

COMMODORE ISAAC HULL.

[To accompany bill H. R. No. 169.]

DECEMBER 22, 1837.

Mr. REED, from the Committee on Naval Affairs, made the following

REPORT:

The Committee on Naval Affairs, to which was referred the memorial of Commodore Hull, of the navy, adopt the report of the same committee, made February 5, 1833.

That the said Captain Hull represents that he was appointed commandant of the navy yard in the city of Washington, during the month of April, 1829; and that he accepted the appointment, under the impression that he would only be required to perform such duties as properly belonged to that situation, or were connected with the rank he then held in the navy; but that, soon after he entered on the duties of the station, he was called upon to discharge those of a navy agent, which were foreign to his ordinary avocations, and incongruous with his official standing in the navy.

Aware that the labors thus unexpectedly imposed upon him would involve him in great pecuniary responsibilities, and be attended with much personal anxiety, he made strenuous efforts to be relieved from a task so irksome to his feelings, and so alien to his accustomed employments, but without success; and, as there was no alternative, he endeavored to make such arrangements as would enable him to discharge those new duties with satisfaction to the Navy Department; and in consequence of which, he has been subjected to many difficulties, great labor, and considerable expense.

After the most zealous efforts to perform all that was required, so perplexing and onerous were these extra duties discovered to be, and so hazardous the responsibilities which were accumulated on the memorialist, that from year to year he urged upon the Government his anxious desire to be relieved therefrom, as incompatible with the proper exercise of his more immediate and important engagements as superintendent of the various departments of the establishment; for, besides including those common to all the yards, there were extensive manufactories of chain cables, cambooses, blocks, and of numerous other articles for the general service of the national marine, each requiring unremitting attention; and at length, so well satisfied were the Secretary of the Navy, the Board of Commissioners, and Congress, of the incompatibility of the two offices, that a law was passed during the last session providing for placing the

Washington yard on the same footing with the others in various parts of the United States, by authorizing the appointment of an officer who should be specially charged with executing the duties of navy agent.

During the period of more than three years, in which the memorialist acted as navy agent, the disbursements by him made amounted to upwards of 680,000 dollars; and as it has been the uniform practice of the Government to allow to all public officers a liberal compensation for extraordinary services not directly connected with the appropriate duties of their stations, it appears but just and equitable that the memorialist should be remunerated by a sum which shall at least be equivalent to that which had been formerly allowed, or is now paid, for the same services.

It appears by the statement of the Fourth Auditor, (Mr. Kendall,) that it has been the practice, in the settlement of the accounts for the navy yard in the city of Washington, to allow and pay those who did the service of navy agent what was paid navy agents elsewhere. Such an allowance was made to Commodore Tingey, in addition to his pay as captain of the navy.

It appears, for some time previous to the appointment of the memorialist to the command of the navy yard in Washington, the duties of navy agent had not been devolved upon his predecessor, but had been executed by an officer in the Treasury Department, who had received, for his services, a commission upon his disbursements; and the agent who was appointed under the provisions of the act of the last session receives a commission upon his disbursements, limited to two thousand dollars per annum, with an extra compensation of nineteen hundred dollars for clerk-hire, office-rent, fuel, and other contingencies, making the aggregate annual sum 3,900 dollars; and, for the period during which the memorialist performed the said duties, would amount to 12,675 dollars, while he only asks to be allowed, less the clerk-hire which has been paid by the Government, the sum of 6,500 dollars.

From the correspondence of the Navy Department, accompanying the memorial, it appears that Captain Hull has been refused credit for a sum amounting to 604 $\frac{84}{100}$ dollars, paid by him in conformity to directions from the President of the Board of Navy Commissioners, and for which he also prays to be indemnified.

