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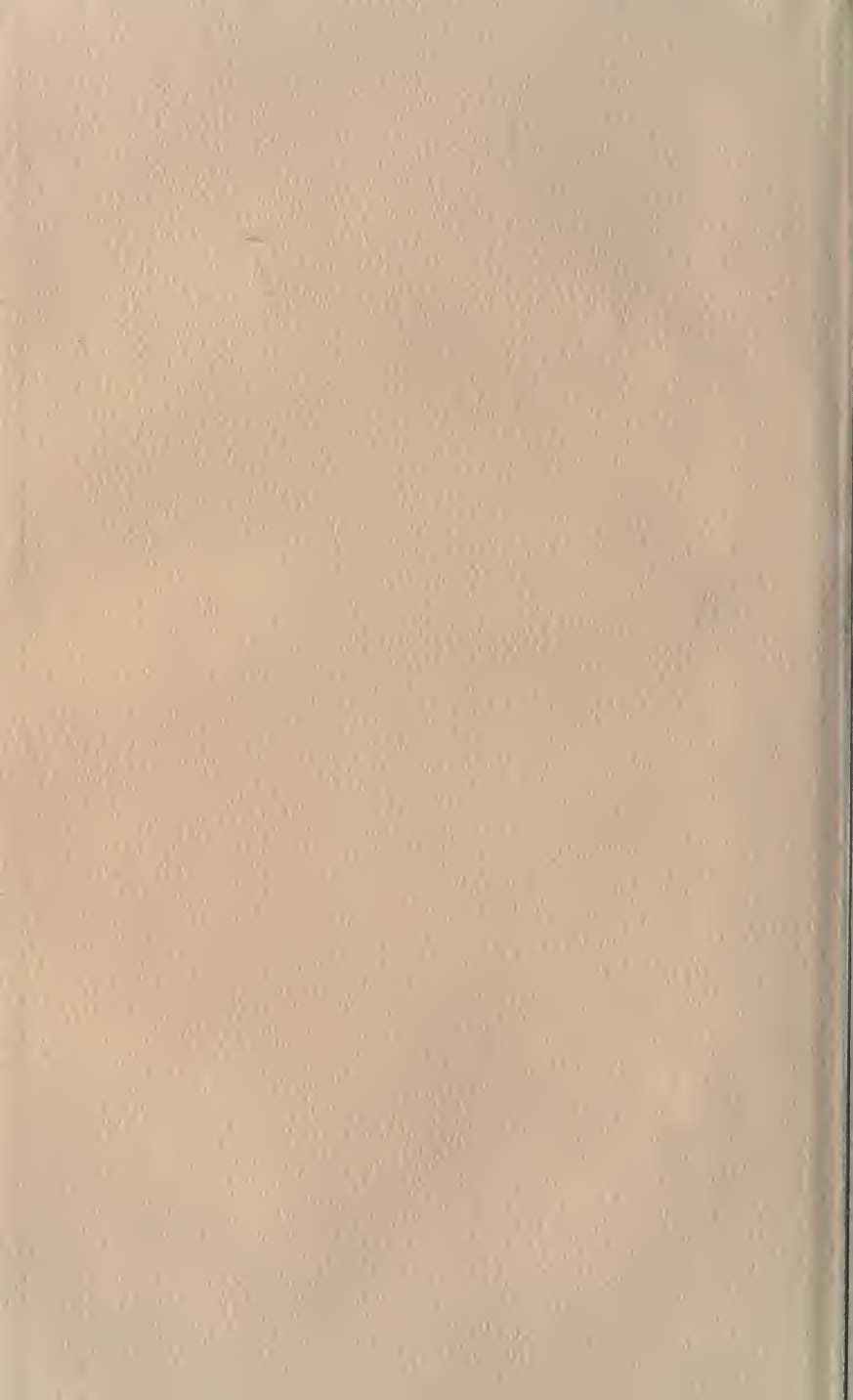
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IN SENATE
OF
THE UNITED STATES.

February 27, 1816.

Navy Department, February 26, 1816.

SIR,

In obedience to a resolution of the honourable Senate of the United States, of the 8th instant, I have the honour to transmit herewith the papers, A, B, C, D, E, F, which contain all the information that the records and files of this department afford upon the several subjects of inquiry.

- A, (No. 1 to 32,) contains copies of correspondence, and other papers, relative to the negotiation for the purchase of the captured ship Cyane.
- B, (No. 1 and 2,) contains all the direct information relative to the ship Alert; by which it appears, that ship was purchased at the marshal's sales, at a very low price.
- C, Copy of a decree of the United States district court of New-York, adjudging the ship Macedonian to the captors, at the valuation of two hundred thousand dollars.

- D, (No. 1 and 2,) relative to the purchase of the sloop of war Epervier.
- E, Extract of a letter from the Secretary of the Navy to captain David Porter, confirming the valuation and purchase of the ship Essex Junior.
- F, Statement, showing the actual force when captured, of the different prizes made by the United States ships of war, during the late contest with Great Britain, and taken into the service of the United States.

All which is respectfully submitted.

B. W. CROWNINSHIELD.

The President of the Senate.

A.

(No. 1.)

Lieutenant Hoffman to the Secretary of the Navy, transmitting the dimensions of the prize ship Cyane, together with inventories of her stores, equipment, armament, &c.

Prize Ship Cyane, New-York, April 21st, 1815.

SIR,

I have the honour to enclose you the dimensions of the prize ship Cyane, together with the different articles that are now on board of her.

On account of my not, at present, being permitted by the marshal to land any thing, an exact inventory cannot be taken of the shot, powder, water, and spirit casks, ballast, &c. but as soon as they are permitted to be landed, a correct account of them shall be taken, and immediately transmitted to the department.

Very respectfully,

I have the honour to be,

Your obedient servant,

B. V. HOFFMAN.

The Honourable

Benjamin W. Crowninshield,

Secretary of the Navy.

