like duty. I feel now the effects of that sickness at times. I was in hopes that I should have been ordered to a larger ship, where the duty of my present rank would not be so arduous, and my expenses less. I there-

fore respectfully beg that my orders to the Edith may be revoked, and that I may be ordered to the Mississippi.

I have the honor to be, very respectfully, your obedient servant,

WM. H. SHOCK,

First Assistant Engineer U. S. N.

HON. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

Forwarded:

JNO. DOWNES.

CHARLESTOWN NAVY YARD,

Boston, April 24, 1849.

SIR: I have the honor to inform the department that I have this day reported to Commodore Downes, in obedience to orders of the 18th, for passage in the Falmouth.

Very respectfully,

WM. H. SHOCK,

First Assistant Engineer U. S. N.

HON. W. B. PRESTON,

Secretary United States Navy, Washington.

Forwarded:

JNO. DOWNES,

Commandant Navy Yard.

[Received per telegraph.]

BOSTON, *April 25, 1849.*

Present crew of Edith under civil contract, and will certainly leave on her transfer to navy; permission respectfully requested to ship a crew here for her, to go out in Falmouth. Orders respectfully asked for executive officer to get, on requisition from bureaux, articles actually necessary for her, and master to get chronometer and charts.

R. W. MEADE, *Lieutenant.*

HON. BALLARD PRESTON,

Secretary Navy.

NAVY YARD, BOSTON,

April 25, 1849.

SIR: I have the honor to inform you that I have this day reported to Commodore Downes, in obedience to your orders of the 18th, for passage in the United States sloop-of-war Falmouth.

Respectfully, your obedient servant,

WM. A. R. LATIMER,

Third Assistant Engineer U. S. Navy.

HON. W. B. PRESTON,

Secretary of the Navy.

Forwarded:

JOHN DOWNES, *Commandant.*

NAVY DEPARTMENT,
April 26, 1849.

SIR: Your telegraphic despatch of yesterday's date has been received.

The department was aware, when you received your orders for the "Edith," that she was under the command of civilians, and that her crew were enlisted under civil contract. The department cannot authorize you to ship a crew in the United States. The necessary orders for that purpose have already been given to Commodore Jones, in reference to her crew. The proper instruments are now on board, and will be turned over with the vessel, and Commodore Jones can supply any instrument or charts which may be wanted, without inconvenience.

I am, respectfully, your obedient servant,
WM. BALLARD PRESTON.

Lieutenant R. W. MEADE,
United States Navy, Boston.

NAVY YARD, BOSTON,
Commandant's Office, April 26, 1849.

SIR: I have the honor to inform you that a crew has been put on board the Falmouth this day, and to-morrow her powder will be put on board; and so soon as the surgeon and gunner report, she will be ready for sea.

The following-named officers have reported for that service:

Commander Thomas Petigru; Lieutenant John De Camp; Lieutenant Francis B. Renshaw; Lieutenant George M. White; Assistant Surgeon T. M. Gunnell; Purser William B. Hartwell; Passed Midshipman William K. Bridge; Passed Midshipman John Madigan; Passed Midshipman Peter Wager; Acting Master Henry S. Newcomb; Boatswain Charles Johnson; Acting Carpenter Lewis Holmes; Acting Sailmaker Lewis Rogers; Acting Midshipman William McN. Armstrong; Midshipman John N. Quackenbush; Acting Midshipman Edward T. Spedden; Acting Midshipman Blucher H. Tabb; Passed Midshipman Francis Gregory, (passenger); 1st Assistant Engineer Wm. H. Shock; 1st Assistant Engineer John K. Mathews; 2d Assistant Engineer Theodore Zeller; 3d Assistant Engineer William A. R. Latimer.

I am, respectfully, your obedient servant,
JOHN DOWNES, *Commandant.*

Hon. WILLIAM B. PRESTON,
Secretary of the Navy, Washington.

CHARLESTOWN NAVY YARD,
April 26, 1849.

SIR: I herewith enclose requisitions for certain stores for the use of the steamer Edith, for which I ask your approval and the necessary

order to carry them out in the Falmouth, under the charge of Acting Master F. Gregory, the master of the Edith.

The articles required are actually necessary, and are not on board of the Edith, by the inventory which was furnished me by the Quartermaster General United States army, at New York.

I am, very respectfully, your obedient servant,

R. W. MEADE,

Lieutenant U. S. N.

Hon. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

UNITED STATES NAVY YARD,
Boston, Massachusetts, April 26, 1849.

SIR: There are required for the United States steamer Edith, now in the Pacific, the following articles in master's department:

Two smooth logs; two memorandum books; two account books; two blank books; one expenditure book; one receipt book; ten quires log paper; ten quires foolscap paper; four quires letter paper; one parallel ruler; twenty lead pencils; sixty slate pencils; one hundred quills; six log slates; three chronometers; two sextants; two nautical almanacs; two brass compasses; two wood compasses; two boat's compasses; one telltale; one barometer; one night-glass; one spy-glass; one hour-glass; one half-hour glass; 5.14' glass; 5.28' glass; one artificial horizon; one weather-test; one Bowditch's Navigator; one Maury's Navigator; one set signals; one signal book and Winder's register; four binnacle lamps; six deck lanterns; six signal lanterns; two patent leads; four log reels; six log lines; six hand lines; twelve signal halliards; two air thermometers; four water thermometers; five trumpets; forty-eight meteorological tables; four log abstracts; one set Wilkes's Survey; one Ward's Gunnery and Steam; one compass watch.

Respectfully, &c.,

FRANCIS GREGORY,

Acting Master U. S. S. Edith.

Approved.

Received of Seth J. Thomas, navy storekeeper, the above mentioned articles.

UNITED STATES NAVY YARD,
Boston, Massachusetts, ———, 184—.

SIR: There are required for the United States steamer Edith, now in the Pacific, the following articles in gunner's department:

Eleven Colt's revolving pistols; thirty Jenks's patent carbines; thirty cutlasses; thirty pistols; one gun-carriage for a 32-pounder; one 32-pounder gun.

Respectfully, &c.,

FRANCIS GREGORY,

Acting Master U. S. S. Edith.

Approved.

Received of Seth J. Thomas, navy storekeeper, the above mentioned articles.

UNITED STATES NAVY YARD,
Boston, Massachusetts, ———, 184—.

SIR: There are required for the United States steamer Edith, now in the Pacific, the following articles in the boatswain's department:

One 6-fathom seine, seven feet long; two harpoons; two pair grains; twelve cod lines; one gross assorted hooks; fifty pounds lead, for sinkers; two shark hooks, with chain snoods.

Respectfully,

FRANCIS GREGORY,
Acting Master U. S. S. Edith.

Approved.

Received of Seth J. Thomas, navy storekeeper, the above mentioned articles.

BOSTON, *April 27, 1849.*

SIR: I respectfully ask that the department will give the necessary order to the navy agent at this place authorizing him to allow me the same advance as the officers of the Falmouth, which he now objects to for want of proper authority.

The Fourth Auditor, in the case of Lieutenant Commanding Meade, has commenced his duty pay from the day he leaves his domicile in obedience to his orders. It being an established rule of the service, I respectfully ask that the same construction may be placed upon myself.

I am, respectfully,

FRANCIS GREGORY,
Acting Master U. S. S. Edith.

Hon. WM. BALLARD PRESTON,
Secretary of the Navy, Washington, D. C.

NAVY YARD, BOSTON,
April 27, 1849.

SIR: I have the honor to inform the department that I have this day reported to Commodore John Downes for a passage in United States sloop-of-war Falmouth, agreeably to instructions under date of April 21, 1849.

I am, very respectfully, your obedient servant,

N. C. DAVIS,
First Assistant Engineer U. S. Navy.

Hon. WM. B. PRESTON,
Secretary of the Navy, Washington, D. C.

Forwarded:

JOHN DOWNES.

Boston, *April 30, 1849.*

SIR: I respectfully request permission to ship a servant, to wait upon me in my passage out to the Pacific in the Falmouth, and that, on my arrival there, I may take him with me to act in the same capacity on board the "Edith."

I am, respectfully,

FRANCIS GREGORY,

Acting Master U. S. S. Edith.

HON. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

NAVY YARD, BOSTON, *May 1, 1849.*

SIR: I have the honor to inform the department that I have this day reported to Commander Josiah Tatnall for a passage in the United States sloop-of-war Falmouth, agreeably to instructions received under date of April 18, 1849.

I am, very respectfully, your obedient servant,

EDWARD A. WHIPPLE,

Second Assistant Engineer.

HON. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

Forwarded:

JOSIAH TATNALL,

Commanding.