The claim originated in a contract between Peter H. Green and the Navy Commissioners, being an extra allowance on 4,838 $\frac{9}{2}$ cubic feet of live-oak timber delivered by said Green at the navy yard in Washington at 12 $\frac{1}{2}$ cents per cubic foot. The Fourth Auditor assigns as the reason for not allowing that item of charge in the account of the memorialist, that the Navy Commissioners were not competent to authorize the payment of a higher price to a contractor than that which has been stipulated in his contract; but, as the memorialist acted under the positive orders of the Navy Commissioners, as will appear by the letters and statements appended to this report, and as he had neither the means nor the right of judging whether or not they were exercising their legal authority, it is obviously unjust that the consequences of their error should be visited upon an individual, who had no right to question the legality of their orders, but whose position, while it precluded him from the means of deciding whether they were right or wrong, rendered obedience to their directions his paramount and obvious duty. From these considerations,

the committee are constrained to believe that the memorialist is entitled to compensation for his extra services, as well as to be refunded the sum paid for live-oak timber; and, therefore, report a bill for his relief.

No. 1.

Statement of the claim of Captain Isaac Hull against the United States, for a payment made by him, and for responsibility, services, &c., as acting navy agent at Washington, D. C.

Payment made by Captain Isaac Hull, as acting navy agent at Washington, D. C., for an extra allowance on 4,838 9-12 cubic feet of live-oak timber, delivered by Mr. Peter H. Green, for the use of the navy, at 12½ cents per cubic foot \$604 84

NOTE.—The above payment was made under an order from the Navy Commissioners, bearing date 29th June, 1831, copy of which is hereto annexed, marked A, and has been disallowed in the settlement of the accounts of Captain Isaac Hull as acting navy agent, at the Treasury Department, by the Fourth Auditor and Second Comptroller. See Fourth Auditor's letter, hereto annexed, marked B.

Claim for responsibility, services, &c., as acting navy agent at Washington, D. C., from April, 1829, to July, 1832, 3 years 3 months, at \$2,000 per annum - - - 6,500 00

Amount of public money passing through the hands of Captain Hull, during the above time, and for which he was held responsible, \$680,501 42.

Whole amount of claim - - - \$7,104 84

No. 2.—A.

NAVY COMMISSIONERS' OFFICE,

June 29, 1831.

SIR: The papers relating to Peter H. Green's timber are herewith returned. If the deficient pieces have been delivered, and passed the inspection at the yard under your command, then the old claim of 12½ cents per foot on 4,838 cubic feet is to be allowed, as per Commissioners' letter to Mr. Green of October 12, 1829, a copy of which is herewith enclosed; the whole chargeable to gradual increase. You will take the necessary receipts, and as in full of all demands.

I am, very respectfully,

Your obedient servant,

JNO. RODGERS.

Com. ISAAC HULL,
Commanding, &c., Washington.

No. 3.

NAVY COMMISSIONERS' OFFICE,

October 12, 1829.

SIR: Your letter of the 21st ultimo has been received. The Commissioners have again to repeat that they do not feel themselves authorized to allow your claim for the difference of \$1 42½ and \$1 55 per cubic foot, for live-oak timber delivered by you in 1823, until the pieces deficient in your contract, and of which you were advised, under date of 17th May, 1824, shall have been furnished. When that is done, the difference will be allowed: further than this, the Commissioners of the Navy cannot go; and if this is not satisfactory to you, an appeal is open to you to such tribunal as you may think proper to apply.

I am, &c.

JNO. RODGERS.

PETER H. GREEN, Esq., *Bath, Maine.*

No. 4.—B.

TREASURY DEPARTMENT,

Fourth Auditor's Office, July 30, 1832.

SIR: Your letter of 28th instant, with your final statement, &c., is just received. Your account shall be promptly settled.

The sum of \$604 84, in voucher No. 54, 3d quarter 1831, was disallowed, on the ground that the Navy Commissioners are not competent to authorize the payment of a higher price to a contractor than that which has been stipulated in his contract.

Very respectfully,

Your obedient servant,

AMOS KENDALL.

Captain ISAAC HULL,

U. S. Navy, comm'ng Washington.

No. 5.

TREASURY DEPARTMENT,

Fourth Auditor's Office, November 28, 1832.

SIR: Your letter of the 26th instant, asking for a certificate or letter of the rejection of \$604 84, in your account as navy agent, has been received; and the Second Comptroller has referred one to me of the same date, upon the same subject.