*Dimensions of the Masts, Spars, Yards, and Booms
of the Prize Ship Cyane, with her length, breadth,
and depth.*

	Feet.	Inches.
Length of spar deck,	124	9
Length of gun deck,	123	3
Breadth of spar deck,	30	6
Breadth extreme gun deck,	31	6
Breadth of the transon,	17	6
Height of gun deck,	6	2 $\frac{1}{2}$
Height of birth deck,	5	9
Depth of hold from gun deck,	18	11

	Diameter in			
	Feet.	Inches.	inches.	
Length of foremast,	66	6	22 $\frac{1}{2}$	
of mainmast,	77	6	23	
of mizzenmast,	52	0	16 $\frac{1}{2}$	
of foretopmast,	41	6	12 $\frac{7}{8}$	
of maintopmast,	46	9	13 $\frac{1}{8}$	
of mizzentopmast,	34	3	9	
of foretopgallant- mast hoist,	22	0	7 $\frac{1}{2}$	Polehead. feet. inch.
of maintopgallant- mast hoist,	23	6	8 $\frac{1}{8}$	18 6
of mizzentopgal- lantmast hoist,	17	0	6 $\frac{1}{2}$	11 0
of foreyard,	58	0	0	
of main yard,	64	0	0	
of crossjack yard,	48	0	0	
of foretopsail yard,	44	0	0	
of maintopsail yard,	48	0	0	
of mizzentopsail yd.	35	8	0	
of foretopgallant yd.	33	6	0	
of maintopgall'nt yd.	38	0	0	

	Feet.	Inches.	Inches.
Length of mizzen-topgallant yard,	25	0	0
of fore-royal yard,	22	4	0
of main-royal yard,	22	6	0
of mizzen-royal yard,	14	6	0
of bowsprit,	41	0	0
of jibboom,	35	9	10
of flying jibboom,	38	0	6
of spanker boom,	47	6	9 $\frac{1}{4}$

An Inventory of the Stores, Ammunition, Guns, &c. on board the prize ship Cyane, April 20th, 1815.

IN THE GUNNER'S DEPARTMENT.

22	32lb. carronades	on the gun-deck.
6	18lb. do.	on the quarter-deck.
2	12lb. do.	in the gangway.
2	18lb. do. and	} On the fore-castle, with the whole of their arm- ament complete.
2	9lb. long guns	
28	muskets.	
20	bayonets.	
30	battle axes.	
40	boarding pikes.	
70	cutlasses.	
100	scabbards.	
18	cartridge boxes.	
38	rammers, sponges, ladles, and worms on gun-deck.	
10	do.	do. do. on the quarter-deck.
13	sponges, gunner's department.	
52	cartridge and tube boxes.	
57	scabbards for swords.	
54	sheaths for swords.	
33	scabbards with straps for bayonets.	

- 8 sheaths for swords with belts.
- 40 sword belts for cutlasses.
- 44 powder horns.
- 6 drum heads.
- 100 wads for 32 pounders.
- 35 breeching for 32lb. carronades.
- 17 damaged lanthorns.
- 8 glass signal lanthorns.
- 31 primed matches; 12 match staffs.
- 1 bundle match stuff.
- 34 boxes 32lb. grape shot.
- 8 sponges and rammers for 18lb. carronades.
- A quantity of spare rigging and junk for use of gunner.
- 18 quires of cartridge paper.
- 1 coil of gun tackle falls— $2\frac{1}{2}$ inch.
- 1 cask whiting.
- 46 blue lights and rockets.
- 4 quire cartridge paper.
- 100 priming wires.
- 11 formers for 32lbs., 18lbs., long 9s, and 12lbs.
- 300 musket flints.
- A large quantity of powder in the magazine.
- A great number of round shot, which being stowed in different parts of the ship, their number cannot be ascertained—including canister and grape.

ACCOUNT OF SAILS ON BOARD SHIP CYANE.

- 3 main courses.
- 3 fore courses.
- 2 main topsails.
- 3 fore topsails.
- 3 mizen topsails.
- 2 maintop-gallant-sails.
- 2 foretop-gallant-sails.

- 1 mizentop-gallant-sail.
- 3 mizen topsails.
- 3 fore royals.
- 2 main royals.
- 1 mizen royal.
- 1 mizen course.
- 2 flying jibs.
- 3 standing jibs.
- 1 spritsail and spritsail topsail.
- 15 staysails of different kinds.
- 2 complete sets of boat sails.
- 1 awning for the quarterdeck.
- 1 main skysail.
- 4 lower studdingsails.
- 4 topmast studdingsails.
- 4 topgallant studdingsails.
- 2 spankers.

Inventory of articles in the Carpenter's Department.

- 1 jar of paint oil, about 15 gallons.
- 1 small tub of yellow paint, 40 lbs. weight.
- 1 do. lead colour paint, 42 lbs. weight.
- 1 half keg red paint, and a half keg black paint.
- 1 chest of tools of sundry articles.
- 1 dozen paint brushes.
- 1 dozen augers, 1 and a half dozen chisels, 3 saws.
- 4 axes, 4 adzes, 1 cross cut and 1 whip saw, 1 dozen of caulking and horsing irons, 7 pairs of hooks and braces for boat's rudders, 1 dozen hooks for shot racks, 1 dozen large ring bolts, 2 kegs black varnish, a half do. pitch, 9 boxes containing nails, spikes, and other things belonging to the carpenter's department, besides a great many other things impossible to enumerate.

- 1 anvil, 1 camboose complete, a forge with 1 pair of bellows, 1 cabin stove.
- 2 large launches.

Inventory of articles in the boatswain's department.

- 1 coil of white rope, 30 fathoms, (supposed at.)
- 3 coils of 5 inch rope.
- 4 coils of remnants—size unknown.
- 1 coil of 7 inch—contents unknown.
- A machine for twisting rope.
- 2 copper boilers.
- 2 waste hammock cloths.
- 3 dozen hooks and thimbles.
- 1 dozen scrapers.
- 3 half hour glasses, 2 hour do.
- 2 four hour do. 48 signal flags of different kinds,
- 4 hand leads, 9 lbs weight.
- 4 deep sea leads, 29 lbs. weight, 4 dozen blocks of different kinds.
- 3 American ensigns.
- 2 English ensigns, 4 pendants.
- 3 anchors, from 29 to 32 cwt.
- 2 stream anchors, from 6 to 9 cwt.
- 5 cables, (size.)
- 5 hawsers, (size.)
- 1 engine, 1 travelling tiller.

An Inventory of Purser's Stores.

- 1 box shoes, 100 pair.
- 1 box of candles, 100 pounds.
- 3 barrels of beef.
- 3 ditto of pork.
- 3 ditto cocoa.
- 8 ditto peas.
- 2 ditto beans.
- 2 ditto of sugar.

- 2 barrels of flour.
- 1 tierce of oatmeal.
- 2 casks of wine.
- 1 ditto vinegar.
- 1 ditto lime juice.
- 3 puncheons rum, 1 L. H.
- 4 hogsheds of rum.
- 1 barrel of lamp oil.
- 7 empty spirit casks.
- 1 set of purser's weights and scales.
- 1 pair of steelyards.
- 1 set of cooper's tools.
- A bread room nearly full of bread.
- 5 oil canisters.
- 4 bins partly filled with small stores.
- A locker and chest, containing sundry articles for the use of the doctor's department.

(No. 2.)

New-York, April 14, 1815.

The Hon. B. W. Crowninshield;
Secretary of the United States Navy,

SIR,

I have the honour to acquaint you that the officers and crew of the frigate *Constitution* have appointed me their prize-agent; and, in their behalf, permit me to offer you, (for the United States,) the interest they have in the prize ship of war *Cyane*, now in this harbour, at a fair valuation by three officers of the navy. I am induced thus early to apply to you, under an impression that the present large assemblage of our navy officers in New-York, would afford you an oppor-

tunity of making such a selection as would be desirable to you and could not fail of being satisfactory to me.

