

REPORT

FROM

THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT,
November 30, 1839.

SIR: In the performance of a duty annually devolving on this department, I have the honor to submit the following report:

The squadron now employed in the Mediterranean comprises the Ohio ship of the line, the frigate Brandywine, and the sloop of war Cyane—the whole commanded by Commodore Isaac Hull. No interruption to our commerce has occurred in that sea since my last report; and by the answers of the respective consuls of the United States, resident at the principal ports, to the queries of our commanders, copies of which have been received at the department, it appears that no obstacle is thrown in its way by the authorities of any nation on its borders.

At the date of my last annual report, the force in the Pacific, under Commodore Ballard, consisted of a ship of the line, two sloops of war, and two schooners. The ship of the line and one of the schooners have returned to the United States; the other schooner is now on her way; the two sloops of war have been ordered home, the period of their cruise having expired, and may be expected early in the spring.

To supply the place of the force thus withdrawn, a frigate of the first class, under Commodore Claxton, who succeeds Commodore Ballard, sailed from New York in May last, with instructions to land our Minister, Mr. Ellis, at Vera Cruz, and thence proceed with all diligence to her destination. She has been followed by a sloop of war and a schooner, and the squadron now consists of a frigate, a sloop of war, and a schooner, all of which, it is presumed, are now on the station. By the latest accounts, affairs in that quarter continued in a state of great confusion and uncertainty. Revolutions of rulers rather than principles still agitate these regions so favored by nature, and the commerce of neutrals continues to require the protection of a competent naval force.

Commodore Claxton has been directed to employ one of his vessels in cruising within the gulf of California, and along the northwest coast of America; and, if circumstances will permit, to despatch another to visit the Sandwich and Friendly islands, with a view to afford countenance and protection to vessels of the United States employed in the whale fisheries.

The squadron on the Brazilian station, under Commodore Nicolson, comprises a razee and a sloop of war; the brig Dolphin having been ordered home for repairs, and to convey to the United States the seamen whose term of service had expired, or was about to expire. The frigate United States, under Commodore Ridgely, appointed to succeed Com-

modore Nicolson, is fitting out for the purpose of relieving that officer, and is now on the eve of sailing.

The sloop Marion has preceded the United States, and the brig Enterprise is also destined for that station. The squadron will consist of a frigate, a sloop of war, and a brig, and will be increased as occasion requires.

Internal dissensions still agitate the states bordering on the river La Plata apparently with increasing violence; the novel system of a war of blockade, so vexatious to neutral commerce, continues to be prosecuted by France, and the necessity for a naval force in that quarter is increased rather than diminished.

The squadron operating in the gulf of Mexico and the West Indies, was reinforced by two sloops of war, and the whole placed under Commodore Wm. B. Shubrick, appointed to succeed Commodore Dallas, who retired from the command. The misunderstanding at that time existing between Mexico and France having since been adjusted, and the latter having relinquished the blockade of the ports of the former, two sloops of war and a schooner, which were ordered to the north for repairs, have not been replaced by others.

The schooner, after undergoing the necessary repairs, was employed on special service. She has since returned, and is now destined for a cruise on the coast of Africa.

Subsequently to the withdrawal of these vessels from the West India station, a third sloop of war, requiring extensive repairs, was ordered to the north, and has arrived at Norfolk. The squadron now comprises a frigate and four sloops of war, which may be increased should circumstances indicate the propriety of such a measure.

The force employed in the Indian and China seas consists of the frigate Columbia, and corvette John Adams, under Commodore Read, who arrived at Macao the 28th of April last, and continued there, by the last accounts, at the earnest solicitations of the American consul and citizens resident at Canton, who considered themselves in a somewhat critical position, in consequence of the decisive measures taken by the Chinese government for the suppression of the illicit trade in opium carried on by English residents at that place. These apprehensions were, however, subsiding, and it is presumed that Commodore Read has long since proceeded in fulfilling his general instructions.

While at Columbo having received information that a daring act of piracy, accompanied by the murder of two American citizens, had been recently committed by the inhabitants of Muckie, in the island of Sumatra, Commodore Read, acting under his general instructions, promptly proceeded to the scene of outrage. Here having vainly sought redress by the restoration of the plundered property and the surrender of the murderers, he inflicted a severe and merited chastisement on the barbarians.