It appears that, in 1829, the Board of Navy Commissioners agreed to allow Peter H. Green, a contractor, 12½ cents per 100 on 4,838 feet of timber, above the price stipulated in the contract. This allowance, amounting to \$604 84, you paid, in pursuance of that decision, on the 15th July, 1831, and charged it in your account.

Contracts made and filed in the Second Comptroller's office, according to law, are the only legal guides to the accounting officers for the settlement of the contractors' accounts; and this payment was disallowed to you, on the sole ground that the increased price was not authorized by law.

It gives me pleasure to say that your accounts as navy agent were kept with great accuracy, and that there is no debit against you on the books of this office, except this disallowance, in your capacity as navy agent, or any other.

Very respectfully,
Your obedient servant,
AMOS KENDALL.

Captain ISAAC HULL,
Commanding Navy Yard, Washington.

Voucher No. 54, 3d quarter 1831.

No. 6.

Dr. The United States to Peter H. Green :

For amount due him on 4,838 9-12 cubic feet live-oak timber, delivered at the navy yard in Washington, on the 29th April, 1824, as appears by the certificate of James Carbery, inspector, approved by Thomas Tingey, at twelve and one-half cents per cubic foot, as allowed by the Navy Board, per their letter of April 2, 1824 :

1824.

April 29.	66 extra moulded frame pieces for frigates	No. 1 & 2	1,036 feet.
	Beam pieces	do	No. 1 2,142 5-12
	Do.	do	No. 2 1,660 4-12
			4,838 9-12

4,838 9-12 cubic feet at 12½ cents - - - \$604 84
1831.

June. 8 mould pieces live-oak timber, delivered by Messrs
Seabury & Brown, 124 8-12 cubic feet, at 142½ - 177 65
\$782 49

Errors excepted :

PETER H. GREEN.

BATH, June 11, 1831.

"Gradual increase."

Pay the amount of the within to the order of Joel Cruttenden.

PETER H. GREEN.

Washington, July 15, 1831. Received of Commodore Isaac Hull, navy agent, seven hundred and eighty-two dollars forty-nine cents, in full of the within bill, and of all claims against the Navy Department, whether arising under contracts or otherwise. I have signed duplicate receipts.

JOEL CRUTTENDEN.

\$782 49.

No. 7.

Allowances &c. made to Elias Kane, Esq., navy agent, Washington, D.C.

For clerk-hire, office-rent, fuel, &c. per annum - \$1,900 00
 For commission on disbursements, not to exceed per annum 2,000 00

Per annum - - - - - \$3,900 00

3 years and 3 months, at \$3,900 per annum - - - - - 12,675 00

Amount paid by the Government for clerk-hire, allowed

• Capt. Isaac Hull whilst navy agent - - - - - 2,969 78

Difference in favor of Captain Isaac Hull - - - - - \$9,705 22

No. 8.

NAVY DEPARTMENT, *January 31, 1833.*

SIR: I have the honor to acknowledge the receipt of your letter, and have, as requested, perused the proposed bill and report in the case of Commodore Hull.

In answer to your request for me "to communicate any information the files or records of the Department will furnish on the subject," I have the honor to state that the Naval Committee of the Senate requested of me, on the 10th instant, similar information, and I enclose a copy of the reply to their request. The papers are returned.

I am, very respectfully,

Your obedient servant,

LEVI WOODBURY.

The Hon. G. Y. LANSING,

Of the Naval Committee, House of Representatives.

No. 9.

TREASURY DEPARTMENT,

Fourth Auditor's Office, January 16, 1833.

SIR: Upon the subject of the letter of the Hon. George M. Dallas, chairman of the Committee on Naval Affairs in the Senate, by you referred to me, I have the honor to report, that, by an act passed 27th March, 1804, it was made the duty of the captain attached to the naval station at Washington to discharge the duty of navy agent, and certain emoluments were allowed to him.

From that time until November, 1813, those duties were performed by the captain of the station; and it is not known that he received any other compensation than that prescribed by the act of 1804; but his accounts were all destroyed in the conflagration of 1814, and no means are left of ascertaining the fact.

A regular navy agent was then appointed, who performed the duties until November, 1816, and received the regular navy agent's commission

of one per cent., not to exceed \$2,000 per annum. From that time until 1829, most of the payments were made by a special agent of the Navy Department, who was also a clerk in the Fourth Auditor's office, and received one per cent. on his disbursements. During the period, Commodore Tingey drew and disbursed money, for which he was allowed no compensation.