I have the honour to be, &c.

(Signed) JNO. M·CAULEY,
Agent for the Captors.

(No. 3.)

New-York, May 24, 1815.

The Hon. B. W. Crowninshield,
Secretary of the United States Navy,

SIR,

I have the honour herewith to enclose a copy of the proceedings of the district court of New-York, in the case of the ship Cyane. The commanding officer informs me that he has sometime since furnished you with an inventory of her condition and dimensions.

I have the honour to be, &c.

(Signed) JNO. M·CAULEY,
Agent.

(No. 4.)

At a special district court of the United States of America, held for the southern district of New-York, at the city of New-York, on Tuesday, the 9th day of May, 1815.

Present,

The honourable William P. Van Ness, Esq.
Judge of the District.

The United States of America
and the officers and crew of the United
States' frigate Constitution.

vs.

The ship Cyane, her armament,
tackle, apparel, furniture, and
stores.

} In Admiralty.

The marshal having returned upon the monition which issued to him in this cause, that in obedience to the said precept, he had attached the said ship Cyane, her armament, tackle, apparel, furniture, and stores therein mentioned. On motion of the district attorney, on behalf of the United States and the captors aforesaid, the 1st, 2d, and 3d proclamations were made for any person to appear that could show any cause why the said ship Cyane, her armament, &c. should not be condemned as good and lawful prize, to the use of the United States and the said captors, and they should be heard; and no person appearing to claim or defend the same, on the like motion, it is ordered by the court, that the 1st, 2d, and 3d defaults be entered; whereupon the said attorney prayed sentence of condemnation against the said ship Cyane, her armament, tackle, apparel, and furniture, and stores, and thereupon, it is ordered, sentenced, and decreed by the court, that the said ship Cyane, her armament, tackle, apparel, and furniture, and stores be, and the same are hereby condemned as good and lawful prize to the United States and the captors aforesaid; and it is further ordered, that the said ship Cyane, her armament, tackle,

apparel, and furniture, and stores, be sold by the marshal, according to law.

The same, *vs.* the same.

On motion of the attorney of the United States, it is ordered by the court, that the execution issued to the marshal in this cause be stayed until the 10th day of June next.

Extract from the minutes of the court.

ROBERT FINN, *Deputy Register.*

(No. 5.)

Navy Department, June 7th, 1815.

SIR,

You will not deliver the ship *Cyane* into the hands of the marshal, but keep possession of her for the United States, until further orders from this department.

I am respectfully, &c.

(Signed)

B. W. CROWNINSHIELD.

Capt. Samuel Evans,
Commanding Naval Officer,
New-York.

(No. 6.)

Navy Department, June 8th, 1815.

SIR,

Your letter of the 24th ultimo, covering the copy of decree of the district court of New-York, in the case of the prize ship *Cyane*, has been received.

I have, this day, written to the navy agent, to make an offer for the ship, in behalf of this department, which, if not acceded to on the part of the captors, the ship will be sold at public auction, after giving due notice of the time and place of sale.

I am, respectfully,

Your obedient servant,

(Signed)

B. W. CROWNINSHIELD,

*John M. Cauley, esq.**Agent for the Captors of the
ship Cyane, New-York.*

(No. 7.)

Navy Department, June 8th, 1815.

SIR,

The late British ship of war the *Cyane*, having been condemned in the district court of admiralty for the district of New-York, to the captors and the United States, (the *Cyane* having been a public ship belonging to the navy of Great Britain,) it is desirable to retain her in the navy of the United States, although such a ship is not actually wanted for the service.

You will therefore offer the agent of the captors \$ 40,000; say forty thousand dollars for the ship, with armament and stores complete, as she came from sea; that is, reserving the moiety thereof to the United States pension fund.

If this offer is not accepted, you will immediately write to the department that orders may be given for the sale at public auction after due notice shall be published in the public papers.

I am respectfully, &c.

(Signed) B. W. CROWNINSHIELD.

*John Bullus, esquire,
Navy Agent, New-York.*

(No. 8.)

Navy Department, June 9th, 1815.

SIR,

You will be pleased to transmit immediately to this department an inventory of the prize ship *Cyane*, including a description of her model and qualities, dimensions, condition of hull and spars, armament, sails, and materials, and quantity of stores, provisions, &c., on board, which may be included in an inventory for the sale of the ship. This statement is wanted immediately to enable the department to decide upon the value of the ship and purchase for the public service.

I am, respectfully, &c.

(Signed) B. W. CROWNINSHIELD.

*Captain Samuel Evans,
Command't U. S. Navy-Yard, New-York.*

(No. 9.)

New-York, June 12th, 1815.

SIR,

I have had the honour to receive your letter of the 8th instant. Agreeably to your directions, I have made the offer you directed to the agent of the captors of the late British ship the "Cyane," of forty thousand dollars for the ship, with her armament and her stores complete as she came from sea, reserving the moiety thereof to the United States pension fund.

The agent states that he is not prepared to give an answer to this offer, previous to consulting with the captors, for which purpose he will this day proceed to Boston, and in a short time I expect to receive his answer.

I have the honour to be, &c.

(Signed)

JOHN BULLUS.

*The hon. B. W. Crowninshield,
Secretary of the Navy Department.*

(No. 9, twice.)

*U. S. Navy-Yard, New-York,
June 12th, 1815.*

SIR,

I have had the honour to receive your letter of the 7th inst. relative to the ship Cyane, and it is, in consequence, proper that I should state to you what I have learned respecting her.

It appears, that agreeable to your instructions to lieut. Hoffman, the prize master, the ship was reported to, the district attorney, and libelled. This proceeding, I suppose, placed her in the possession of the district court, and the marshal, as the executive officer of that court, demanded and received from lieut. Hoffman the keys of the ship, which he still retains in his possession, having secured the hatches, and placed a deputy on board, to see there was no embezzlement.

In the early part of last month, the ship was condemned as forfeited to the United States and the captors, and an execution issued from the court to the marshal, directing the sale of her, and she was advertised for sale accordingly. The agent of the captors, however, moved the court to stay the execution, with a view to produce proof of the inferiority of the capturing ship, and make an arrangement with the government respecting the purchase of her, which was granted until the 10th of this month. The court, however, has not yet met, but immediately after they do, it is supposed they will direct the marshal to proceed in conformity to their former decree, or deliver the ship to the captors.

Thus, sir, this ship is situated; and on the assumption that it is not your intention that I should, in a military point of view, enter into collision with the civil authority, I have done no more than direct the navy officer on board not to suffer her, or any thing in her, to be removed, without my knowledge; and as she is at the yard, I shall keep her here until I can hear from you on the subject. Even this measure, however, may produce opposition and difficulty; and I request your early sanction or disapproval of it, with such other or-

ders on the subject as you may judge necessary from the above exposition.

