

IN SENATE OF THE UNITED STATES.

JANUARY 20, 1845.

Submitted, and ordered to be printed.

Mr. WOODBRIDGE made the following

REPORT:

[To accompany bill S. 89.]

The Committee on Commerce, to which has been referred the petition heretofore presented of Noah Miller, ask leave to submit the following report :

The petition referred is in the words and figures following, viz :

To the honorable the Senate and House of Representatives in Congress assembled, A. D. 1837 :

Your petitioner, Noah Miller, of Lincolnville, in the State of Maine, respectfully represents :

That in the month of November, 1814, while the British troops were in possession of Castine, I, the said Noah Miller, hired a large whale boat, at Lincolnville, and four men, on wages, to intercept, in the bay, supplies that were expected to arrive at Castine, for the British troops, from Halifax. I procured the necessary arms and fitted out the boat, and made all proper arrangements for such an enterprise. I fortunately espied, near Turtle Head, in Penobscot bay, about five or six miles from Castine, a British vessel, for the capture of which I immediately made preparation. The vessel showed a number of men on deck. My force was four men besides myself. On approaching the vessel, I was mistaken for a pilot boat from Castine, sent out to pilot them in. The enemy was not undeceived till I had stationed my men at the proper positions on her deck, and approached to demand the helm, and informed the captain that he and his crew were my prisoners, and that his vessel was my prize. The vessel proved to be the schooner *Mary*, from Halifax, laden with bales of merchandise and a large amount of clothing for the British troops at Castine. As soon as the prisoners were disposed of for our safety, I put about and made all sail for Camden, a distance of 20 miles. These movements were espied from the heights near Castine, and immediate pursuit was made by the British, who pressed into their service an American pilot, who, by accident or design, ran the vessel aground, by which they were detained three hours, and enabled me to reach Camden with my prize. When all were secured, so that I could leave the helm, and on our way to Camden,

I went into the cabin, where was a lady in the greatest distress of mind, arising from apprehension of being massacred or of great ill usage, (for she had been told that the Americans were no better than savages.) She was the wife of the captain, and had retired to her berth in despair. I relieved her apprehensions with assurances of honorable protection. The captain had his furniture and goods on board, and was going to take up his residence at Castine, and engage in trade there. On arriving at Camden, I procured a boarding house for the captain and his lady, engaging the kindest attention to them, at my own expense, while they should remain, and gave up to them all their furniture, goods, and effects, of every description, as I thought was becoming the American character to do.

Soon after the capture, and on our way to Camden, the supercargo of the *Mary*, Mr. McWaters, offered me £10,000 as a ransom for the schooner and cargo. I rejected the proposition. It would hardly have comported with the dictates of patriotism to have suffered the enemy to receive the "aid and comfort" of such a cargo of supplies, to enable them to maintain their position at Castine, and to annoy our commerce and our citizens at that commanding point. I declined the proposition while the enemy were under a press of sail to overtake us. There were on board the schooner *Mary* letters from sundry merchants and others in England, to the Governor at Halifax, and by him transmitted to the British commander at Castine, which contained intelligence interesting to our Government.

Apprehending great insecurity in the captured goods remaining at Camden, exposed as it was, I chartered a great number of wagons, and had them all conveyed the same night to Warren, Waldoborough, and afterwards to Portland, except what belonged to the crew and passengers on board the schooner, which I gave up to them. The next day the *Furieuse* 74, Commodore Muncy, appeared off Camden, and demanded the restoration of the British schooner and cargo. Commodore Muncy sent in a special message, conveying the threat, that unless I gave up the vessel, &c., he would have me at all events, and hang me up to the yard arm; and by the same message, a public offer was made of a reward of \$10,000 for my arrest and delivery on board the *Furieuse*, accompanied by threats to destroy the town. Under such influences, some of the citizens of Camden held a meeting, as I was informed, at which it was determined to arrest me, and deliver me up to Commodore Muncy. I made it hazardous, if not impracticable, to carry that resolution into effect. I immediately received from General King orders for calling out the militia in the neighboring towns, for the defence of Camden. I was then a major in the militia. I communicated the orders, the troops were raised, and I appeared personally among those who had resolved at a public meeting to arrest me, and deliver me to the British commodore, and was ready to render such services as I might be able, to defend them against the threatened attack of the common enemy. Josiah Hook, Esq., was then the collector of the district of Castine. He appeared at Camden, and took *great interest in the captured vessel and cargo*. He advised me by all means to give both up to the Government, on whose account, as collector, he would take possession, and proceed against them as a seizure; telling me that was the only way to protect Camden and the country around; and that, as a private citizen, I had no right to make the capture. Others told me I had no right to the property captured; and though some expressed a different opinion, yet I yielded to the collector's views and solicitations, under a misapprehension,