NAVY YARD, BOSTON, *May 1, 1849.*

SIR: I have the honor to inform the department that I have this day reported to Commander Josiah Tatnall for a passage in the United States sloop-of-war Falmouth, agreeably to instructions received under date of April 18, 1849.

I am, respectfully, your obedient servant,

JOHN CARROLL,

Third Assistant Engineer.

HON. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

Forwarded:

JOSIAH TATNALL,

Commanding.

UNITED STATES SHIP FALMOUTH,

Boston, May 1, 1849.

SIR: I have the honor to acknowledge the receipt of your order of the 26th ultimo, directing me to proceed with the Falmouth to the Pacific, and report to Commodore Jones. It shall be obeyed with the least possible delay; but some days must transpire before the ship will

be ready to leave port. Her draught now is two and a half feet more forward than aft: to bring her into better trim, a good deal of alteration in the stowage of the provisions in the hold is necessary. Her complement of seamen is not full, and the surgeon for the ship has not yet reported himself. I ask instructions from the department respecting persons who have not been shipped at the rendezvous. I allude in particular to the ship's steward. Will he be, like the rest of the crew, subject to the discipline of the navy? I request that all who desire it may be permitted to leave part of their pay to their families at home. Should it not be incompatible with the views of the department, I would respectfully ask permission to touch at the island of Madeira on our passage out; it will probably not prolong the voyage a day, and be of service to the health and comfort of the crew.

I am, respectfully,

T. PETIGRU,
Commanding U. S. Ship Falmouth.

NAVY DEPARTMENT,
May 2, 1849.

SIR: The department declines granting your request of the 30th ultimo, for permission to ship a servant to accompany you to the Pacific, and to act in that capacity on board the Edith.

I am, respectfully, yours,

L. WARRINGTON,
Acting Secretary.

Passed Midshipman FRANCIS GREGORY,
United States Navy, Boston, Massachusetts.

BOSTON, MASS., May 2, 1849.

SIR: Finding the United States ship Falmouth in a much more crowded condition than we had anticipated previous to our arrival here, we deem it advisable, respectfully, to apply to the department for some other mode of conveyance for passage to the Pacific. It is probable we shall have a long passage if we go around Cape Horn; and in the cramped and crowded manner in which we will be obliged to live, having ten passengers in the steerage, we shall certainly be subjected to a great and unusual want of comfort, (as well as the officers of the ship themselves.) We are induced to make this application after examining the accommodations of the ship, and consulting with the officers.

We have the honor to be, very respectfully, your obedient servants,
N. C. DAVIS, *1st Ass't Eng. U. S. N.*
J. J. HANSON, *Passed Mid. U. S. N.*
R. SELDEN, *Passed Mid. U. S. N.*

HON. WM. BALLARD PRESTON,
Secretary of the Navy, Washington.

This application meets with my approbation.

T. PETIGRU.

Boston, May 3, 1849.

SIR: I have this day reported for passage on board the "Falmouth" sloop-of-war for duty on board the United States steamer "Edith," in the Pacific. While I take pleasure in conforming to all orders received from the department, in this case I cannot but express to you my deep regret in leaving the United States before having another opportunity to do justice to myself before another board of examiners, as upon my last examination I did not, I am confident, do justice to my qualifications, which is a source of regret to me. After my return from the gulf squadron, I had permission to attend an examination for promotion; but not giving satisfaction, although having served an apprenticeship, having failed on some theoretical points, I would request, if I may do so with propriety, an exchange with some other of the assistant engineers who has recently entered; and I would also respectfully request orders for this station in place of Mr. Lynch, who has received leave of absence.

I am, sir, with great respect, your obedient servant,

JOHN CARROLL,
Third Assistant Engineer U. S. N.

Hon. WM. B. PRESTON,
Secretary of the Navy.

NAVY DEPARTMENT, May 5, 1849.

GENTLEMEN: Your letter of the 2d instant has been received. Your request to be sent out to the Pacific in some other mode than on board the Falmouth cannot be granted. The department indulges the hope that this communication will scarcely reach you before the Falmouth is at sea.

I am, respectfully, your obedient servant,

L. WARRINGTON,
Acting Secretary of the Navy.

Messrs. N. C. DAVIS, *First Assistant Engineer*; J. J. HANSON, *Passed Midshipman*; R. SELDEN, *Passed Midshipman, Boston.*

NAVY YARD, BOSTON,

Commandant's Office, May 15, 1849.

SIR: I have the honor to inform you that the United States sloop-of-war Falmouth weighed anchor this morning at 8 o'clock, and dropped down the harbor with the intention of proceeding to sea, having been previously inspected by me.

Respectfully, your obedient servant,

JOSIAH TATNALL,
Commanding Officer.

Hon. WM. B. PRESTON,
Secretary of the Navy, Washington, D. C.

UNITED STATES SHIP FALMOUTH,
May 16, 1849.

SIR: In obedience to your order of the 26th of April, I now have the honor to report the "Falmouth" at sea. The pilot will leave the ship as soon as he receives this communication, which he is to deliver to the post office in Boston. In prosecuting the voyage, I shall endeavor to follow strictly your instructions, and hope to merit the approbation of the department.

I am, very respectfully,

T. PETIGRU, *Commander.*

HON. W. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

NEW YORK, May 22, 1849.

SIR: I have the honor to inform the department that I proceed by the Crescent City to obey my orders of 11th April, 1849.

E. Zachrisson, esq., has kindly advanced me the sum of *sic* hundred dollars, on account of my travelling expenses. I therefore respectfully request the department to authorize the payment of the same by the navy agent of this port, for which I shall hold myself accountable.

I have the honor to be, very respectfully,

R. W. MEADE,

Lieutenant Commanding U. S. Navy.

HON. WM. BALLARD PRESTON,

Secretary of the Navy, Washington City.

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NAVY DEPARTMENT,
May 24, 1849.

SIR: Your letter of the 22d instant has been received.

The department has determined to authorize the payment of the sum (\$600) which you obtained from Mr. Zachrisson for travelling to California. You should not have made such a negotiation, but should have applied to the department in the usual manner. You will hereafter be particular in conforming to the rules which govern in such cases. They cannot be departed from.

I am, respectfully, your obedient servant,

WM. BALLARD PRESTON.

Lieutenant R. W. MEADE,

*Appointed to command U. S. Steamer Edith in the Pacific,
San Francisco, California.*

Papers accompanying Commodore Thomas Ap Catesby Jones's letter of the 14th of February, 1853, addressed to the Hon. Linn Boyd, Speaker of the House of Representatives.

Authenticated copies of six official papers relating to the repairs on the steamer Edith's machinery, and the erection of a steam saw-mill, belonging to the navy, at San Francisco, in 1849.

Copy of a letter from Commodore Jones to the Hon. S. R. Mallory, of the Senate, in relation to Lieutenant R. W. Meade's confessions and doings in California, August and September, 1849.

Colonel William M. Stewart's deposition in relation to the contract with William A. Parker, for erecting a government steam saw-mill at San Francisco.

Mr. Joseph R. Curtis's letter in relation to Lieutenant Meade's *knowingly* false allegation about coal said to have been sold from the Edith.

A letter from Colonel J. Collier, collector of customs for the district of San Francisco, 1849-'50, to Commodore Jones, touching his general and conservative conduct in the discharge of his complicated and extraordinary duties in California during the same period.

A.

To the Hon. FREDERICK P. STANTON, chairman of the Committee on Naval Affairs, House of Representatives :

SIR: After reading this communication, you will probably recollect that I had the honor to put into your hand, in your committee-room, on or about the 25th of February, 1852, a letter requesting you to ask for authority to examine witnesses under oath, touching certain false allegations against my official conduct as commander of the Pacific squadron, brought to the notice of the Committee on Naval Affairs by Lieutenant R. W. Meade, of the navy. Learning accidentally—not, however, until the 10th instant—that Lieutenant Meade had renewed his libellous attacks on me, aided now by a member of the House, (Hon. Edward Stanly,) known to be extremely inimical to me, I addressed you on the spot, and in most earnest terms reiterated my request to you to ask authority of the House to take testimony in due form, as well for as against me; and in this last communication I named several most respectable witnesses from California, then within the walls of the Capitol, whose testimony would corroborate several official papers now in Washington, proving Lieutenant Meade's allegations to be utterly destitute of truth, and that either perjury or forgery, if not both, have been resorted to to give a semblance of plausibility to the *ex parte* tirades under which your table must literally groan.

If I am correctly informed as to the nature of Lieutenant Meade's chief allegation against me, it is, in substance, that certain mechanics, (one Francis S. Varran or Francis Varran, in particular, but under both names styling himself *chief engineer* of a vessel called the Edith,) while in the pay of the United States, by my order, under the false pretence

of repairing the United States steam propeller Edith's engine and machinery in the Bay of San Francisco, July and August, 1849, ("which engine and machinery were in perfect order and needed no repairs, and none were put on them,") were kept constantly employed by Lieutenant James McCormick, of the navy, with my knowledge and approbation, "from sunrise to sunset," on his (Lieutenant McCormick's) "property, the mill."