In 1829, the special agency was decided to be illegal, and the act of 1804 still in force. The whole duty, therefore, devolved again on the captain of the yard, who was allowed an additional clerk, at a salary of \$1,000 per annum, and \$300 more for daily attendance of his clerk at the Navy Department for the payment of small claims, to enable him to discharge the duties of the navy agency. But he has been allowed no commission or other compensation for the performance of its duties, other than the emoluments prescribed in the act of 1804. These, however, have ceased to be special emoluments, because those of other stations, where no such duties are required, have since been raised to the same, if not a higher point. The papers are returned.

Very respectfully,

Your obedient servant,

AMOS KENDALL.

HON. LEVI WOODBURY,
Secretary of the Navy.

No. 10.

TO ALL WHOM IT MAY CONCERN.

When Commodore Hull came to Washington to take command of the navy yard, he expressed to me his regret that the duties of a disbursing agent were among those assigned to him, stating that he was no accountant, and really incurred serious risk in the expenditure of such large sums of money; that the duties of commandant, if properly attended to, would employ all his time; that the yard was in a state to require unintermitted attention.

Similar remarks were frequently made by Commodore Hull, and probably had no small influence in producing the recommendation to divide the duties, by appointing a navy agent; thus putting the yard at Washington on a footing with the other yards.

Given under my hand this 16th December, 1834.

JOHN RODGERS.

No. 11.

TREASURY DEPARTMENT,

Fourth Auditor's Office, December 17, 1834.

SIR: In reply to your letter of yesterday, asking me to furnish you with the amount of commissions allowed Commodore Thomas Tingey, Richard Parrott, and George McDaniel, while doing the duty of a navy

agent at Washington, I have to state, that the destruction of the papers of the accountant's office of the Navy Department, which, at the time of the burning of the Treasury building, were filed in the Register's office, renders it impossible to comply with your request.

It is known that Messrs. Parrott and McDaniel were allowed a commission of one per cent. on their disbursements, like regular navy agents.

On reference to the old journal of the accountant's office, which has been preserved in this office, there appears an entry in Commodore Tingey's account to the following effect, viz :

“Contingent expenses—for commissions, &c.”

This entry appears in every settlement of his accounts from 30th September, 1802, to April 21st, 1806, covering his expenditures down to 30th September, 1805.

The act in which it is declared that the commandant of the Washington navy yard “shall perform the duties of agent to the Navy Department, and shall be entitled to receive for his services the pay and emoluments of a captain commanding a squadron on separate service,” was passed on the 27th March, 1804. The just inference certainly is, that Commodore Tingey continued to receive the same commission after the passage of the act which he had received before.

In the entries made in the journal after 21st April, 1806, commissions are not mentioned. They may or may not be included in the general term “contingent.”

When I wrote to you heretofore on this subject, I was not aware that there were any entries on the journal of the accountant's office specifying commissions, the practice having long been to include them in the terms “contingent expenses,” without further specification.

Very respectfully,

Your obedient servant,

AMOS KENDALL.

Com. ISAAC HULL.

RECAPITULATION.

Amount of commissions paid G. McDaniel as special agent	-	-	-	-	\$4,727 89
Do do as agent for the purchase of stocks, payments to navy pensioners, &c.					1,911 07
					<hr/> \$6,638 96
Compensation or salary as clerk of the pension accounts, &c.					
from 1st July, 1817, to 1st May, 1829, at \$250 per annum	-				2,979 16
Amount of salary as clerk in the office of the Fourth Auditor, from the 1st October, 1812, to 1st June, 1829	-				<hr/> \$22,913 50

TREASURY DEPARTMENT,

Fourth Auditor's Office, December 18, 1834.

AMOS KENDALL.

No. 12.

ENFIELD, July 18, 1835.

DEAR SIR: I have duly received yours of 25th May, and in answer

can say, with entire certainty, that I well recollect your decided objection, on assuming the command of the navy yard at Washington, to discharge the duties of navy agent; that your objections were made known to the President; and that we promised to make an effort to induce Congress to separate the duties of navy agent from those of commandant of the yard.