as I have recently been led to believe, of my legal and just rights. And I have no doubt, from subsequent events, that many if not most of those who counselled me to give up the prize to the Government, and to the management of its revenue officer, were stimulated to give me such counsel by the collector himself; but I gave it up, notwithstanding all the hazard I had run to capture, and the trouble I had been at to secure it. But for this great error, committed under misapprehension of my rights, produced, as I have reason to believe, by the revenue officers of the Government, I should not now have occasion from pecuniary necessity to present this petition to your honorable body; *thirty-three thousand eight hundred dollars* having been received into the Treasury of the United States as a moiety of the nett proceeds of the vessel and cargo, after condemnation and sale, which afterwards took place. While Commodore Muncy was off Camden, Mr. Hook procured Joseph Farley, Esq., collector of the adjoining district of Waldoborough, to go on board of the *Furieuse* with the municipal authorities of Camden, and represent the facts of the case; and he did so. They informed Commodore Muncy that the capture was the private act of myself as an individual, unconnected with the Government, and unauthorized by it; that neither the collector of Castine, nor any other officer of the Government, had any thing to do with it, nor had any interest in nor any control over the matter. They further represented, that I had carried all the goods away, and secreted them, and therefore they could not restore them. This information, accompanied by suitable intercession in behalf of themselves and the people of Camden, had the effect to assuage the commodore's wrath against *them*, although it exposed *me* still more to the halter which dangled to the yard arm of the *Furieuse*. The Government's officers having made sure of the prize, the humble individual who had hazarded something in taking it, and had done the country "*some service*," was left to escape arrest by his own fellow-citizens, acting under the temporary lure of \$10,000 reward, and to keep his neck out of the commodore's noose the best way he could. I was subsequently appointed an officer of the customs at Belfast, and in that capacity I made seizure of a large quantity of beef, belonging to one Whittier, of Belfast, on its way to Castine, to afford "aid and comfort" to the enemy. It was condemned and sold. Whittier swore vengeance against me, in which he had the countenance and support of a number of the citizens who were driving a profitable trade with the British, to which I had, as an officer of the customs, often presented *serious obstacles*. Whittier attacked me in the streets of Belfast with a knife, by which I was severely and dangerously wounded; the effects of which were disastrous to all my future hopes and prospects through life. I was rendered a helpless cripple, my nervous system was shattered, and I have been wholly unable to attend to any sort of business whatever, from that time to this, for the support of myself and my family. My condition is that of poverty and of helplessness, except from the justice of my country, whose coffers were replenished in its time of need at the expense of my own.

I therefore most respectfully, and, in my situation, must say *humbly*, pray that the proceeds of said schooner *Mary* and cargo may be restored to me, or such other measure of justice meted out to me as you in your wisdom may deem suitable and proper, under the circumstances of the case.

NOAH MILLER.

STATE OF MAINE, *Waldo, ss* :

Then personally appeared the above-named Noah Miller, and made oath that the facts detailed in the foregoing petition, by him signed, relating to the capture by him, as a private individual, and the subsequent disposition, of the British schooner *Mary* and her cargo, in the late war, are true. Before me,

NOVEMBER 20, 1837.

JOSEPH MILLER,
Justice of the Peace.