Such, I believe, is the substance of Mr. Meade's allegations before the committee, and which he attempts to establish by the *ex parte* deposition of Francis S. Varran, above alluded to. I am sure a mere glance at the paper *purporting* to be Francis S. Varran's deposition will show it, by its strange contradictions, to be utterly unworthy of belief, as well as by his first testimony, *given on board the Edith, by Francis Varran, her engineer*, about the time she was transferred to my squadron, (June, 1849,) and on whose evidence mainly the contract for the repairs reported by the board of survey was made with Mr. Siewerts, a most respectable, scientific, as well as practical engineer.

Now I most respectfully ask the committee, before whom I have been so maliciously and clandestinely assailed, to call on Lieutenant Meade for the proofs of his allegations. Let him give the *names, stations, rates of pay*, when and by whom paid, of each and every person whom he alleges to have been *in pay of the government* while employed on private contracts. *Justice to the public*, as well as to myself and others implicated by Lieutenant Meade, demands this course. Let me confront my accusers, be they whom they may, and their witnesses. That is all I ask; it is what, under the constitution, I am entitled to claim.

Surely the committee, will not condemn me, directly or *indirectly*, upon *ex parte testimony* from any source, but especially upon the evidence of one who essays to show cause for his deep-rooted and uncompromising malice towards me.

A—No. 1.

SAN FRANCISCO, June 25, 1849.

SIR: From a personal examination of the propeller Edith, and from information gathered from the engineer, I think the following work and repairs will be necessary: a new shaft, the insertion of which will cause the removal of the whole machinery; three new tubes (perhaps a few more) for the condensing apparatus.

The work will employ four mechanics for a space of two or three months.

I will pay the four mechanics, provided they are fed and lodged, and undertake the whole for \$3,500. I shall want two sailors for cleaning machinery and giving general assistance; and in case very heavy pieces are to be moved, as many men as will be necessary for the same.

Very respectfully, your obedient servant,

ARTHUR SIEWERTS.

Commodore C. P. JONES.

The foregoing is a true copy, made by me this day from the original in the hands of Commodore Thos. Ap C. Jones.

J. T. GORDON.

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A—No. 2.

SAN FRANCISCO, *June 26, 1849.*

Commander A. K. Long, Lieutenant Commanding E. L. Handy, Lieutenant Jas. McCormick, and Acting Carpenter James R. Phillips, of the Warren, assisted by one or two engineers, if they can get any to act with them, will hold a careful survey on the steam-engine and machinery of the United States propeller Edith, and report their condition, and, if any, what repairs are indispensable to put them in good working order.

THOS. AP C. JONES,
Commander-in-chief U. S. Naval Forces, Pacific ocean.

The foregoing is a true copy, made by me this day from the original in the hands of Commodore Thos. Ap C. Jones.

J. T. GORDON.

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A—No. 3.

U. S. STEAM PROPELLER EDITH,
Off San Francisco, June 26, 1849.

SIR: In obedience to your order of this date, we have held as strict and careful a survey on the machinery and engines of this vessel as practicable, and report that we find the *out-board* shaft much worn in the sleeve; also, three of the condensing tubes leaky and requiring to be replaced by new ones; and are of the opinion these repairs cannot be effected, in consequence of the want of facilities, in less space of time than two months, under the most favorable circumstances.

The shaft will require to be replaced by a new one, now on board the Massachusetts.

A. K. LONG, *Commander.*
E. L. HANDY, *Lieut. Commanding.*
JAS. McCORMICK, *Lieutenant.*
D. C. BROOKS,
Chief Engineer of the Oregon.
FRANCIS VARRAN,
Chief Engineer of the Edith.
JAMES R. PHILLIPS,
Carpenter U. S. S. Warren.

The foregoing is a true copy, made by me this day from the original in the hands of Commodore Thos. Ap C. Jones.

J. T. GORDON.

A—No. 4.

SAN FRANCISCO, *June 27, 1849.*

Having this day entered into contract with Arthur Siewerts, engineer and machinist, for the repairs needed on the Edith's engines and machinery, you will take her to Sancilito and there safely anchor her, and will give your personal superintendence to the work to be done, seeing that the terms and conditions of the contract, a copy of which Purser R. M. Price will furnish you, are faithfully complied with, with as little delay as possible. When more labor is required to move the machinery, you are to inform Commander Long, of the Warren, or other senior officer present, who will detail the necessary force, and will also supply any material which may be required.

JAS. McCORMICK,

Lieutenant Commanding.

The foregoing is a true copy, made by me this day from the original in the hands of Commodore Thos. Ap C. Jones.

J. T. GORDON.

A—No. 5.

U. S. SHIP WARREN,
Bay of San Francisco, August 10, 1849.

SIR: The following report contains all the particulars that I deem worthy of note since your departure. I have discharged five men, their term of service having expired.

Charles McGraw, corporal of marines, departed this life on the 15th ult.; also, on the 29th, Jacob Williams, a civilian, taken on board in a dying condition.

Lieutenant R. W. Meade reported for duty as commander of the Edith; but I thought the duties of the Edith would be facilitated by Lieutenant McCormick continuing in command, until the work with which he is charged is accomplished.

The Massachusetts arrived from Benicia on the 30th ult., and on the following day was transferred to the command of Lieutenant Knox. Immediately on her arrival, I took from her the shaft belonging to the Edith, and sailed for Sancilito, to render the Edith assistance, and fill up our water.

On the 31st, the storeship Fredonia arrived.

August 1st, the surveying schooner Ewing arrived, and put on board the Warren five men who had deserted from the Fredonia at Valparaiso.

Lieutenant Commanding Neville says she does not want these men, and as we are very short-handed, I request they may be allowed to remain here.

I have four criminals on board, received at the request of the civil authorities, until the governor is heard from respecting their sentence, which cannot be carried into effect without his aid.

The accompanying letters from Colonel Smith and Lieutenant Commanding Knox, and my answers thereto, will show you what action has been taken with regard to the Massachusetts.

I am, sir, very respectfully, your obedient servant,

A. K. LONG,
Commander.

Commodore THOS. AP C. JONES,
Commander-in-chief U. S. Naval Forces, Pacific ocean.

The foregoing is a true copy, made by me this day from the original in the hands of Commodore Thos. Ap C. Jones.

J. T. GORDON.

DISTRICT OF COLUMBIA, *City of Washington, to wit:*

Be it known, and it is hereby certified, that on the 18th day of February, 1853, before me, James H. Causten, notary public, personally appeared John T. Gordon, of said city, a person of respectability to me known, and being duly sworn according to law, did declare and say, that the foregoing paper writings, numbered 1, 2, 3, 4 and 5, are true and faithful copies of the originals whereof they purport to be copies, the same having been by him carefully compared with said originals and found to agree therewith word for word, and figure for figure.

In testimony whereof, I have hereto subscribed my name and affixed
[L. s.] my notarial seal, at the city of Washington, on the day, month, and year before written.

JAMES H. CAUSTEN,
Notary Public.

A—No. 6.

[No. 91 on Commodore Jones's letter-book.]

FLAG-SHIP SAVANNAH,
Benicia, January 28, 1850.

SIR: In compliance with your call, under date of December 1, I have the honor herewith to enclose a copy of my contract with Robert A. Parker, of San Francisco, for erecting and putting in operation the steam saw-mill sent by order of the Navy Department to this station in 1848 and 1849.

When I first reached San Francisco, in November, 1848, I found parts of the steam-engine, machinery, and saw-mill had arrived in a military transport; and, in the absence of any vessel or officer of the navy—the squadron not having arrived from Lower California—the parts above alluded to were carelessly thrown on shore, partly in the water, at San Francisco, and in a very perishing state; nor was it in my power to place them in a much better condition, for all that I could do was to collect the parts and stow them in an open yard, as it was

impossible to obtain dry storage in San Francisco at that time, nor since, that would not, exclusive of the expense of moving, have amounted to more, in a single month, for house-rent, than the first cost of a perfect mill. As to erecting this mill by any means at my command, that was entirely out of the question, for our men, about these times, could not be trusted on shore to supply *themselves* with provisions and water.

The only alternative left me, to avoid utter ruin and destruction of the mill and machinery, was the expedient adopted, whereby the mill has been preserved from destruction and is now available for any work that may be required for the navy; or it could be sold to advantage, should the department prefer it.