The South sea exploring expedition left the island of Madeira the 28th of September, 1838, and arrived at Rio Janeiro the 23d of November following. After replenishing his stores, and refreshing his crews, Lieutenant Wilkes then proceeded, in the execution of his instructions, to survey the mouth of Rio Negro and its neighboring coasts. Thence he proceeds to Terra del Fuego, where, leaving a portion of the squadron and scientific corps to prosecute their researches, he stretched into the Southern ocean, between the 105th degree of west longitude and the western coast of

Palmer's land ; returning, he joined the vessels left at Terra del Fuego, and arrived at Valparaiso on the 15th of May, 1839. During the passage, the squadron separated in a severe gale, and did not join company till the 25th of March.

A portion of the squadron penetrated to the 70th degree of south latitude, where it encountered vast masses of ice, and narrowly escaped being frozen up. Lieutenant Wilkes became satisfied that, owing to the lateness of the season, it was impossible to make any further progress, and the undertaking was relinquished with the intention of resuming it at a more favorable time of the year.

The expedition, with the exception of the *Sea Gull*, which separated in a gale, arrived at Valparaiso the 15th of May last ; left that port for Callao the 6th of June, and sailed thence for the Sandwich islands, since which time no despatches have been received from the commanding officer.

Thus far the expedition has not been without benefit to commerce, having ascertained beyond all reasonable doubt, that various shoals and obstructions laid down in charts have no existence.

The officers, whether employed in professional duties or scientific pursuits, are stated by Lieutenant Wilkes to be ardent and indefatigable in their exertions ; and there is reason to believe, that if no new discoveries are made of unknown lands or islands, it will be because none exist in that region of the globe.

The steam-frigate *Fulton* has been employed during the past season under Captain Perry, who is charged with their superintendence, in prosecuting various experiments with Paixhan guns, a circumstantial report of which is daily expected. There is little reason to doubt that the results will be highly interesting and important.

The surveys directed by acts of Congress have been prosecuted to the extent of the means placed at the disposal of the department. Under the act of the 3d of March, 1837, the United States schooner *Experiment*, and steamer *Engineer*, loaned by the War Department, have been employed under the direction of Lieutenant Glynn in surveying the harbors of Beaufort and Wilmington, North Carolina. These surveys have been completed, and will be laid before Congress at the present session.

The United States brig *Consort* is now fitting out under Lieutenant Glynn for the purpose of completing other surveys, directed by the same act, which were relinquished in consequence of the sickness of his officers. It is confidently anticipated that the whole will be completed and a report made to Congress previous to its adjournment.

In compliance with the provisions of the second section of the act making appropriations for the naval service of the year 1839, two steam-frigates have been commenced, one at New York, the other at Philadelphia. The engines and boilers have been contracted for, and are now in progress. These two vessels will be built on the same model, one to be propelled by vertical, the other by engines on an inclined plane of the same power, with a view to test their respective advantages and disadvantages, there being a great diversity of opinion on this question among practical engineers. The third steam-frigate authorized by the act aforesaid, has not yet been put on the stocks, it being in contemplation to adopt a model presented by a distinguished officer of the navy to be propelled by a different description of machinery.

By your direction, the schooner *Grampus*, under Lieut. Paine, sailed from Norfolk in September last, for the coast of Newfoundland, with instructions to inquire into the nature and causes of the seizure and condemnation of certain American vessels engaged in the fisheries. Lieut. Paine has returned, after performing this duty in a satisfactory manner, and reported the result of his cruise.

The frequent and increasing violations of the laws for suppressing the slave trade on the coast of Africa, by vessels owned by foreigners, but prostituting the flag of the United States to their nefarious purposes, induced you to direct that two fast sailing vessels, of the smaller class, should be fitted out, for the purpose of arresting these violations of our laws and of the rights of the people of Africa. One will probably have sailed before this report is received, and the other is only waiting the completion of some necessary repairs to follow with all practicable despatch.

Navy pension fund.—The number of invalid pensioners is 456, and the sum annually required to pay them is \$38,844 74. The number of widow pensioners is 330, and the annual amount of their pensions is \$62,064. The number of minor children pensioners is 115, and the amount of their pensions is \$14,314; making an aggregate of 901 pensioners, and \$110,122 74.