The occurrences related in the foregoing memorial must necessarily have been of general notoriety. *Material* errors in the statement of them could hardly have escaped detection, and are not therefore *to be presumed*.

The principal and most material facts stated, seem sufficiently established by circumstances, and by extrinsic proofs. *Thus* sustained in prominent points, the inference is natural and fair, that the whole relation is true. It will be perceived, too, that the statement is verified by the oath of the memorialist. This cannot fail to strengthen the presumption of its correctness. Noah Miller possessed, in a high degree, the respect and confidence of the community with which he was conversant. It is not lightly to be presumed that *such* a man, especially when under the solemn influences of an oath, even although he should indulge the belief that such perversion might strengthen the application he has submitted, would *intentionally* pervert the truth. A man so eminently distinguished by intrepid bravery, and by elevated love of country, is seldom found to unite in his character the opposite and degrading quality of sordid and mercenary selfishness. And it would accord still less with all reasonable probabilities, to suppose so of one who, when pressed by danger, not merely of loss of property, but of *life* even, could yet find, in the impulses of his own integrity and fidelity to his country, motives strong enough to impel him to reject the proffer made to him by the supercargo of the vessel he had so gallantly captured, of *ten thousand pounds*, (£10,000,) if he would suffer his prize to proceed to her destined port, there to strengthen the hands of the public enemy. Influenced by such considerations, and after a careful review of the proofs exhibited, your committee are constrained to believe that the facts alluded to are fairly and truly set out by the memorialist.

They are next led to inquire whether it accord with the past usages of the Government, to grant the prayer of the petition?—whether justice to the individual applying, require it?—whether a policy just and wise, with reference to its continued and prospective influences upon the national interests and character, demand it?

In regard to the first-mentioned topic, your committee ask leave to say, that, from the earliest periods of our history, it is believed that the policy has always obtained, of assigning to captors an adequate portion of the avails of all prizes made upon the ocean, *flagrante bello*. By the act of April 23, 1800, “for the better government of the navy of the United States,” (3d vol. U. S. Laws, p. 360, sec. 5,) it is provided, “That the proceeds of all ships and vessels, and the goods taken on board of them, which shall be adjudged good prize, shall, when of equal or superior force to the vessel or vessels making the capture, be the sole property of the captors; and when of inferior force, shall be divided equally between the United States and the officers and men making the capture.” Similar provisions

are found in the act of June 28, 1798, (vol. 3, U. S. Laws, pp. 71, 72.) The *principle*, it is believed, has always obtained. It is true that these provisions are made with reference to the *navy of the United States*, or the *public armed vessels* of the nation. But the *reason* upon which that policy is founded, is still *more* manifestly apparent, in the case of captures thus made by the unaided means, skill, enterprise, and courage, of *individual* citizens. The United States, in this class of cases, furnishing *no portion of the force*, incurring *no part of the risk*, and being in no wise the meritorious cause of the capture, can, *in justice*, claim *no part of the proceeds*. Nor is this rule, thus modified, without the sanction of Congress. An express recognition of it may be found in the acts of June 25, 1798, (3d vol. U. S. Laws, p. 69, sec. 2.) and of 26th of June, 1812, (4th vol. U. S. Laws, p. 450, sec. 4.) and in the acts of March 3, 1813, (4th vol. U. S. Laws, p. 518,) of August 2, 1813, (vol. 4, Laws U. S., pp. 625 and 656;) and in other acts, the principle is carried so far as to require the payment to individual citizens of a *bounty for the destruction* of vessels of the enemy, and a *bounty for prisoners taken, out of the public treasury*. No doubt, then, it is believed, will be entertained, but that it accords with the ordinary jurisprudence of the country, and with the whole course of its legislation, to concede to the captors, in such a case as this, the *entire* proceeds of the prize. But it may be objected, that *this case* has been actually *adjudicated* upon, and the proceeds of the capture *disposed* of according to the provisions of the revenue laws—the one moiety having been paid, some thirty years ago, into the Treasury of the United States, and the other moiety distributed between the collector (Mr. Hook) and those who assisted at the capture, and perhaps to others. Such an objection, so far as relates to such *individuals* as may have received distributary shares of the proceeds of the capture, your committee think is entitled to much consideration.