In the course adopted, I was not a little encouraged by the example set by the other branch of the service, in the disposition made of their mills out here; and another consideration, too, which had great weight with me in so disposing of the mill, was the destitution of, and exorbitant price of, building-materials at San Francisco, so much needed to shelter the in-pouring population.

The mill has been set up by Mr. Parker, under a close house, on the beach at Sancilito, the watering-place of the port of San Francisco, and not very distant from abundance of red-wood, which is rafted to the mill. The ground upon which the mill stands is within fifty *varas* of high-water mark, which, according to all Mexican grants, may be claimed without price by the government, for its use whenever required.

The expense of setting up the mill, and the building to cover it, exceeds, by two or three times, the first cost and transportation of the mill to its present location. Under these circumstances, I shall await your further orders before I annul the contract with Mr. Parker.

I shall, however, notify him to be prepared to surrender the premises on the 30th day of April, by which time your orders can be received.

I have the honor to be, most respectfully, your obedient servant,

THOS. AP C. JONES,

Commander-in-chief U. S. Naval Forces, Pacific ocean.

HON. WM. BALLARD PRESTON,

Secretary of the Navy.

NOTE.—The foregoing letter (No. 91) to the Secretary of the Navy was in response to his order, *received middle of January, 1850*, to transfer the *saw-mill* to which it alludes to the navy agent at San Francisco. My letter and explanations must have been entirely satisfactory to Mr. Preston, as the return mail brought me a counter order, with instructions to continue the contract until the mill should fully reimburse the contractors the amount or cost of setting it up. But the tables were now turned: notice of the probable termination of the contract, by order of the Navy Department, had been duly served on Parker & Co., who, in consequence thereof, had let the winter (the season for floating heavy logs down the small streams) pass without collecting saw-logs to keep the mill in work; so that, when the Secretary's approval of the contract and order to continue it in force reached me, Parker, or his assignees—for he had previously failed in business—declined a continuance of the contract, and claimed indemnification, under a certain arti-

cle of the contract, inserted for the avowed purpose of keeping the mill within the control of the government. The land on which the saw-mill was erected, and stands, belonged to the Crown of Spain when the revolution which severed Mexico from the mother-country broke out; and when the war commenced between Mexico and the United States, in 1846, the land on which the saw-mill is erected, at Sancilito, was owned by the Mexican republic. If the title to the land on which the saw-mill stands has ever passed from the United States to an individual, it has been conveyed long since the saw-mill was erected.

THOS. AP C. JONES,

Late Commander-in-chief U. S. Pacific Squadron.

WASHINGTON CITY, February 11, 1853.

The impartial reader of the foregoing official documents, Nos. 1, 2, 3, 4, and 5, whether he be statesman, jurist, or a naval officer, if he will take the trouble to compare them with the malicious fanfarronade over the signature of R. W. Meade, a lieutenant in the navy, will not fail to perceive how utterly baseless is all that he says about the machinery of the steamer Edith not needing repairs when she was turned over to the navy in June, 1849, and that *none was put upon her*, or done to her machinery, although "*Commodore Jones paid a machinist, under contract, AN EXORBITANT SUM FOR REPAIRING THE EDITH'S MACHINERY, which was never touched by him.*"

By comparing dates it will be seen that the original lease of the saw-mill to Mr. Parker bears date the 9th of January, 1849. Unforeseen circumstances intervening to prevent the mill being put up as soon as was expected under the original contract, it was cancelled, and a new one, now before the naval committee of the House, was duly executed. The first intimation I had of the government's intention to transfer the Edith from the quartermaster's department to the navy, was received in May or June, 1849, *about six months after the date of the contract for erecting the saw-mill*; consequently the association of the Edith's repairs with the contract for putting up the saw-mill is mere fiction, without the possibility of the first germ of truth. Dates show that the Edith was transferred to me at San Francisco about the 25th June, 1849. On the 26th I ordered a survey (Nos. 2 and 3) on her machinery, which I knew, from the verbal reports of her last commander, as well as from the assistant quartermaster in California, in the quartermaster's service, *was out of working-order*; and that the fact having been duly made known to the quartermaster's department at Washington, the Quartermaster General had a new SHAFT, (considered by all machinists and naval commanders, *except Lieutenant Meade*, of some importance in the machinery of sea-going steamers, whether propellers or side-wheelers,) as well as *condensing tubes* and other machinery, sent for the Edith in the steamer Massachusetts, which, as shown by Captain Long's letter (No. 5 of the series,) did not deliver the shaft to the Edith until the 31st of July, 1849, the day after she arrived at Sancilito, and on which she was transferred to the navy. (See No. 5, again, for the reason Com-

mander Long gave Commodore Jones for not putting Lieutenant Meade in the Edith, when, in the absence of Commodore Jones, Lieutenant Meade, in July, 1849, reported to Commander Long for command of the Edith.)

"I assert," says Lieutenant Meade, "that the ship Edith was ordered" (by Commodore Jones) "to anchor off Sancilito, a watering-place, the property of Lieutenant McCormick and his company." Candor ought to have prompted Lieutenant Meade to add, *from an open and exposed roadstead off San Francisco, where Lieutenant McCormick and his company also owned property*, but where there was not only *no watering-place*, but no work-shops nor other facilities for repairing the Edith's machinery. (See my order, No. 4, to Lieutenant McCormick.)

What were the real reasons for ordering the Edith to Sancilito? First, it is the only smooth and perfectly safe anchorage where *fresh water* is to be had in the *lower bay* of San Francisco. From *that place* the *city* of San Francisco receives, in tanks, much of its best drinking-water, or did in 1849-'50. It is the regular anchorage for men-of-war of all nations, as well as our own, visiting San Francisco, that do not go to Benicia, 30 miles higher up the bay, where most of the officers of the army and navy, including Lieutenant McCormick, and myself too, at that time owned lots. All who know anything about screw-ships or propellers well know that it is no trifling job to take out the main shaft and put in another *while the ship is afloat*, and acted on by strong currents and heavy gusts of wind. Under such circumstances it could not be done at all. Well, just from such a rough, turbulent, uncomfortable anchorage off the town of San Francisco, where scarcely a day between April and October passes without ships damaging each other by getting foul, I did order the United States propeller Edith to the quiet, placid, and safe anchorage off Sancilito, where in due season, after much of the machinery being taken down, also for repairs, and to enable the old shaft to be taken out and a new one put in, the Edith was hauled ashore, stern foremost, on the smooth and gently-inclined beach, at high water, so that when the tide fell, the sleeve through which the shaft works would be sufficiently exposed *above water* to afford three or four hours out of twenty-four to work at it.

But there is yet another reason, no less potent. Steam-engines, and the like machinery, cannot be taken down, cleaned, repaired, and put up again, without access to some sort of machine-shop, smithy, or the like. Where were any, under the control of Commodore Jones, in or about San Francisco, in June, 1849? The best if not the only forges anywhere about there, at that day, were those erected at Sancilito by the parties setting up the saw-mill; and if there had been no other reason for ordering the Edith to Sancilito for repairs, this last is, of itself, quite sufficient.

As to what private use Lieutenant McCormick could have put the Edith to, it is difficult to conceive. Moored to her anchors all the time, only four or five hands on boards, including cook and steward, it was impossible that she, or even her boats, could have been used to much advantage by anybody. That Mr. Siewerts, the contractor, and his assistants, not exceeding two at any time, while working on the Edith's machinery, did live and mess with Lieutenant McCormick on

board the *Edith*, at Sancilito, is true, and that I was aware of that fact is no less true; because such was one of the conditions under which Mr. Siewerts undertook the contract, there being no boarding or other houses at Sancilito at that time, where he and his workmen could have been accommodated; and, as already shown, Sancilito was not only the most convenient, but in reality the only place about San Francisco at which her shafts could have been shifted.

Now, a word as to the ownership of the land at Sancilito on which the saw-mill was erected, and still stands. When the revolution broke out in Mexico, which eventuated in her severance from the yoke of Spain, *all islands and all beaches within fifty varas* of high-water mark, in California, were Crown property, and never granted to individuals. The same law was observed by the republic of Mexico, and was supposed to be in force when the United States forces took possession of Upper California at the commencement of the war, in 1846.

Now, as regards employing the *Edith's* boats to transport materials for erecting the saw-mill, it may or it may not be true: if it is true, it was perfectly justifiable, under the unprecedented circumstances in which all California was then placed, and ought not to be forgotten when reviewing transactions of those times. (See No. 6.)