The amount of stocks to the credit of the Navy pension

fund, 1st of October, 1838, was	-	-	-	-	\$390,832 25
On the 1st of October, 1839	-	-	-	-	253,139 00
Difference	-	-	-	-	<u>137,693 25</u>

Which sum was applied to the payment of pensions granted by acts of Congress, and accounts reported by the Fourth Auditor and Second Comptroller.

About \$55,000 will be required to pay pensions, which will become due the 1st of January, 1840, and to meet arrearages as they may be reported.

The whole amount of the fund having heretofore been invested in bank, State, and corporation stocks, which are now greatly depreciated, the sum above stated cannot probably be realized by the sale of less than \$80,000 or \$90,000 of stocks. In the hope that they may in some degree recover from this state of depression, and unwilling to make so great a sacrifice, I would suggest that the subject be brought to the early attention of Congress.

On the 3d of March, 1837, the capital of the navy pension fund was \$1,115,329 53; and previously to the act of Congress of that date "for the more equitable administration of the navy pension fund," the annual interest and dividends were sufficient to defray all the expenditures. Under this act the navy pension fund has decreased with increasing celerity, a large portion of the pensions granted in conformity with its provisions involving arrearages commencing many years anterior to its passage.

The pensions to invalids now on the list are for life, and not during the continuance of disability, as was the case before the passage of the act of the 14th of July, 1832; those to widows until they shall marry or die; and those to children until they attain the age of twenty-one years. It is therefore certain that at the end of two years, at farthest, the navy pension fund will be exhausted. Under the existing laws there is not

the least prospect of any decrease in the number of pensioners or the amount of their pensions; and, consequently, Congress will be called upon to redeem the pledge contained in the ninth section of the act of 23d April, 1800, to make good any deficiency in the navy pension fund arising out of its own legislation.

The first section of the act of 3d March, 1837, provides that pensions to widows or children shall be paid from the date of the demise of the husbands or fathers. The only condition is, that the demise shall have happened in the naval service. No distinction whatever is made in regard to the cause or manner of death, or the period of service of the deceased; all are placed on the same footing, and all alike partake of the national bounty.

Arrearages of pensions for more than thirty-seven years, in one instance involving the payment of more than \$20,000, have been paid under this section, which has mainly caused the rapid diminution of a fund originally constituted for the sole purpose of providing for officers and seamen only, disabled in the naval service.

A claim has been presented on account of an individual who died in 1800, about a month after his entry into the service, and if allowed, a large sum will be required to pay it. But not being certain that this first section was intended to authorize such profuse expenditure of the navy pension fund, I have suspended the payment, and now refer the claim for the decision of Congress. Copies of the proof in the case are herewith submitted, marked N, No. 8.

The second section of the same act provides, that "pensions which may have been granted, or which shall hereafter be granted to officers, seamen, and marines, in the naval service, disabled by wounds or injuries received in the line of their duty, shall commence from the time when they were disabled." It has been found impossible to discriminate, with any degree of accuracy, in cases occurring at such remote periods, as to the precise time at which the disability commenced, and the date of the wound or injury has necessarily been assumed, as that of the commencement of the pension, although, in many cases, there were strong circumstances indicating that the disability did not occur until long afterward. It may also be remarked, that under this section of the act of 3d of March, 1837, in connexion with the 8th section of the act of 23d April, 1800, persons wounded or otherwise injured thirty or thirty-five years ago, may receive pensions, commencing from the time when the injuries were sustained, although they have remained in the service ever since, in the enjoyment of full pay, and must continue to do so until Congress shall otherwise direct.

Under the liberal construction given to the navy pension laws of the United States, it has been heretofore assumed that full pensions and full pay may be allowed at one and the same time, to the same persons. And sometimes it has not been considered necessary, or even discretionary, in executing these laws, to exclude persons afflicted with diseases and infirmities, to which mankind are subjected in every situation, and under all circumstances of life. It is at all times difficult to discriminate between disabilities occasioned by hereditary or constitutional predisposition to disease, and those that are the direct and immediate consequence of the peculiar exposures incidental to the naval service.

A similar difficulty occurs in cases of disabilities, occasioned or aggravated by habits of intemperance and dissipation. Yet all these seem equally comprehended in the various provisions of the pension laws; and no matter what may have been the term of service, whether years, months, or days, all claim a share of the navy pension fund during life, under a liberal construction of the statutes. It is true that these laws declare that the proof must be satisfactory to the head of the department. Yet, what may satisfy one man, may not operate in like manner on another differently constituted; and hence has arisen much diversity of practice under the administration of different persons.