I have the honour to be,
Very respectfully,
Sir,
Your obedient servant;

(Signed) SAMUEL EVANS.

Hon. B. W. Crowninshield,
Secretary of the Navy.

(No. 10.)

Navy Department, June 16th, 1815.

SIR,

I have received your letter of the 12th inst. The power of the United States court does not extend to any control over the property after legal condemnation. The owners of the ship will take possession, and direct her to be sold when they think proper. The marshal and the court can always depend upon the government for their fees and charges. So long as the United States are a party, that ship must not be sold without the authority of the navy department; and you are directed to forbid such sale, or to deliver the ship up; and the marshal will certainly not sell under such circumstances.

It is not to be expected, that any officer of the United States will disobey a direct injunction of the executive, expressed through either of the

departments, and all ideas of force must consequently be out of the question.

I am respectfully, &c.

(Signed,) B. W. CROWNINSHIELD.

Captain Samuel Evans,

Commanding Naval Officer, New-York.

(No. 11.)

New-York, June 19, 1815.

The Hon. B. W. Crowninshield,
Secretary of the Navy.

SIR,

I received from Mr. Bullus, navy-agent at New-York, the proposals he was directed by the Navy Department to make for the prize ship *Cyane*, viz: The government will take the *Cyane* at forty thousand dollars, on condition that the captors agree to relinquish, for the navy pension fund, one moiety thereof, which would leave to the captors, after deducting the court charges, agent's commission, port expenses, &c. about eighteen thousand dollars as a reward for their gallantry in subduing two ships of war of the enemy, superior in force to their own ship, in a time and style unparalleled, I believe, in naval history. I must confess, sir, that an offer so far short of my expectations, and below the value of a ship of the *Cyane's* description, (which is, in fact, a vessel superior in force, capacity, and many qualities, to some of the United States frigates, as first built; say the *Boston*, the *Adams*, the *John Adams*, and the *General Greene*.) that I feel myself much at a loss on the occasion, and a difficulty in making known to the officers, sea-

men, and marines, concerned, the manner and extent of your disposition to reward their merit. I therefore determined only to communicate your proposals in a private letter to captain Stewart, for his information, believing that you have not given the subject such consideration as it merits on the part of government, both as respects its fairness between them and the captors, and the policy of government in rewarding those who have so largely contributed to the honour of our flag, to the character of our marine, and perished or bled in the cause of their country. Sir, it has, from time immemorial, been the established practice of naval powers to encourage their marine, by rewarding their gallantry in every possible way, that they may be excited to great and glorious acts of heroism, satisfied that the high national character the country acquires by their brilliant achievements more than compensate the nation for any of those pecuniary, or other rewards, they bestow on their gallant citizens or subjects in arms, while, at the same time, they hold the power of punishing with death or disgrace those who are guilty of acts of folly or indiscretion, and who thereby hazard the public character and public property. As this has been the usage and practice of all nations hitherto, (not excepting our own,) so it has been also their policy and pride to bring into their service all the national ships of war, which the skill and courage of their marine have subdued and conducted into port, by a fair valuation of the vessel, her armament, stores, &c. made by persons competent to judge and decide on the same, as a vessel of war for public service, and not in the manner of a merchant, who is bargaining for a vessel for mercantile purposes, and for which he cannot at all times afford to give the full value, but wishes

to get a bargain as cheap as he can, let who will suffer. It may be said, sir, that the government is under no obligation to purchase the prize ships of war, unless it suits their convenience to bid them in for public service, as competitors with individuals, under the hammer of an auctioneer, and as no individual would be desirous to have ships, built for war, to prosecute mercantile operations with, the government agents could procure them at their own price, and at one fourth their value; but, sir, would this mode of proceeding comport with the true policy of government and the dignity of a liberal and enlightened nation? Would it carry with it that generous reward due to their heroic citizens? and would it not be injudicious, by opening to the enemy, or those who may become our enemy, a market whereat to recover, at a cheap rate, their lost ships of war, or afford to the latter, at the expense of your gallant citizens, the cheap means of annoyance to yourselves? it is therefore upon this principle, as well as to reward the victorious, that the common practice and usage of nations has been to purchase all the captured ships of war; and, if the officers, seamen, and marines are bound in their duty to the government by the custom and practice of the sea service, does not the universal practice of public service, in honour, bind the government to their officers, seamen, and marines? By the instructions generally given to their commanders of our ships of war, in the late contest with great Britain, I have understood that they have been ordered to destroy the merchant vessels, and their cargoes, with certain exceptions, lest they put to hazard the ship under their command; this being admitted, that opening has, by the order of their own government, been closed to their receiving any advantage in that way; and

the very small portion which falls to their share of what they may get in, under those exceptions, leaves, (after the heavy duties, charges, and navy pension fund, &c. are satisfied,) but little encouragement to the service, unless the government act with liberality towards them in the purchase of the ships of war sent in.

By the act of Congress for the distribution of prizes, the law declares that all prizes, of equal or superior force to the vessel making the capture, shall belong to, and be wholly distributed among the captors; this principle has hitherto been practised on, and the courts, or those to whom it belonged to decide the question, have in several instances decided with that liberality towards the captors, which has always distinguished the intent and meaning of the honourable Congress of the United States. The rate of the United States ship making the capture, as established by the act of Congress, and the actual force of the vessel captured, has been taken as the standard of their respective forces; or how could the Insurgent be declared of equal force to the Constellation under commodore Truxton, that ship mounting as many guns as the Insurgent, and they twice the weight of calibre; the Insurgent French twelves on her gun deck, and the Constellation English twenty-fours? This was also the case when the Macedonian was declared to be of equal force to the frigate United States, although not equal in any one respect otherwise; the Macedonian mounted 49 guns, the calibres of 18's, 12's, and 32's, the United States 56 guns, 24's and 42's. So also was the brig Boxer given up to the captors, on the same principle, (when actually inferior in number and weight,) to the Enterprise.

In the case under consideration, the attacking

force, or combined force of the two ships, Cyane and Levant, were actually superior in the number of their guns and weight of calibre, not only to the rate of the Constitution, as established by the act of Congress, but superior in those points to her whole force. Much might be said in elucidation of this subject, but I deem it improper to intrude further on your valuable time; but, as agent for the captors, I have considered it as proper to submit the foregoing considerations to you, and I trust that the officers, seamen, and marines of the precious ship Constitution will not be doomed by their government to receive a compensation for the Cyane (actually a frigate, and, as I understand, sound, and put in complete repair prior to her leaving England last fall, when she was newly coppered, well fitted, and found in abundance of stores of all kinds for six months at the time of her capture) less than was paid by government to the captors of the Epervier.

You will oblige me, Sir, by as early a decision in this case as your more important official duties will permit. In the mean time, I remain, with respect,

Your obedient servant,
(Signed,) JOHN M'CAULEY.