It must be borne in mind that the saw-mill, every part and piece of which *was the property of the United States*, was strowed about the beach at San Francisco, and in a most exposed and perishing condition, when I arrived there, in the autumn of 1848, and that the in-pouring population were suffering and *dying* from exposure to the pelting storms of winter, totally destitute of lumber even to floor the tents of such as were lucky enough to have them, when the mud was over shoe-deep at every step, without even straw or leaves to lay between their bodies and the saturated earth. Moreover, it was perfectly understood between the contractor, Mr. Parker, and myself, that the parts of the mill expected by the storeship Chile would be landed by the boats of the squadron, and that the ships of the squadron would furnish boats and men to assist in collecting the scattered parts of the mill, which had been thrown on shore at San Francisco, from a military transport, long before my arrival from the Mexican coast. As to the employment of men belonging to the Pacific squadron, when in port, to work, on their own account, for citizens of the United States, it has been the uniform practice ever since the United States have maintained a squadron on that coast, commencing with the veteran Commodore Stuart, or perhaps Downes, at an earlier date—say 1818 or '19.

Whether any of the men of the Pacific squadron, while under my command, were so permitted, *by their respective captains*, to work on the saw-mill at Sancilito, I am uninformed, except in a solitary instance, when one of the crew of the *Savannah*, I think by the name of Smith, with my knowledge and consent, was granted leave to be absent from the ship all night, to go to Sancilito to braze a pipe that had bursted after the mill was in operation.

Has Lieutenant Meade reported Col. Smith of the engineer corps, and Commander Goldsborough of the navy, the heads of the joint commission sent out by the government to make reconnoissance with an eye to naval and military defences, for *anchoring the steamer Massachusetts*

close by the Edith at Sancilito, and there keeping *her* several months, waiting for her crew, near the property of Lieutenant McCormick and his company? Has he reported Commodore McCauley for breaking up the naval depot at Benicia, and removing the public stores to Sancilito, "*a watering-place, the property of Lieutenant McCormick and his company,*" off which Commodore McCauley lay many weeks in the Savannah, his flag-ship? If he has not, why has he failed to do so? Did he, at any time during his sojourn of two or three months in California, report, or even intimate to Commodore Jones, (as was his bounden duty, if he had discovered any improper conduct or deportment in any officer under Commodore Jones's command,) that Lieutenant McCormick was neglecting his duty, or applying public property to private uses? Did he make any such reports to the Navy Department, from the spot when and where a full and fair examination might have been instituted?

Possessing such knowledge, or even reasonable suspicions, of such frauds and corruptions as he trumps up more than two years afterwards, and failing to reveal them at the *earliest* practicable moment, is scarcely less culpable than the participator in such acts would be.

Returning again to Francis Varran's deposition, and carefully comparing his extraordinary contradictions of himself about the Edith's machinery *being in perfect order, needing no repairs, and yet was by him repaired, and still was not repaired at all*, with what he states as one of a board of three commissioned officers of the navy, two chief engineers, *Francis Varran* himself being one, (who, as stated in his *deposition*, had had charge of the Edith's machinery for four years,) and the conclusion is irresistible that he has forsworn himself, unless he can show, by unimpeachable living witnesses, that the report of the surveyors, *of whom he was one*, (see No. 3,) was false and untrue, or that what purports to be his deposition is a forgery. Choose which horn of the dilemma he may, Mr. Varran proves himself utterly unworthy of belief in anything he has said, or may say, inconsistent with the joint certificate he signed on the 26th of June, 1849. Suffice it here to add, that Mr. Varran's parade about letters written to me, and recalled, or about his holding communication with me upon any subject relating to the Edith after she was transferred to the navy, is utterly devoid of truth. I also declare that I never gave Lieutenant McCormick, or any one else, authority to employ Francis Varran to do any work on the Edith, except to engage him for the special service required by Mr. T. Butler King's requisition on me, which it was supposed would have been performed within two or three weeks. Mr. Varran declares that Mr. Siewerts did not work on the Edith's machinery, *except to assist in changing the shaft*. He is no more worthy of belief on that point than on those already proved to be false. But admit that Mr. Siewerts did not strike one stroke on the repairs of the Edith's machinery, which is not true, what does that amount to? Mr. Siewerts was a *contractor*, a scientific as well as a practical machinist; he was not in the hire or pay of the government; he was not bound to do the whole work with his own hands, nor any part of it, if he could get others to work for him. He entered into a written contract to do and perform certain things within a fixed period, (*i. e.* two months,) for the stipulated sum of \$3,500, to be paid

by the government when the work covenanted to be performed should be faithfully executed and accepted. Was the contract faithfully executed? That is the question. Mr. Varran says, in his deposition, that when the Edith made her trial trip from Sancilito to San Francisco, as well as when at sea, her machinery was in perfect order, and worked beautifully, showing conclusively, so far as his word goes, that the contractor had faithfully executed his contract, and was, of right, justly entitled to his \$3,500, out of which he paid Mr. Varran's wages, as well as the wages of all other mechanics employed by the contractor, A. Siewerts, to work on the Edith's machinery—not one of whom, during the time, was receiving pay from the navy, or, so far as I know, ever had.

As regards any oral communication between Lieutenant Meade and myself in California, I refer the reader to the accompanying letter, (B) addressed by me to the Hon. Mr. Mallory, senator from Florida, to which I will add that Lieutenant Meade never delivered to me any communication, oral or written, from Francis Varran, or any other engineer or mechanic employed on board the Edith; never even intimated, much less reported to me his knowledge or suspicion that Lieutenant McCormick, or any other officer or person under my command, was engaged in, or privy to, any contract or unlawful operation prejudicial to the honor of the navy, or the best interests of the republic. And furthermore, that a day or two before Lieutenant Meade left San Francisco for Washington, he called on me in the most friendly mood, offering to be the bearer of any letters or small packages I might wish to send to my family near Washington, adding that he should call and let my brother, the late Adjutant General, know how I was getting on out there. Soon after my return from California, (August, 1850,) while in the rotundo of the Capitol one day, I was not a little surprised by the rapid advance of Lieutenant Meade to welcome my return home. This I was entirely unprepared for, as I had been told, both in New York and in Washington, that Lieutenant Meade had been open-mouthed in his abuse of me, without regard to time or place, since his return from California.

Viewing Lieutenant Meade's allegations against me in their varied phases, it is quite propable that they were brought in revenge, after he had failed to impose on the Navy Department a second time for a command, and probably, too, not until after the return of Lieutenant *Fabius Stanly*, in disgrace, from California, and to whom had been assigned the *honorable duty*, in Washington, of intercepting persons returning from California, particularly officers from Commodore Jones's command, for the purpose of enlisting them against an absent commander, struggling to preserve unsullied the *honor of the navy*, and to preserve its usefulness to the country.

Perhaps Lieutenant Meade may have received a *semi-official* communication somewhat after the following order, to wit:

Extract of a letter from Lieutenant Fabius Stanly, of the United States navy, to Henry Wilson, esq., purser in the navy, on the occasion of Mr. Wilson's arrival from California, in April, 1850.

(WASHINGTON,) "April 13," (1850.)

"DEAR SIR: I congratulate you on escaping Cape Horn. I write that you may know where I am."

* * * * *

"I can't learn much about Ap Jones, only that the Secretary agrees with the opinion generally expressed in letters about him."

"I have laid before the department both his and his toady's (Zachariah Johnston's) character. I hope you have complaints to make against him; it is a mark, a sign of uprightness, to complain of him."

"Very respectfully, your obedient servant,

"Lieut. FAB. STANLY.

"Mr. HENRY WILSON, U. S. N."

The foregoing is a true copy of an extract from Lieutenant Fab. Stanly's letter, dated (Washington,) April 13, (1850,) to Henry Wilson, United States navy, and furnished by him to Commodore Jones, in a letter dated Columbus, Ohio, March 22, 1851.

J. T. GORDON.

I insert the foregoing extract as a clue to the sequel now developing before the Committee on Naval Affairs; Lieutenant Fabius Stanly,* T. A. M. Craven, and Joseph F. Green, having banded together to effect my ruin, as the only means of clearing their guilty skirts of my official complaints and specific charges against them, but *never tried*. The extract in question is only one of the *many* corrupting influences resorted to, by and through the Navy Department, to facilitate their malicious purposes. Stanly and Craven having succeeded so well, and having been so promptly and notably rewarded for their fealty, *when witnesses in behalf of themselves and the prosecuting Secretaries*, who had so kindly espoused the lieutenants' cause and made their interests one and the same with their own, and thenceforth exerted all the influence of high station and office to rescue the refractory lieutenants, and, if possible, save their commissions, justly forfeited by glaring transgressions of the laws and discipline of the navy, it were not very

* Lieutenant Fabius Stanly! The writer of the above letter to the late purser, Henry Wilson, is the identical Lieutenant Fabius Stanly, of the navy, twice tried by court-martial at San Francisco, in 1849; by both found guilty of offences against the laws and discipline of the navy; was subsequently tried by a naval court-martial at the Washington navy-yard, March, 1851, found guilty of "scandalous conduct," and other grave offences against the laws and discipline of the navy, and sentenced to be dismissed therefrom. While the charges on which Lieutenant Stanly was so tried, and so condemned and sentenced—as well as other charges, no less serious, preferred by Commodore Jones, on which he had not been tried—were before the Secretary of the Navy, Hon. William A. Graham, for his action, instead of bringing Mr. Stanly to trial, a furlough was granted him to take command of one of Aspinwall's mail steamers, from which he was subsequently recalled, brought to trial, convicted *the third time*, and sentenced to be dismissed from the navy, which sentence was commuted by Executive clemency to a year's suspension from duty; and he has subsequently been *rewarded* by appointment to the command of a sloop-of-war in the Bay of San Francisco.

surprising if others, hoping to profit by the success of Craven and Stanly, *should have* complaints to make against "Ap Jones," as it was "*a mark, a sign of uprightness, to complain of him;*" and especially, as Purser Henry Wilson *could not be induced to turn against* "Ap Jones," i. e. make *false* charges against his commander-in-chief, he was soon afterwards constrained to quit the navy.