Accompanying this report is a document marked No. 7, exhibiting a statement and analysis of the various public acts of Congress, in relation to navy pensions and the navy pension fund. The multiplication of these laws, and the various constructions placed upon them at different times, seem to indicate the propriety of adopting a less complicated system. I would also take the occasion to state, that whatever disposition may be made of the subject, it has become necessary to relieve the head of the department from the labor and responsibility of this portion of his duties.

Almost every application for a pension involves the necessity of a close and critical examination of testimony, together with a reference to various laws, and the time required to do this as it ought to be done, materially interferes with other and indispensable avocations.

The act of 3d of March, 1837, on which I have thought it my duty to offer these remarks, has been the principal source of the decline of the navy pension fund. Under its operation, that fund has sunk, in little more than two years, from \$1,115,329 53 to \$253,139; and, as I have before stated, about \$55,000 will be required to meet demands, which will become due on the 1st of January, 1840.

I again take occasion to invite your attention to the appropriation for a dry dock at New York.

The sum of \$100,000, assigned in the year 1835 to that object, having, with the exception of a small amount for surveys, been no part of it expended, in consequence of difficulties in the selection of a site, has reverted to the Treasury. I earnestly recommend its reappropriation.

The discovery of a new and more capacious entrance into the harbor, by Lieutenant Gedney, which, if ever known, had been long since forgotten, has removed the only plausible objection hitherto urged against the expediency of a measure which appears to be recommended by so many considerations.

The central position of this port, the facilities resulting from its two entrances and outlets, at a great distance from each other, and the ample means the city affords for repairing, manning, and supplying vessels of war, all point it out as a station deserving peculiar attention. As an additional reason, it is proper to state, that two ships of the line are now lying at the navy yard in a state of rapid decay, which cannot be repaired without going into dock, and cannot be removed without almost a certainty of total loss. A very few years will place them beyond the reach of recovery, and they must be either broken up, or sink where they now are.

I deem it proper, also, to bring to your notice an abuse of great importance to the interests of the service. Numerous instances occur of the enlistment of minors, and it is obviously impossible to discriminate between those who are, and those who are not, of legal age.

After receiving the advance of pay, and becoming, perhaps, indebted to the purser in addition, they apply to a lawyer or magistrate, procure a *habeas corpus*, and obtain their release without any legal obligation to pay the debt thus contracted. The instructions to recruiting officers authorize them to cause an oath to be administered in cases of doubt; but it has been decided that its violation does not subject the offender to legal punishment. Cases analagous to these frequently occur in the enlistment of apprentices authorized by act of Congress. They are occasionally presented by persons claiming to be their parents or guardians, and received accordingly. After remaining until they are sufficiently educated, and capable of being useful to their real parents, the latter come forward, prove the whole case a fraud, procure a *habeas corpus*, and release the apprentice after he has been maintained and educated at the public expense.

I would, therefore, respectfully recommend the passage of a law authorizing recruiting officers to cause an oath to be administered to persons offering for enlistment in cases where their majority is doubted, and, in every case, to parents or guardians presenting boys as apprentices to the navy, the violation of which should be declared a perjury, and subject the offender to legal prosecution and punishment.

Should this system of apprenticeship be carried to the extent of which it is susceptible, I look forward to it as a source of great and lasting benefit to the navy. There is every reasonable prospect of its becoming a nursery for the supply of petty officers, one of the most important constituents in the service, nor can I doubt but that it may be made the means of supplying a large number of capable, intelligent seamen, more strongly attached to their country by the benefits she has conferred on them.

The result, thus far, has been highly encouraging. A spirit of excitement and emulation prevails among these boys: their conduct, with rare exceptions, is correct and exemplary; examples of profligacy and cases of desertion seldom occur; commanders of vessels of war are, without exception, anxious to have at least one-tenth of their crews composed of them; and the reports from receiving ships give uniform testimony to their general deportment, their habits of order and industry, and their capacity for the acquisition of those branches of learning, and that practical knowledge of their profession, which fit them for future usefulness.