It would be of dangerous consequence if Congress were to attempt to disturb that distribution, so long ago made—made, probably, under the sanction of the Government for the time being. And even if it were of less injurious or of less doubtful policy, it would not probably be deemed *competent* for Congress thus to interfere. Fortunately, perhaps, for the memorialist, even on *this* point there are “precedents on file.” The case presented to Congress in 1814, and which resulted in “An act for the relief of David Porter, and his officers and crews,” was in some respects analogous to this. (See vol. 4, Laws U. S., p. 683.) Decrees of condemnation had been rendered in like manner; but, by the law referred to, *that portion only* of the proceeds of the captures made, *which had accrued to the United States*, was directed to be relinquished and paid over to the captors. So in the case of the captures made near the island of Barrataria, in September, 1814, by Colonel George F. Ross and Captain Daniel Patterson; “*so much* of the net proceeds of the forfeiture and penalties, not exceeding \$50,000, as *accrued to the United States*, by the decree of condemnation rendered *for a violation of the laws of the United States*,” was directed to be paid over to the captors—(see vol. 6, Laws U. S., pp. 118, 171)—leaving, in both cases, such distribution as may have been made to *individuals*, under color of the revenue laws, *undisturbed*; thus furnishing precedents strongly enforcing the general principle, and at the same time illustrating the exception. Assuming, then, that the principal facts in this case are sufficiently established, and that, with the limitations herein above explained, it accords with past usages of the Government in similar cases

to grant the relief prayed for, it remains next to consider how far *justice* to the memorialist requires it. To arrive at a proper conclusion on this point, it is very necessary to have regard to the condition of the country at the time and place where the transactions alluded to occurred. It is not the desire of your committee, nor would it be appropriate, to crowd into this report any unnecessary matter of historical detail; but it may not be improper to call to the recollection of the Senate, that at the period alluded to Castine was in the possession of the enemy; his vessels of war were hovering over the coasts, and in great force commanding the bay. What his ulterior intentions may have been, is left, perhaps, in some sort, to conjecture; but, cut off as he was from direct intercourse with the interior, it was of the utmost importance to intercept also his supplies, and to diminish his resources, in their progress up the bay. Fully and completely to accomplish that end, a superior naval force was undoubtedly requisite. But *such* a naval force the Government had not then, at that point, in its control. In *such* circumstances, what resource remained but that which was to be sought for in the adventurous enterprise, the active vigilance, the hardy courage, and the ardent and devoted patriotism, of its unsupported individual citizens? There was no other. And happily for the country, and for the honor of its people, that resource, in *such an exigency*, did not fail! Many there doubtless were, who, on that memorable occasion, were distinguished by their devotion to their country, and by their brave and gallant bearing; but among them, none seemed more conspicuous than Noah Miller. Alfred Johnson (whose affidavit is appended to this report) testifies of him, that "Major Miller was a very active officer of the militia, and signalized himself as an efficient partizan, and a vigilant observer of the movements of the enemy in our vicinity; and it is my opinion, that no one person in this quarter was oftener mentioned as a brave and useful friend of his country during that war. About one year, according to my best recollection, he was in the actual service of the United States as a captain of volunteers; and, after the expiration of this service, it was understood—and I have no reason to doubt it—that he was in the revenue department of the Government—in what capacity, or whether officially or as a volunteer, I cannot say—and assisted to prevent an illicit intercourse with the enemy. He received a wound in a personal rencounter, growing out of his said employment. During the war he made a capture of a valuable vessel and cargo, attempting to introduce goods of the enemy into this country; and, in doing this, it was at the time the general opinion, that the said capture was made by him as a private citizen, at his own risk, responsibility, and expense.