Having now not only answered, but I trust satisfactorily explained or disproved, all of Lieutenant Meade's allegations about fraud, in connexion with the repairs put on the United States propeller Edith, and the erection of a steam saw-mill at Sancilito, in 1849, as well as having exposed the questionable character of his chief and most prominent witness, Francis Varran, *alias* Francis S. Varrand, former chief engineer of the Edith, while in the quartermaster's employ; and having also shown strong grounds for imputing malice and revenge to my traducers, I will defer any further criticism upon the budget before the House Committee on Naval Affairs, until I meet my accusers and their witnesses face to face before some tribunal having power to administer oaths and compel the attendance of witnesses.

THOS. AP C. JONES,

Late Commanding U. S. Naval Forces, Pacific ocean.

WASHINGTON, February 15, 1853.

B.

NEAR PROSPECT HILL, VA.,

March 11, 1852.

SIR: My attention has recently been called to the notice of a memorial presented to the Senate by you, purporting to be a petition of R. W. Meade, late a lieutenant in the navy, asking to be reimbursed his expenses incurred in California while detained on shore, in consequence of the commander of the squadron refusing to put him in command of the United States propeller Edith.

As the commander of the squadron, whom Mr. Meade so insidiously attacks, I feel called on to state the facts of the case, from which the committee will be better enabled to decide on the merits of Mr. Meade's claim on the public treasury *in consequence of any act of mine*, as commander of the Pacific squadron.

It is true that Mr. Meade was sent to California by the Secretary of the Navy, in 1849, for the command of the Edith, about to be transferred from the army to the navy, and she was so transferred in the month of June, but in an *unservicable* condition; and that Lieutenant Meade arrived at San Francisco in the latter days of July of the same year, but without his *engineers or officers*, then on their voyage around Cape Horn, and from whom he had been separated at Boston, as I have always understood, at his own request, and allowed to go to California via Panama, for his personal convenience and accommodation. Be that as it may, Mr. Meade arrived at San Francisco four months before the officers and engineers, both indispensable for commissioning the Edith.

When Mr. Meade arrived at San Francisco, I was absent on a tour to the mines, with Gen. Persifor F. Smith and the Hon. T. Butler King, from which I returned to Benicia early in August, and was the same or next day called on by Lieut. Meade, from whom I learned that he had been on board the *Edith*, then at Sancilito in the hands of the machinists, seen her condition, and asked for leave of absence to engage in a private contract or other business until the *Edith* could be got ready, and her engineers should arrive.

A month before Mr. Meade's arrival I had entered into a contract with Mr. Arthur Siewerts, a very competent machinist, to put the *Edith*'s engines and propelling apparatus in thorough repair. Three months were allowed to complete the repairs, and Lieut. James McCormick, then my flag-lieutenant, was put in temporary charge of the *Edith*, as *superintendent of the work* to be done on her. There was no government navy-yard in California, no government machinists to make the repairs, nor public accommodations on shore at Sancilito, the only place at that time in California where such repairs could be effected. The workmen, with Lieut. McCormick, were all compelled to mess together, and occupy one and the same apartment (her only cabin) on board the *Edith*, and live from hand to mouth as they best could. Such was the state and condition of the *Edith* when Lieut. Meade reached San Francisco, in my absence, as will be seen by Commander Long's report accompanying.

As soon as Lieut. McCormick heard of Lieut. Meade's arrival, he invited him to share his rough fare on board the *Edith* until I should return. Mr. Meade accepted the invitation, but his sojourn on board the *Edith* was very brief; for, finding himself in such company, he conducted himself in such manner as to disgust the contractors and machinists, who at once declared that if "*that man*," meaning Mr. Meade, had anything to do with the *Edith*, they would throw up their contract, even at the risk of losing the work they had already done. Lieut. Meade left the *Edith* of his own accord, and went to Benicia, where we had our first interview as above stated.

The temporary leave of absence he requested was granted. I saw him occasionally afterwards at San Francisco, but he made no complaints, nor application for orders to the *Edith*, until the Hon. Mr. King, under authority from the Navy Department, had made an urgent requisition on me for that vessel to go on special service for about three weeks. The repairs on the *Edith* were far from being completed, and the contract for their completion had several weeks to run. If they had been completed, there were no *engineers* of the navy to put on board of her; and those who were employed to make the repairs, and whom Lieut. Meade had already treated with so much contumely, positively refused to go to sea in the *Edith* with him.

The requisition for the *Edith* was urgent, and she could not move *without engineers*, who had to work night and day to get her off in time, and with the moral certainty of having full employment in completing the repairs during the contemplated absence.

The second or third night out from San Francisco the *Edith* was

stranded to the northward of Point Conception, on a part of the coast incorrectly laid down by all charts of that day.

To inquire into the loss of the Edith a court was duly instituted, and after full investigation reported the loss accidental, and that no blame could be justly attached to Lieut. McCormick, his officers or crew.

Here it may be proper for me to state, that when Lieut. Meade called to claim the Edith, at San Francisco, in August, I stated some of the insurmountable obstacles to placing him in command *at that time*—such as her condition, want of officers, engineers, and men, and until the repairs under contract were completed. He appeared perfectly satisfied, and said he neither expected it nor wished it then, but that he thought it proper to put in his claim and receive my written reply; adding, that he had already, or was about to enter into a contract to haul up the ship Neatic, to be converted into a warehouse by a mercantile firm, having failed in making another contract, by which he had expected to clear twelve thousand dollars.

As soon as official intelligence of the Edith's loss reached me, I tendered Lieut. Meade the command of the Southampton—a command much desired by officers of his class in the navy—which command he declined, and asked leave to return to Washington, stating verbally to me that his chief object for going to California was to get his son *adopted by that Territory* for appointment in the navy; and having obtained the necessary recommendations, he was anxious to return to Washington, to secure his son's appointment of midshipman.

The committee will thus perceive that Lieut. Meade's arrival in California *four months* in advance of the Edith's officers and *engineers*, was for his own personal convenience and *private* ends. That when he did so arrive, he was invited to live on board the Edith, with Lieut. McCormick, while the Edith was undergoing indispensable repairs; and that he left the Edith in disgust, and asked for and was granted leave of absence, to go his way, until the Edith's officers, then on the passage from Boston via Cape Horn, (not expected before October, and who did not arrive before December,) should reach their destination.

That he did *voluntarily* remain, untrammelled in his action and time, till the loss of the Edith was officially reported to me, when I immediately offered Lieut. Meade a command, preferable to the Edith's in some respects, which command he declined, and asked for orders to return to Washington, for the reasons I have already stated.

All of which I most respectfully submit to the consideration of the Senate Committee on Naval Affairs; and have the honor to be,

Your most obedient servant,

THOS. AP C. JONES,
Late Commanding Pacific Squadron.

Hon. S. R. MALLORY,
Senator from Florida.

C.