(No. 12.)

Navy Department, June 23d, 1815.

SIR,

In reply to your letter of the 19th June current, I have to observe, that the offer made by this department for the prize ship Cyane, is, in my opinion, fully equal to the value of that ship. If

the captors should think themselves entitled to extra compensation for their bravery and good conduct in capturing the *Cyane* and *Levant*, that will be a subject for the consideration of Congress, and which this department cannot decide.

It appears that the ship is very much cut up in the hull, spars, and rigging, and will require large and expensive repairs; at the same time that the government cannot apply, at this period, a larger sum out of any existing appropriations; and should this offer not be accepted, I request your determination, in order that instructions may be given for the disposal of the ship at public sale.

I am, respectfully,

Your obedient servant,

(Signed) B. W. CROWNINSHIELD.

John M. Cauley, esq.

New-York.

(No. 13.)

Navy Department, October 27, 1815.

SIR,

The offer that was made for the prize ship *Cyane*, was what I was authorized to do by the President of the United States.

As Congress will meet soon, would it not be better to come before them for remuneration? Nothing would give me more pleasure than to be legally authorized to be just, and even generous,

to the captors, who so bravely maintained the honour of their country; but I do not see that I am.

Very respectfully,
Yours, &c.

(Signed) B. W. CROWNINSHIELD.

John M. Cauley, esq.

Prize agent for ship Constitution.

(No. 14.)

Philadelphia, November 28, 1815.

SIR,

Before I left New-York I informed the captors that I had accepted your offer of forty thousand dollars for the prize ship Cyane, and did flatter myself that I should before this have received the money. I shall feel myself very much indebted to you, to say when I shall be paid; or if any difficulty has arisen, be so good as to state it to me, that I may make it known to the concerned.

I have the honour to be, &c.

(Signed,) JOHN M. CAULEY.

The hon. B. W. Crowninshield,

Secretary of the United States Navy.

P. S. The court charges, amounting to thirteen hundred dollars and ninety cents, has been paid in New-York by my order, as follows, viz.

Marshal's fees,	\$ 650 90
District attorney's do.	500 00
Clerk's do.	150 00

\$ 1,300 90

and the ship ready for delivery to the United States.

(No. 15.)

Navy Department, Dec. 1, 1815.

SIR,

I have received your letter of the 23th ultimo. The amount of the purchase of the ship *Cyane*, \$ 40,000, is remitted to the navy agent at New-York, with instructions to have the bill of sale executed in your presence by the marshal, and all the materials, with the ship, delivered over to the commandant of the navy yard previous to the payment of the money, in order to avoid, as much as possible any difficulty that might arise out of the transaction.

I am very respectfully,
Your obedient servant,
(Signed,) B. W. CROWNINSHIELD.

*John M'Cauley, esq.**Prize Agent for the Cyane, Philadelphia.*

(No. 16.)

Navy Department, December 1st, 1815.

SIR,

Having purchased the prize ship *Cyane* for the sum of \$ 40,000, a warrant for which is enclosed in favour of John M'Cauley, esq. agent for the captors. Before the payment of the amount of this warrant, to Mr. M'Cauley, you will have a bill of sale duly executed by the marshal of the United States for the District of New-York, and see the ship delivered over by him to capt. Sam-

uel Evans, commandant of the navy yard, including all her armament, ammunition, provisions, stores of all kinds, in every department, iron and other ballast, equipments and appurtenances of every description, which belonged to the said ship at the time of her arrival at the port of New-York, and free from all charges, costs of condemnation, and fees of court, or of the marshal; and recite all the foregoing conditions and articles in the bill of sale from the marshal. It is distinctly to be understood, that the ship is to be delivered to the officer appointed by this department, complete in all these particulars, and free from all charges of every kind whatever.

You will then upon the execution of said bill of sale, which Mr. M'Cauley will sign as a witness, pay over to him the amount.

I am very respectfully, &c.

(Signed) B. W. CROWNINSHIELD.

John Bullus, esq.

Navy Agent, New-York.

(No. 17.)

Navy Department, Dec. 1, 1815.

SIR,

The prize ship *Cyane* having been purchased by this department for the United States service, you will have an exact inventory taken of her armament, ammunition, provisions, sails, equipments, and appurtenances of every description, and have the same compared with the originals at the time of the ship's arrival at the port of New-York.

The ship will be secured at the navy yard, ready for such repairs or service as may be ordered.

I am, very respectfully, &c.

(Signed,) B. W. CROWNINSHIELD.

*Captain Samuel Evans,
Commandant U. S. Navy Yard, New-York.*

(No. 18.)

New-York, December 7, 1815.

SIR,

Yours of the 1st came duly to hand, and I repaired to this place to fulfil your request. I have waited on the marshal, who declares that he has nothing to do with the ship, having delivered her up to me, and therefore will not be a party in executing a bill of sale. The examination of her armament, stores, &c. are progressing, and I hope will be complete in a few days. If any deficiency should be found, I trust the captors will not be required to make them good, as the ship has been entirely out of their control.

I have the honour to be, &c.

(Signed,) JOHN M'CAULEY.

*The hon. B. W. Crowninshield,
Secretary of the Navy of the U. S.*

(No. 19.)

Navy Department, Dec. 11, 1815.

SIR,

I submit the enclosed question to your consideration: whether the bill of sale, executed by John

M·Cauley, esq. prize agent for the captors, will be valid, or whether, as in the case of the Macedonian, the marshal ought not to make the bill of sale to the United States?

Your opinion will oblige me.

I am, very respectfully,

Your obedient servant,

(Signed,) B. W. CROWNINSHIELD.

Jonathan Fisk, esq.

U. S. District Attorney, New-York.

(No. 20.)

New-York, December 16, 1815.

SIR,

I have the honour to state, in answer to yours of the 11th instant, that the district court, having decreed a delivery of the sloop of war Cyane to the captors, or their agent, instead of ordering a sale, it will be competent for Mr. M·Cauley, the authorized agent of the captors, to execute the bill of sale. The decree of the court will be inserted in, and constitute a part of the bill of sale. This will, in my opinion, be a valid transfer of the vessel.

I have the honour to be, &c.

(Signed) JONA. FISK.

*The honourable B. W. Crowninshield,
Secretary of the Navy.*

(No. 21.)

Navy Department, Dec. 19th, 1815.

SIR,

You will require of Mr. M^cCauley a bill of sale of the ship *Cyane*, in which will be inserted the decree of the court, and all the other items as noted in my letter to you of the 1st December, instant, upon the execution of which you will pay over the amount of purchase money to Mr. M^cCauley.

I am, very respectfully, &c.

(Signed) B. W. CROWNINSHIELD,

*John Bullus, esquire,
Navy Agent, New-York.*

(No. 22.)

Navy Department, December 20th, 1815.