William P. Preble, Esq., who, as district attorney of the United States, conducted the prosecution which resulted in the condemnation of the captured vessel, and whose deposition is also hereto appended, thus testifies of the memorialist: "I well remember said Miller was in those days distinguished for his zeal and activity (*after* I knew him) in carrying on a partisan warfare against the enemy and the contraband trade carried on with them in that quarter, while the British forces were in possession of Castine." And in respect to the capture he made, he says: "I further depose and say, that it was well understood and notorious that said Mary and cargo *were in fact captured* and seized by Major Noah Miller, who, having discovered the vessel from the shore, put off in a boat with a small crew, and took possession of her, and brought her into Camden; and that the capture

was *wholly* due to the activity and enterprise of said Miller and his assistants. I further depose, that I well remember it was understood at that time that said Miller met with a good deal of difficulty in securing the property after its capture, and that it was wholly owing to his active exertions, aided by his boatmen, that the property was removed to a place of safety; and that, if it had not been so removed, it would have been rescued by the enemy's armed forces then in the vicinity. I have since understood, and now fully believe, that said Miller, in making said capture, and securing said property, *acted solely from his own promptings*, and in no respect under the authority and instructions of Mr. Hook, the collector."

Mr. Preble, in a subsequent communication, again says: "The act of the capture was an act of Miller's own devising and enterprise, unprompted by any one, and unaided by any one except his boat's crew. Miller continued afterwards in the United States service as inspector, and until our troubles of that period ceased, and was very active, vigilant, and enterprising, and *no man did better service* than he. He was the *terror* of smugglers and traders with the enemy. More than once he barely escaped with his life; so that it became necessary to caution him to be less venturesome and daring."

These extracts are made for the purpose of vindicating the character of the memorialist, and the nature of the important services he rendered.

A more minute examination of the proofs will sufficiently demonstrate that, in respect to the particular transaction upon which his application is founded, the conception of the plan, and the enterprise itself, *were all his own*; the risk and the danger of its execution were emphatically his; and he alone was originally responsible for the *entire expense*. With what skill and perseverance and gallantry the enterprise was accomplished, also appears. If, by such exploits, the public enemy were more straightened in their quarters—if they were harassed by repeated alarms—if their supplies were cut off, or their resources diminished—these and all other *military* advantages resulting from them belonged to the country, and the country has received them. But it is not perceived on what principle of natural justice this memorialist should be deprived of the pecuniary fruits of his own, his individual and voluntary enterprise; an enterprise conceived in boldness, and executed with consummate address, and at great peril of life. "The laborer," it is said, "is worthy of his hire." And this Government, whose strength consists in the affections of the people, and in the confidence which *they* have in its liberal justice, should be the last to render itself justly obnoxious to the imputation of "reaping where it has not sown, and gathering where it has in no wise sowed."

It is not only just, then, your committee venture respectfully to say, that whatsoever has accrued to the national Treasury, solely by reason of the individual efforts, skill, and gallant conduct of the memorialist, should be returned to him, but wise, also, and in accordance with the dictates of the soundest policy. Incentives to patriotism and to virtue cannot be too much multiplied; nor is any thing unimportant which may in future affect the character or moral sentiment of the nation. What lustre has been reflected upon the national character by those individual acts of intrepidity, so bold in design, so skilful and so perilous in their execution, which, when the pressure of war was upon us, have sometimes illustrated the career of those in private life, as well as adorned the characters of those in the public employ! It is fit that they should be brought out in bold relief, and in-

scribed on the public archives ! And who that values inflexible patriotism and incorruptible integrity, looking forward to the future, would desire to see that page torn from our history which records that honors were awarded, and pecuniary rewards were given, to such men as Paulding, Williams, and Van Wert? In short, it seems to result that justice, the past practices of the Government, and a wise and sound policy, all tend to sustain the principle upon which the application of the memorialist is based. But there are yet difficulties which embarrass greatly the further progress of the committee towards a just and satisfactory conclusion.