WASHINGTON CITY, *February 18, 1853.*

DEAR SIR: In compliance with your request, that I would state the facts which came to my knowledge while secretary to the commander-in-chief of the Pacific squadron, in relation to the renting or leasing the steam saw and grist mill which was sent to California by the Navy Department, I have to say:

The mill was brought out in separate parts. A portion of the large timbers, the frame, and the carriage or ways, were brought out in an army transport sometime in the summer of 1848, and were put ashore on the beach at San Francisco, near the quartermaster's depot. Other portions, including parts of the machinery, were brought out in the ship *Chile*, and were not delivered till the spring of 1849. Soon after your arrival at San Francisco, in November, 1848, seeing in what condition those parts of the mill which had arrived had been left, you ordered them to be got together, and had them drawn up out of the reach of the tide and piled up on an unenclosed and otherwise unoccupied lot near the water. House-room could not have been procured, and the cost of stowage, if it could have been obtained in any of the few lumber yards, would soon have exceeded the value of the whole mill and machinery. Had all the parts of the mill and machinery been sent out in the same vessel, and could it have been immediately erected, it would have been very serviceable to the government and to the public. There were no docks or piers, and but one or two wharves; which, however, extended so short a distance in the mud-flat, that even a small boat could not reach either of them at low water. One of these wharves had been built by the quartermaster's department out of timber and lumber furnished from a government saw-mill erected at or near San Raphael, and worked by individuals for a certain proportion of the plank or lumber sawed. A public wharf, accessible at all tides, was therefore much required for naval as well as commercial purposes; but the high price of labor and the impossibility of employing the carpenters and mechanics of the squadron on shore, rendered it impracticable for you to have had the mill erected, even had all its parts and machinery been delivered. Upon more than one occasion I heard you express your fears that the ways and other portions of the machinery would be ruined by exposure to the weather, or rendered useless by having some of the pieces broken or stolen before the residue should arrive. The disposal of the mill was therefore a subject of frequent consultation; and to my knowledge, you inquired of various persons upon what terms they would take it in its then condition and put it in operation after all the machinery should arrive and be delivered. There was great demand for lumber at the time, common plank or boards selling for \$250 to \$500 per thousand feet; but yet few persons were willing to take the mill on the conditions you insisted should be stipulated in the contract—that is to say, the right of the government to terminate the lease at a short notice. For, although in a possible contingency the profits might be large, yet the immediate outlay and cost of erecting the mill and carrying it on would be very great, and the only reasonable chance of reimbursement depended on an uninterrupted use

and enjoyment of the mill for some time after it should be put in operation. This apprehended interruption in the profitable employment of the mill did in fact actually occur, and resulted, as I have reason to believe, in great loss to the parties who erected the mill or subsequently put it in operation.

I was present when Lieutenant James McCormick, then your flag-lieutenant, made application for the mill, which he proposed to erect for the use of it for a given time, and I distinctly recollect your rather abrupt interruption and refusal of his proposals; intimating, if not expressly saying in so many words, how much you were annoyed by the frequent applications of the officers under your command for transfers, furloughs, and leaves to engage in private enterprises. Some time subsequent to Lieutenant McCormick's application, and on or about the 6th of January, 1849, as shown by a paper writing now in my possession, to the execution of which I was a witness, the mill was leased by you to Mr. Robert A. Parker, at that time considered one of the wealthiest, as he was decidedly the most enterprising merchant of San Francisco. I understood at the time that Mr. Merrill, a master-builder and one of the most responsible mechanics at San Francisco, was concerned with Mr. Parker in the lease, and was to erect and work the mill.

When, in what manner, and to what extent Lieutenant McCormick became interested in the saw-mill, I do not know. My impression is, that he became concerned in the following April or May, after he and other officers of the squadron became interested with the said Parker, in a town which they laid out at Sancilito. Mr. Parker went to live there, and was the first who made any improvements, having established a hotel, put up one or more storehouses, and commenced building a wharf. It was at his instance, as I always understood, that the mill was erected at Sancilito, the best place in every respect, but especially on account of the facility of procuring saw-logs from the "red-woods" in the neighborhood, that could have been selected on the Bay of San Francisco. I do not know that you were aware that Lieutenant McCormick was concerned in the contract entered into with Mr. Parker in January, 1849, if such indeed was the fact; nor do I know what modifications, if any, were made in that contract. I recollect that you approved of the mill being erected at Sancilito instead of San Francisco, as was at first stipulated; not only because you considered Sancilito the more eligible situation, but because you thought its erection on the spot selected would be favorable to the interests of the government in the event of the lease being determined and the mill reclaimed, as you often *argued*, in conversation with me and others, that under the laws of Mexico the land on which the mill was being erected, as well as the whole water-front of the embryo town, was public property.

In reference to your second inquiry, "as to my knowledge of the circumstances connected with the repairs of the propeller Edith." I have to state, that although I was one of the delegates to the convention for whose accommodation the Edith was, as I have understood, got ready for sea with all possible despatch, I never was on board of her and know nothing further than what was common report as to her condition, except what I learned from Mr. Siewerts, the contractor for repairing her machinery, whom I personally knew, and believe was con-

sidered one of the most scientific as well as practical machinists then in California. Whether Mr. Siewerts was or was not engaged on the saw-mill while superintending the repairs of the Edith, I do not know. Being a mere contractor for a certain amount of work, at a certain price, to be executed within a certain time, he had, I suppose, a right to undertake as many jobs as he thought proper. The taking of the Edith to Sancilito, was certainly a great accommodation to the contractor, as well as to Lieutenant McCormick, the officer who had her in charge; but at the same time, it is well known that no other place in California (not even excepting Benicia) afforded at that time such facilities for repairing and refitting vessels; for, besides a good and safe anchorage and great facilities of beaching or heaving down a vessel, there was pure water, abundance of timber, plenty of room ashore, and a good smithery already in operation at Sancilito.

I have the honor to be, very respectfully, your obedient servant,
WM. M. STEUART.

Com. THOS. AP C. JONES,
Late Commander-in-chief Pacific Squadron.

DISTRICT OF COLUMBIA, }
Washington County. } *set:*

Personally appeared before the subscriber, a justice of the peace in and for the District and county aforesaid, Colonel William M. Steuart, who is known to me to be the person who signed the within and foregoing letter, and made oath, on the Holy Evangely of Almighty God, that the facts set forth therein by him are just and true, to the best of his knowledge and belief.

[L. S.] Given under my hand and seal, this twenty-first day of February, 1853.

WM. R. WOODWARD, J. P.

D.

WASHINGTON, *February 10, 1853.*

SIR: Having been informed that, in a certain matter submitted to your consideration, an erroneous statement has been made as to the quantity of coal given to our firm in San Francisco, by order of Commodore Thomas Ap C. Jones, from the steamer Edith, I deem it just and proper to lay before you the facts, which are briefly as follows:

During the month of June, 1849, after completing the erection of our small furnace for the smelting of gold dust, we desired, in order to test the draught of the flue, a few pounds of coal, which we procured by application to the navy agent, R. M. Price, esq., from the steamer Edith, on the order of Commodore Jones. The coal was placed in five or six bags, and probably weighed three or four hundred pounds, (say 300,) conveyed from the steamer in a small boat; and we regarded it as simply an accommodation—too trifling, so far as the intrinsic value was concerned, to even offer payment for.

Within a week we obtained our expected supply of coal, and promptly offered to Commander McCormick, of the Edith, to return the few bags he had so kindly loaned us. Whether it was ever returned or not, I have forgotten.

More than a year since, Lieutenant Meade called on me in New York, and stated that he was informed "a large quantity of coal had been sold to our firm by Commodore Jones, for which he had received payment, and that he intended to lay the matter before Congress," &c. I distinctly informed him that such was *not the fact*, and then related to him what I have written; and I added, that if any such statement was made, I should contradict it.

Having recently learned that "such a statement" has been made, I deem it but an act of justice to Commodore Jones to put you in possession of the whole truth in relation to the matter.

I have the honor to be, your obedient servant,

JOS. R. CURTIS,
Of Curtis, Perry & Ward,
U. S. Assay Office, San Francisco, California,
Now at National Hotel, Washington.

Hon. F. P. STANTON,
Chairman Committee on Naval Affairs, H. R.

This letter was enclosed to me by the writer the day of its date.

THOS. AP C. JONES.

E.

ROOMS AT HOTEL,
Washington City, February 16, 1853.

MY DEAR SIR: It is true, as you state in your note of last evening, that you were deprived of my testimony before the court-martial. The summons which I received to attend that court, as a witness in your behalf, did not reach me until long after the assembling of the court, and not, as I think, until after its final adjournment. Situated, however, as I then was, in California, with the large and constantly increasing business of the port and the district, it would have been impossible for me to have attended the court, even had the summons reached me in time. To me this has always been a source of regret. Justice to you, and to the country, required that you should have been fully heard in defence of the charges preferred against you, and upon which the court was called upon to pass. You now ask me to state, as briefly as I can, what would have been my testimony before the court, touching your conduct and acts as commander-in-chief of the naval forces at and about San Francisco, from the time I entered on the duties of my office as collector of customs for Upper California, and down to the period of your leaving the country in July, 1850. To this inquiry I should then have answered before *that* court, that in my opinion no man could have discharged the responsible and important duties of the station you filled with more integrity, more promptness, more honesty and firmness of purpose, than Commodore Jones. No man could have given more

entire satisfaction to the people of California than did you, for no one could have been more devoted to the service, or have understood the wants and condition of the country better, if as well as yourself. In almost daily communication with you, and being compelled to call upon you for aid in suppressing mutinies, of constant occurrence in the port of San Francisco, to consult and advise with you in the then existing, and I may say, at one time, perilous state of affairs, I had an opportunity of forming an opinion, from facts and occurrences within my own knowledge, of the manner in which your duties were performed. The condition of things in California, at that time, is without parallel in the world's history. Without a government, without laws or courts, recognised by the constitution, with a people intensely excited, with an amount of suffering which can hardly be conceived, much less described, you were always at your post, rendering the most prompt and efficient aid in any and every emergency. Such, sir, is my opinion of your official conduct, and in this, I think, I am sustained by the people of California, and especially by the entire body of merchants and ship-masters with whose opinions I was familiar, and with whom I was almost hourly in communication. Such is the opinion, too, of the several citizens of California, now in this city, with whom I have conversed. To me it is a matter of deep regret that the testimony of the commercial portion of San Francisco could not have been heard before the court martial.