SIR,

The navy agent at New-York was yesterday instructed to receive from you a bill of sale of the ship *Cyane*, and to pay you the amount of prize money.

I am, very respectfully,

Your obedient servant,

(Signed) B. W. CROWNINSHIELD.

*John M^cCauley, esquire,
Philadelphia.*

(No. 23.)

Navy Department, Dec. 30th, 1815.

SIR,

In reply to your letter of the 27th current, I inform you that the amount of the purchase of the ship *Cyane* was drawn for by warrant upon the Treasurer, on the 30th November ultimo.

The navy agent has been advised accordingly, and is, no doubt, prepared to pay over the amount to you, upon executing the bill of sale.

I am, very respectfully,

Your obedient servant,

(Signed) B. W. CROWNINSHIELD.

*John McCauley, esquire,
Philadelphia.*

(No. 24.)

Navy Department, Jan. 1st, 1816.

SIR,

I have received your letter of the 27th ultimo, with the inventory of stores delivered into the navy store at New-York.

In your letter stating the deficiency of articles, to a large amount, you do not say how those stores have been disposed of. It is to be presumed that they have all been delivered upon regular requisitions for the United States service, and that the store-keeper can thus account for them; if not, you will be pleased to state whether they have

been improperly disposed of and are not accounted for in the store-keeper's accounts.

I am, respectfully, &c.

(Signed) B. W. CROWNINSHIELD.

*Captain Samnel Evans,
Command't U. S. Navy-Yard, New-York.*

(No. 25.)

New-York, January 4th, 1816.

SIR,

I have had the honour to receive your letter of the 1st instant.

The first inventory of the *Cyane* was taken by Mr. Abbott, prize-master's mate, who was in charge of her during a temporary absence of lieutenant Hoffman, assisted by the master, carpenter, and boatswain of the yard.

The second, which I transmitted you, was taken under the superintendence of the store-keeper of the yard and sailing-master Loomis, the latter of whom, at the request of the agent of the captors, I authorized to receive the keys of the ship from the marshal, when, by the decree of the court, he delivered them up to them. I had no reason to believe but both inventories were taken essentially correct; the first one, it is true, leaves room to doubt whether some articles, particularly in the gunner's department, are not considered twice, and the officers of the yard, who were at the taking of that inventory, state that a liquor was estimated without measuring it; the deficiency of provisions may perhaps, in some measure, be account-

ed for in victualling the prize crew, who were not discharged from her until the middle of September, as I find there was nothing but bread and spirits drawn from the yard for that purpose. The other articles have, no doubt, been pillaged, some time between the date of the two inventories. The marshal held charge of her, and every article of any value, was under locks and keys, which he, or his deputy had in possession; but since I wrote you on the subject, Mr. Berry, the boatswain of the yard has stated to me that Robert Atkins, a seaman, and one of the prize crew, informed him that Mr. Abbott, the prize-master's mate, had false keys to correspond with those in possession of the marshal, and there is some reason to believe that he has been knowing or accessory to the pillage.

Mr. Abbott, while I was absent on duty to the eastward, was discharged with the prize-crew of the *Cyane*, their terms of service having expired. At the request of lieutenant Hoffman, he was re-entered, to assist him in the care of that vessel; and at lieutenant Hoffman's further earnest request, I permitted him to be transferred to the *Tom Bowline*, after that officer's appointment to her.

Atkins, was also discharged at the same time. I have had Mr. Berry in quest of him, since he informed me what is stated. He has not yet found him; but when he does, I shall inform you more fully on that subject.

I have the honour to be, &c.

(Signed) SAM'L EVANS.

Hon. B. W. Crowninshield,
Secretary of the Navy.

(No. 26.)

U. S. Navy Yard, New-York, Jan. 13, 1816.

SIR,

Since I had the honour to address you on the subject of the *Cyane*, I have not been enabled to gain much information respecting the plunder committed on board that vessel. Atkins, who informed Mr. Berry that Mr. Abbott had false keys, has kept himself out of the way, and it is said that he has gone to Charleston, South-Carolina. Another person that Mr. Berry found in seeking Atkins, by the name of Grant, has declared, that he has known Mr. Abbott open the spirit room when the marshal was absent, and had the keys with him, and take rum from it; but knows of nothing else: and I have myself seen a man belonging to her, by the name of Twine, who says that he cut up the main deck awning to make boat sails.

The marshal's deputy, who had charge of the keys, and slept on board, states that he never left them with Mr. Abbott when he was absent, except at the time they were taking the first inventory.

I have the honour to be, &c.

(Signed,)

SAMUEL EVANS.

The hon. B. W. Crowninshield,
Secretary of the Navy.

(No. 27.)

New-York, January 20, 1816.

SIR,

I have the honour to enclose you a bill of sale of the prize ship *Cyane*, unexecuted. Mr. M'Cauley came here again for the purpose of closing the business, and receiving payment, but returned to Philadelphia yesterday. He states, that it will be impossible for him to make a bill of sale conforming, in all respects, to your letters of the 1st and 19th of December, owing to a deficiency in her stores. But he is willing to submit the bill of sale to the examination of the department, and will agree to any modification you may be pleased to direct.

I have the honour to be, &c.

(Signed,)

JOHN BULLUS.

The hon. B. W. Crowninshield,
Secretary of the Navy.

(No. 28.)

Navy Department, Jan. 27, 1816.

SIR,

I return to you herewith the bill of sale for the ship *Cyane*. It will be but just that an allowance should be made for the deficiency in the stores, if it can be done without too great expense and trouble; the amount is considerable, and you may have the point determined by any two intelli-

gent and impartial men, and return the bill of sale, when duly executed, to this department. Pressure of business has prevented an earlier answer to your letter of the 20th current.

I am, respectfully, &c.

(Signed,) B. W. CROWNINSHIELD.

*John Bullus, esquire,
Navy Agent, New-York.*

(No. 29.)

Philadelphia, February 1, 1816.

The Hon. B. W. Crowninshield,
Secretary of the United States Navy,

SIR,

I wrote you from New-York on the 19th ult. which place I left under assurances from Mr. Bullus, he would write me on his receiving further instructions from you. I shall be extremely obliged to you, to inform me if those instructions are gone on, and the nature of them, *so far* as it affects what is expected of me, before I receive the purchase money.

I have the honour to be, &c.

(Signed,) JOHN M'CAULEY.

(No. 30.)

Philadelphia, February 2d, 1816.

The hon. B. W. Crowninshield
Secretary of the United States Navy.

SIR,

I wrote you on the 1st instant, and this day I received a letter from the navy agent at New-York, stating he was ready to arrange the business respecting the Cyane, provided I was willing to submit to a reference the costs of deficiencies in inventory. For my part I was privy to no inventory, but that taken in January last, and if any other was taken, let those who took it be accountable for deficiencies that may appear; should you insist on the captors making good those deficiencies, I must confess, (though I must submit,) that I conceive it to be neither "just nor generous."