I have endeavored to call the attention of magistrates, parents, and guardians, to the means afforded by this system, of providing for that large class of unfortunate children which has become so numerous, most especially in our large cities, and which is without the means or the prospect of a comfortable maintenance, or of acquiring even the rudiments of education. If, instead of permitting them to live in idleness, exposed to every temptation, and plunging prematurely into every vice, they were apprenticed to their country, they would receive such an education as befits their station, and acquire these habits of sobriety, honesty, order, and industry, which would go far to render those who are so apt to become the bane of society, efficient supporters of the honor and interests of their country.

Under the act of Congress which directed a revision and extension of the rules and regulations of the service, approved 19th May, 1832, a board of naval officers was convened by the department, and their proceedings communicated to Congress. No action, however, was taken by that body,

in consequence, and as by the provisions of the law, those regulations were not to be carried into effect until they had received its sanction, they have remained ever since a dead letter, never having been promulgated.

Believing, however, that a revision of the old regulations, with a view to their adaptation to laws subsequently passed, and for the purpose of taking advantage of the results of experience, would conduce to the good of the service, the department has directed the Board of Navy Commissioners, under the authority of the act by which it was constituted, to attend to that duty. The board is now engaged in its performance, at such intervals of leisure as the multiplicity of its other labors will permit. This revised system will probably be laid before Congress before the expiration of their present session, and it is believed, that, with some modification of the law "for the better government of the navy," passed in the year 1800, the whole will form a system, which, if administered, with a firm, steady, temperate perseverance, will, so far as its influence extends, sustain the navy of the United States on that eminence which it has attained in the estimation of all nations.

I feel confident, however, that the only sure and effectual means of maintaining the character and discipline of the service, is to keep in commission as many vessels, and employ as many officers in active duties, as is compatible with the resources of the country. This, after all, is the vital principle of professional excellence, and it is on this I rely as the only solid basis for a naval establishment, not formidable from the number of ships in ordinary or on the stocks, but for its experience, its discipline, and habits of hardy endurance. For this reason no diminution of the force in commission has been contemplated in the estimates herewith presented. All the retrenchments will be found in other branches of expenditure, and the current service of the ensuing year, has been left untouched and undiminished.

The estimates of the Board of Navy Commissioners, for the naval service of 1840, have been made with every regard to economy deemed compatible with the great interests of the country. Whenever variations occur between the present estimates and the preceding ones, short explanatory notes are appended, giving the reasons for the change.

I take this occasion respectfully to recommend the passage of a law, for bringing under one general head, all the special acts which authorize the building or rebuilding of particular vessels, as well as those relating to their repairs. A bill for this purpose was reported during the last session of Congress, and is presumed to have failed to become a law in consequence of inability to reach it in time. I conceive it will be highly advantageous to the service by placing materials for building, repairing, and equipping vessels generally, at the disposal of the department for all such purposes, at the precise period they are wanted, and before they deteriorate by time and exposure.

Another advantage would be, greatly simplifying accounts at all the naval stations by disbursing officers, and at the Treasury.

These, and other minor results of convenience and economy, in my opinion, all unite in recommending the measure.

Should the further sum of \$340,000 be transferred from the appropriation for the gradual improvement of the navy, towards completing the two steamers as proposed in the estimates, the remainder of that appropriation, amounting to \$410,000, which would become available in 1840, by the

existing laws, will not in all probability be necessary, as the balance on hand will be sufficient to meet all expenditures under that head for the ensuing year. That portion of the appropriation may, therefore, it is believed, be postponed until 1841, without injury to the service, should it be thought expedient, provided the whole amount of transfers is eventually returned.

It will be perceived that the Board of Navy Commissioners has again submitted an estimate for additional clerks, which are daily becoming more indispensable to the prompt discharge of the public business, committed to its superintendence. The multiplication of records, the labor of investigating past transactions, so often necessary to refer to, and which increases with the lapse of time, combined with the progressive expansion of the country, and the growth of the navy, all call for additional labor and additional means for its performance. The plan for a reorganization of the department, prepared in pursuance of a resolution adopted at the last session of Congress, contemplates such addition to the number of clerks, as is deemed essential to carry it into operation should it be adopted, and will render any further action on this point unnecessary.

Believing that the creation of a higher grade of rank, than is now recognised in the navy, will be advantageous to the service, for reasons which have been too often presented to require repetition, I again offer the subject to your consideration.

Enclosed is a schedule of the documents accompanying this report.

Respectfully submitted,

J. K. PAULDING.

To the PRESIDENT OF THE UNITED STATES.