Your *reputation*, which I know you value more than life itself, would then, I cannot but think, have been spared the imputations which the sentence of that court passed upon you, and the whole country would then have known, and the more highly appreciated, the value of your services.

I have the honor to be, sir, most respectfully, your friend,

J. COLLIER.

Com. THOS. AP C. JONES,

United States Navy.

True copy of the original in the hands of Commodore Thos. Ap C. Jones.

J. T. GORDON

NEW YORK, *December 24, 1852.*

SIR: In reply to your communication, stating that my name had been placed on the list of witnesses in the claim of James McCormick for building a steam saw-mill at Sancilito, in California, I have to state that I know nothing in relation to it; nor do I know of any one having been employed in building the said saw-mill, and receiving his pay from the United States government.

Respectfully, yours,

THOMAS B. NALLE.

A. WELSH, Esq.,

U. S. N., Washington, D. C.

BOSTON, MASS., *February 14, 1853.*

SIR: In reply to your communication, stating that my name is on a list of witnesses, in reference to a claim for building a saw-mill at San-cito, California, I have to inform you that I know nothing in relation to the building of said saw-mill—whether there were or were not persons in the pay of the United States government employed in its construction.

I am, sir, respectfully, yours,

WILLIAM GIBSON,

Passed Midshipman, U. S. N.

A. WELSH, Esq.,

Purser, U. S. N., Washington city, D. C.

HOUSE OF REPRESENTATIVES,

February 23, 1853.

SIR: The Speaker will remember, that on Tuesday last he presented to the House of Representatives a letter from T. Ap Catesby Jones, captain United States navy, which was referred to the Committee on Naval Affairs, and ordered to be printed, on motion of a gentleman from Virginia, [Mr. Boccock.]

From what I could hear of the letter, as indistinctly read at the Clerk's table, I supposed it had reference to the bill for the relief of James McCormick, "or his properly authorized agent," and I moved to amend the motion of the gentleman from Virginia by ordering the printing also of certain papers now before the Committee on Naval Affairs, relating to that claim. The propriety of my amendment was at once seen by the gentleman from Virginia. He assented to it, as he did subsequently to another motion to print all the papers as an act of justice to Lieutenant Meade, who I ascertained was assailed grossly in Commodore Jones's letter.

On examining the papers accompanying Commodore Jones's letter, but not read at the Clerk's table, for they were presented to the House under a sealed envelope, I find he uses language reflecting on me. He states that Lieutenant R. W. Meade had renewed his libellous attacks on him, (Commodore Jones,) "aided now by a member of the House of Representatives, the Hon. Edward Stanly, known to be extremely inimical to me," (Commodore Jones.)

I do not propose now to speak of Commodore Jones's letter as it deserves, or as I might be justified in doing, nor on the impropriety of his reflecting on the official conduct of a member of this House—and that, too, without informing himself of the truth.

If I were "extremely inimical" to him—if I had been malicious enough to desire the ruin of his character—my object would have been accomplished by the judgment of his peers who tried him. I refer to "the proceedings of a court-martial on Commodore Thomas Ap Catesby Jones," &c., &c. (Ex. Doc., Sen., No. 45, 31st Cong., 2d scss.)

I will not refer to the judgment in detail. I am, as a member of Congress, rather inclined to throw a veil over the terrible exposure made of Commodore Jones. My purpose is not now to repel the charge made on me, since, independently of the proceedings of the court-martial, I am above its reach, but to do justice to Lieutenant Meade. As I understand the facts, Lieutenant Meade resigned his commission on a point of honor. He had solicited investigation, which was denied him, and thought he had been unjustly dealt with by Commodore Jones. His friends who examined the case, concurred in this opinion. Being unwilling the navy should lose so gallant an officer, they applied to the Executive for his restoration. The Committee on Naval Affairs of the Senate, I heard, unanimously recommended his restoration.

The illustrious Henry Clay, having known Mr. Meade from his childhood, and having understood all the facts, earnestly solicited he should be restored, as I heard from his own lips. This was enough, apart from other considerations, to command my sympathy. Before Mr. Meade's restoration, he had, as I understood, addressed the Committee on Naval Affairs in this House, or in the Senate, making complaint of Commodore Jones, and asking an investigation in vindication of his own character. When I heard of Mr. Meade's restoration, (though "extremely inimical,") I was guilty of the presumption of asking him, on his own account, to forget all cause of quarrel he might have against the Commodore; that his (Meade's) restoration was tantamount to an acquittal, and I thought it would injure him to carry on his warfare, especially after the publication of the proceedings of the court-martial before referred to.

If Lieutenant Meade is attacking Commodore Jones, I am not aware of it; if he intends or desires to do it, I have no knowledge of it. He has never made known any such purpose to me. I hope he entertains none such. I do not believe he ever thought of renewing any attack on Commodore Jones. If he were to consult me, I should advise him to forbear, not because he has no justification, but because Commodore Jones is not able to injure him. As I mentioned in the House on Tuesday, my attention was called more than once to the McCormick claim, by *those who were interested in it*, outside of this Hall. I examined the report, and found the facts not all stated, and thought the claim unjust. Having accidentally seen in a newspaper that the Committee on Printing in the Senate had asked to be discharged from the consideration of the papers relating to the subjects referred to in the McCormick case, I examined them, and the gentleman from New Jersey, [Mr. Price,] who thought the claim a just one, united in a letter with me, asking Mr. Hamlin, of the Senate, to allow us to have access to the papers. On Mr. Hamlin's motion, the papers were ordered to be sent to the House, and, on my motion, referred to the Committee on Naval Affairs, before whom the McCormick case was pending. That is the head and front of my offence. I do not know that Lieutenant Meade is informed of my action, even through the newspapers. I acted on my own responsibility, without any intimation from him of what he wished, and without any consultation with him, and without knowing that what I had done would be agreeable to him.

So far from being desirous to aid any one to attack Commodore Jones, when the papers were referred to the Committee on Naval Affairs, I took them, in presence of the chairman of that committee, [Hon. Mr. Stanton, of Tennessee,] and marked those parcels which referred to the McCormick case, and asked him to mark them. He did so. I told him those not marked contained allusions to Commodore Jones, which I did not wish should be published, referring to other charges against him, and though he was entitled to no consideration from me, I had no wish to annoy him by any revelation of what was contained in the parcels not marked. So far from being "extremely inimical" to him, I desired to suppress the publication of what he calls "libellous attacks."

Commodore Jones is greatly mistaken in supposing I am "extremely inimical" to him. He cannot blame me for not being warmly attached to him, inasmuch as he was not only tried and convicted of high offences, but also of "oppression" of Lieutenant Fabius Stanly, who is my brother. I am not more inimical to Commodore Jones than any other gentleman would be, under the same circumstances.

Of Lieutenant Stanly's character as a gentleman and an officer, it does not become me to speak. I am willing to abide by the opinion of those who have known him in peace and served with him in war, and by the published records of the country.

Commodore Jones does not know me, or he would not accuse me of aiding any man to attack him. I have made no efforts to revive old quarrels, the existence of which I always deeply regretted.

Commodore Jones will now be heard, in the paper sent to the House by him on Tuesday. I have no objection, but, inasmuch as he referred, in his usual style, to Lieutenant Stanly, without provocation, and disregarded the truth in his reference, I shall ask the favor of the House to allow me to introduce a resolution calling for a copy of the proceedings of the trial of that officer, to which Commodore Jones has referred.

There are other persons assailed by Commodore Jones in his letter to the House, but they require no defence at my hands. They need only refer to the trial of Commodore T. Ap Catesby Jones, Thirty-first Congress, second session, Senate executive document No. 45, to satisfy every honest man that his vituperation can injure no man of good character.

EDWARD STANLY.

HON. LINN BOYD,

Speaker of the House of Representatives.