I have the honour to be, &c.

(Signed) JNO. M·CAULEY,

(No. 31.)

Navy Department, Feb. 6th, 1816.

SIR,

I have received your letter of the 2d instant, and regret the delay occasioned by the Treasury arrangements in making the payment for the ship Cyane.

As respects the deficiency in the inventory, the amount is too considerable to be passed over with-

out investigation; but I have no disposition to make the captors account for the deficiency. I suggested to the navy agent the propriety of adjusting the business by a compromise; I now authorize him to take the ship with the present inventory, and to pay over the amount. In this I wish to demonstrate my sincere desire to render justice to the captors, and to convince you, that my proposition arose solely from a sense of public duty; while I admit that the custody of the ship between *three* parties, has been neglected, to the prejudice of the United States; and the responsibility appears to be lost in the useless division of authority over the property.

I am, very respectfully,

Your obedient servant,

(Signed) B. W. CROWNINSHIELD.

John McCauley, esq.
Philadelphia.

(No. 32.)

Navy Department, Feb. 7th, 1815.

SIR,

On the 27th ultimo, you were authorized to have the allowance to be made for the deficiency in the stores of the *Cyane* determined by a reference to two intelligent and impartial men; but as the department feels no disposition to require the captors to account for that deficiency, you will

please to have the bill of sale duly executed, and transmitted to this department, paying to the agent of the captors the amount of purchase money.

I am respectfully, &c.

(Signed) **B. W. CROWNINSHIELD.**

*John Bullus, esquire,
Navy Agent, New-York.*

B.

(No. 1.)

New-York, February 19, 1816.

SIR,

I have the honour to acknowledge the receipt of your letter of the 16th inst.

The prize ship *Alert* was purchased by me at marshal's sale, on the 26th October, 1812, agreeably to instructions received by captain Hull from the department, who then commanded on this station, for the sum of eleven thousand two hundred dollars.

On the 27th of October I made a requisition for the amount, which was received by me on the 6th of November following, in draught No. 1,576 from the treasurer, agreeably to warrant No. 2,967, in which was included also \$ 10,000 for "contingent." The amount was paid to Peter Curtenius, marshal, on the 16th of November, and the receipt and bill of sale forwarded to the accountant of the navy in my accounts for November, 1812, per abstract P., voucher No. 1.

I have the honour to be,

Very respectfully,

Your obedient servant,

JOHN BULLUS.

*The hon. B. W. Crowninshield,
Secretary of the Navy Department.*

(No. 2.)

Washington, February, 17, 1816.

SIR,

In answer to your letter of yesterday, I have to state, that the Atlantic was valued at Valparaiso by Mr. Poinsett, the consul general for Chili, and two American merchants there, at twenty-five thousand dollars, taking into the estimate her services for a year in the employ of the United States, together with her stores, ammunition, and armament complete.

This valuation I did not consider one third the actual value of the ship; but as her services were wanting, and the risk of recapture being great, I (acting between the United States and the officers and crew) felt satisfied, if a compensation could be secured to the latter, in the event of her capture, equivalent to the chance of getting her to America. My capture occasioned the loss of the certificate of valuation; but having preserved a copy of it, I forwarded one to the department from New-York, attested by Mr. Bostwick, the clerk who copied it. This, it appears, has been mislaid. My books are not here, and I have not at this moment the means of furnishing another. I shall write to Mr. Poinsett on the subject, however, and furnish you with satisfactory testimony on that head as soon as possible.

In regard to the sloop of war Alert, I am unable to state what the United States purchased her for. I have understood, however, that the agent of the captors has only received between three and four thousand dollars for their proportion of the ship, and that the United States are yet indebted to

them for a quantity of stores taken out of her for the service of the fleets on the lakes, and for the vessels on the New-York station.

The amount of the stores claimed by the captors will probably amount to the price of the ship, making the whole amount of the captor's proportion of the prize about \$ 12,000 or 12,500. I am not enabled to inform you with greater precision, not having had a settlement with the agent, major Hall, of the marines; and I am sorry that his absence to the Mediterranean should prevent my consulting him. Many of the officers and men are dissatisfied with the valuation of the Alert, believing that she was of equal value to any other sloop of war since captured.

I have the honour to be, &c.

(Signed,)

D. PORTER.

Hon. B. W. Crowninshield,
Secretary of the Navy.

C.

Copy of a Decree of the District Court of the United States for the District of New-York, in the case of the frigate or ship Macedonian.

The President of the United States of America, to all to whom these presents shall
(L. s.) come, *greeting* :

Know ye that we, having inspected the records of the District Court of the United States for the district of New-York, do find a certain entry or writing there remaining of record in the words and figures following, *to wit* :

At a special District Court of the United States of America, held for the district of New-York, at the city of New-York, on Monday the first day of March, 1813, at 11 o'clock, A. M. Present, the honourable William P. Van Ness, esq. one of the judges of the district of New-York.

*The United States of America and the
Officers and Crew of the United States'
frigate United States,*

vs.

*The frigate Macedonian, her tackle, ap-
parel, and furniture, arms, stores, and
ammunition.*

DECREE.

The marshal having returned upon the monition which issued in this cause, that in obedience to the said precept he attached the frigate or ship Macedonian therein mentioned, her tackle, apparel, and furniture, arms, stores, and ammunition, and had given due notice to all persons claiming, that this court would, on this day, proceed to the trial and condemnation thereof, unless a claim should be interposed for the same: and on the motion of the attorney of the United States of America, prosecuting in this district, the proctor for the libellants, the first, second, and third proclamations were each three times made for any person or persons to appear that can show any cause why the said frigate or ship Macedonian, her tackle, apparel, and furniture, arms, stores, and ammunition should not be condemned as forfeited pursuant to the prayer of the libel, and they should be heard; and no person appearing to claim or defend the same, it is ordered by the court, that the first, second, and third defaults be entered. Whereupon the said proctor for the libellants prayed sentence of condemnation against the said fri-

gate or ship Macedonian, her tackle, apparel, and furniture, arms, stores, and ammunition, the court by this definitive sentence, or final decree, doth pronounce, decree, and declare as follows, *to wit* :

That the said frigate or ship Macedonian, whereof a certain J. S. Carden was commander, her tackle, apparel, and furniture, and the arms, stores, and ammunition, taken therein and therewith, were rightly and duly taken and seized by the United States ship of war "United States," whereof Stephen Decatur, esq. is commander ; and that the said frigate or ship Macedonian, her tackle, apparel, and furniture, and the arms, stores, and ammunition taken therein and therewith, did, at the time of capture and seizure thereof (as far as appears to this court) belong to Great Britain, or to some person or persons being subjects of Great Britain, or inhabiting within the territories of Great Britain, and as such ought to be accounted and reputed liable and subject to confiscation, and to be adjudged and condemned as, and called, good and lawful prize.