To lighten your burdens for the time being, I allowed you an additional clerk, and accordingly Mr. Etheridge was appointed at your instance.

At that time I did not know, so far as my memory serves me, that commissions had been allowed to your predecessor, nor do I suppose you knew it. This much, however, I do know: that your labors were of the most unremitting character; and so deeply sensible was I of the benefits resulting to the public therefrom, that, in my report to the President, and through him to Congress, I took occasion to speak of them in the highest terms of approbation.

Every thing was in a state of dilapidation when you assumed the command. When I left the Department, two years thereafter, all was done that untiring industry and economy could accomplish.

Were I to express an opinion from the facts before me, I would say that you are entitled to receive as much as any of your predecessors, deducting therefrom the salary allowed the additional clerk.

With sentiments of the highest respect,

I have the honor to be,

Your obedient servant,

JNO. BRANCH.

Com. ISAAC HULL, *Washington.*

No. 13.

TREASURY DEPARTMENT,

Fourth Auditor's Office, July 31, 1835.

SIR: I have received your letter of yesterday, enclosing a statement of commissions allowed in settlements made at this office to persons who performed the duties of navy agent at Washington, D. C., from 1802 to 1829, inclusively, which is herewith returned, (after being corrected,) and certified in compliance with your request.

I am, sir, respectfully,

Your obedient servant,

J. C. PICKETT.

Com. ISAAC HULL,

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

The following are settlements effected at the Fourth Auditor's Office, by persons intrusted with the duties of navy agent at Washington, D. C.:

By Commodore Thomas Tingey:

1802, Sept. 30. No. 1221. Commissions allowed.

1804, Jan. 26.	No. 1739.	Commissions allowed.
“ 26.	1740	do.
“ 27.	1742	do.
“ 27.	1743	do.
1805, Mar. 1.	2140	do.
“ 25.	2159.	Commissions allowed, included in contingent.
1806, April 21.	2523	do.
1807, Feb. 17.	2975	do.
“ Mar. 20.	3035	do.
“ April 8.	3076	do.

By George McDaniel.

1808, Jan. 19.	No. 3515.	Commissions allowed, included in contingent.
“ June 30.	3793	do.
1809, Mar. 3.	4143	do.
“ June 13.	4189	do.
“ Oct.	436	do.
1810, July 30.	749	do.
1811, June 20.	1076	do.
1812, Oct. 9.	1667	do.
1813, Aug. 12.	2142	do.
1814, Aug. 9.	2529	do.
1815, Aug. 17.	2797	do.
1816, June 30.	3054	do.
1817, July 23.	217	do.
1818, July 8.	703	do.
1819, Jan. 28.	987	do.
“ Oct. 5.	1421	do.

By Richard Parrott.

1813, Nov. 17.	Appointed.
1814, Feb. 2.	No. 2309 .Commissions allowed, included in contingent.
“ Nov. 20.	3267 do.
1817, July 9.	188 do.
Enoch G. Parrott,	do. Agent at Portsmouth, N. H.

By George McDaniel.

1820, June 2.	No. 1989.	Commissions allowed, included in contingent.
1821, Mar. 22.	2404	do.
1822, June 19.	2314	do.
1823, Mar. 23.	3890	do.
1824, Feb. 17.	4526	do.
“ Sept. 10.	4885	do.
1825, Feb. 3.	5216	do.
“ July 30.	5599	do.
“ Nov. 16.	5791	do.
1826, June 21.	6087	do.
“ Nov. 3.	6329	do.
1827, May 14.	No commission charged in this account.	
“ Dec. 18.	7000.	Commissions allowed, included in contingent.

1828, July 1.	No. 7273.	Commissions allowed,	included in contingent.
1829, Jan. 17.	7538	do.	
" Mar. 14.	7627	do.	
" April 16.	7718	do.	
" Aug. 11.	130	do.	

Examined by J. Mechlin.

TREASURY DEPARTMENT,

Fourth Auditor's Office, July 31, 1835.

I certify that the foregoing is a true copy from the books of this office.

J. C. PICKETT.