That the said frigate or ship Macedonian, was a ship of war belonging to Great Britain, or persons being subjects of Great Britain, of equal force to the said ship of war the "United States," by which the said frigate or ship Macedonian was captured : and, therefore, the court doth pronounce, decree, and declare, that the said frigate or ship Macedonian, her tackle, apparel and furniture, and the arms, stores, and ammunition taken on board the same, be adjudged and condemned as good and lawful prize to the commander, officers, and crew of the said United States ship of war "United States," the captors thereof.

And all the libellants in this cause consenting to dispense with a sale of the said frigate or ship

Macedonian, her tackle, apparel, and furniture, and the arms, stores, and ammunition, taken on board the same, and agreeing that the said frigate or ship Macedonian, together with the tackle, apparel, and furniture, and the arms, stores, and ammunition, taken on board of the same, are of the value of two hundred thousand dollars, and that the same shall be taken and received by the United States of America, upon the payment of that price. The court doth further pronounce, decree, and declare, that upon payment of the aforesaid sum of two hundred thousand dollars by the said United States of America to the said commander, officers, and crew of the said ship of war "United States," or to their agent or agents, to be by them divided and distributed according to law; that the marshal of this court do deliver the said frigate or ship Macedonian, her tackle, apparel, and furniture, arms, stores, and ammunition, unto the said United States of America, or unto any person or persons by them duly authorized to receive the same.

And the court doth lastly pronounce, decree, and declare, that the libellants, the commander, officers, and crew, of the United States' ship of war "United States," out of the money to be by them received, as aforesaid, do pay and satisfy the costs of this suit.

(Signed,)

W. P. VAN NESS.

All which is promulged by this definitive sentence, or final decree, read, signed, and promulged by the honourable William P. Van Ness, esq. one of the judges of the District Court of the United States, for the district of New-York, upon this 1st day of April, in the year of our Lord, 1813.

In testestimony whereof, I have caused the seal of the said District Court to be hereunto affixed.

(Signed,)

THERON RUDD,

Clerk of the Dist. of New-York.

D

(No. 1.)

Navy Department, July 24th, 1814.

SIR,

I have this moment received a letter from C. Harris, esquire, attorney for the district of Georgia, saying, "I proceeded immediately to libel the Epervier, and shall obtain a final condemnation in the beginning of August, and an early sale will take place, unless you wish it or ordered it postponed. I suppose you will order her to be purchased, as she cannot bring any thing like her value."

I regret that no agent for the captors has yet appeared to negotiate with this department for the sale of the Epervier, at an equitable and liberal price, which I am disposed to give, and which, by agreement of the parties, the court would have sanctioned. There appears however no alternative but a public sale, at which there will be no real bidder but the public, at any thing like her value, and justice to the captors forbids that she should be sacrificed—I have therefore determined upon the highest price which I feel myself authorized to go in the purchase of the Epervier for the service of the navy of the United States.

You are therefore hereby authorized to purchase the *Epervier* at public sale, at a sum not exceeding fifty-five thousand dollars, including, in the purchase, all her armament, ammunition, provisions, stores of all kinds, in every department; iron, and other ballast; equipments, and appurtenances of every description, which belonged or was attached to the said vessel at the time of her capture, and free from all charges against said vessel to the day of the sale, and also of the costs of condemnation and court charges. On this subject you will have a clear understanding with the district attorney and the marshal, and recite the foregoing conditions in the bill of sale from the marshal.

I am respectfully, &c.

(Signed)

W. JONES.

A. S. Bullock, esq. Navy Agent, Savannah.

(No. 2.)

(COPY)

United States District of Georgia.

MARSHAL'S SALE ON THE ELEVENTH OF AUGUST, 1814,
AT SAVANNAH.

<p><i>Lewis Warrington, esquire,</i> <i>commander of the United</i> <i>States sloop of war Pea-</i> <i>cock,</i></p> <p style="text-align: center;">vs.</p> <p><i>British sloop of war Eper-</i> <i>vier.</i></p>	}	<p>In the Admiralty, libel and con- demned as prize.</p>
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Amount, (sale of the *Epervier*, her tackle,
&c. to the Navy Department,) \$ 55,000

Charges.

Advertising,	\$ 2 25	
Taxed costs of court,	76 71	
Custody fees,	64 00	
Irvine, negro hire, lighter- age, &c.	95 50	
Bullock, drayage, pilotage, &c.	305 45	
Hunter, Mimis, and Henry, storage, &c.	143 50	
Green, harbour master,	9 35	
Woodbridge, landing and shipping guns,	17 00	
Commission,	693 75	
	<hr/>	1,407 50
		<hr/>
		53,592 50

Distribution.

One moiety to the captors,	26,796 25	
One moiety to the U. S.	26,796 25	
	<hr/>	53,592 50
		<hr/> <hr/>

(Signed) JNO. EPPINGER,

*Marshal.**Marshal's Office,**Savannah. 12th August, 1814.*

E

*Extract of a Letter from the Secretary of the Navy
to Capt. David Porter, dated*

Navy Department, July 13, 1814.

“ I confirm the purchase of the *Essex Junior*, for account of the United States, at the sum of \$ 25,000.

“ You will please to transmit to this department the valuation made by the persons appointed by you for that purpose.”

F

STATEMENT

Shewing the actual force, when captured, of the different prizes made by the United States ships of war, during the late contest with Great Britain, and taken into the service of the United States.

SHIP ALERT.....20 guns, viz :
18 32 pound carronades.
2 long 12 pounders,

SHIP MACEDONIAN.....49 guns, viz :
28 long 18 pounders,
2 long 12 pounders, and
2 long 9 pounders ; and
16 32 pound, and
1 18 pound carronades.

SHIP ATLANTIC, (afterwards the Essex Junior).....
 8 guns, the calibre not designated.

BRIG EPERVIER.....18 guns, viz :
 16 32 pound, and
 2 18 pound carronades.

SHIP CYANE.....34 guns, viz :
 22 32 pound,
 9 18 pound, and
 1 12 pound carronades, and
 2 long 9 pounders.

The prizes captured on the lakes, and taken into the service of the United States, are omitted in this statement, from an impression that they were not embraced by the resolution of the Senate.

STATEMENT

Showing the actual force when captured of the ships
 from prizes made by the United States ships of
 war, during the late war with Great Britain,
 and taken into the service of the United States.

SHIP ATLANTIC.....	8	guns
BRIG EPERVIER.....	18	guns
SHIP CYANE.....	34	guns
22	32 pound,	
9	18 pound, and	
1	12 pound carronades, and	
2	long 9 pounders.	

State of New York, Albany, this 1st day of January, 1865.

James B. ...

10 pounds ...

10 pounds ...

10 pounds ...

10 pounds ...

10 pounds ...

10 pounds ...

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