No doubt, it is believed, can exist, but that the enterprise, which resulted in the capture of the *Mary*, and of the clothing and supplies for the British troops at *Castine*, and the other articles of British merchandise on board, originated *exclusively* with the memorialist. No doubt is entertained but that he alone hired the small boat which was employed in the capture; and that he alone, and on his *own account*, hired, on *stipulated wages*, the men employed in the operation. It was *he* who became *insurer* against the risk, and he alone who became personally responsible for the payment of the men, and the hire of the boat; and *that* responsibility, it is presumed, he faithfully discharged. It is very plainly inferable, also, from the exhibits, that, in addition to their stipulated wages, the men so employed by the memorialist, and a Major Ulmer, (of whom respectful mention is made in the exhibits, and who was taken on board of the prize after her capture, in order that she might be more safely and more certainly conducted into Camden,) received, out of the proceeds of the capture, a thousand dollars or more each, as *their* proportion, respectively, of the proceeds which were distributed. But it is urged, in behalf of those men, if it should be the opinion of Congress that the memorialist receive any part of that moiety which was paid into the national Treasury, that *then* they ought, respectively, to receive some suitable proportion of it also. When expeditions of this sort have heretofore, in time of war, been undertaken and fitted out, *solely* by individual and private means, and such expeditions have resulted in making prize of the vessels of the enemy, it is believed to have been the policy of the law to leave the distribution of the proceeds of the prize to be determined by *such contract* or agreement as may have been made by the undertaker with the men he employs. But if *no contract* exist between them in this regard, then it is supposed to have been the policy of the law to require that those proceeds should be distributed according to the rule of proportion adopted in the naval service of the United States. In *this* case your committee are not satisfied that *any* claim is justly and fairly made out, except that of the memorialist; and yet, in the view of the supposed rule of policy alluded to, they are not prepared to say that none can exist. And they do not desire, by anticipation, and by a proposed disposition of the whole fund, to preclude it.

The present application seems to have been before Congress for many years. And, in the one or the other House, several reports, all of them in favor of the claim, are said to have been made upon it. But, so far as your committee are advised, no final action has, in either House, been had upon it. In February, 1838, the subject was very elaborately discussed, in a report made by the Committee on Commerce of the Senate, and the justice of the claim very strongly urged. During the last session of the Senate, the memorial was again referred to the same committee, and that committee

adopted, *in extenso*, the report alluded to of 1838, and introduced a bill in accordance with it; but that bill was not finally acted upon.

And now a rumor exists, (of the truth of which, however, your committee have no knowledge,) that the memorialist is dead.

But if the fact be so, it can hardly be considered as requiring any other change in the action of the Senate upon it, except that of *so* shaping its legislation as that the legal representatives of the memorialist may be enabled to receive whatsoever sum shall be appropriated. The *justice* of the claim will be the same, the policy of allowing it the same, and the moral and political right of the Government to retain the money it has so received can be in no wise strengthened by that event.

The bill reported to the Senate in 1838, and recommended to its favor by its committee, purported to award to the memorialist ten thousand dollars, that sum being less than one-third of that part of the nett proceeds of the capture which went into the national Treasury. The Committee on Commerce, to which the memorial was referred during the last session of the Senate, recommended the appropriation of the same sum.

And although it may not comport fully with the grounds assumed by your committee, and the reasoning which they have endeavored, in this report, to enforce, to limit the proposed appropriation to so small a part of the money which has been paid over to the Government in consequence of the capture, yet, in view of the difficulties hereinbefore adverted to, and not uninfluenced in this regard by the concurring opinions heretofore expressed by the committees to which the subject had been at different times referred, they have deemed it expedient again to recommend the appropriation of the same sum.

In conformity with this determination, they accordingly herewith present a bill, and respectfully recommend it to the favorable consideration of the Senate.

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No. 1.

I, David Alden, of Northport, in the State of Maine, do testify and say: That, some time in the month of November, in the year 1814, I was on the shore of Penobscot bay, in said town of Northport, about twelve miles from Castine. I saw a boat board a sloop in the bay. Directly after they stood in for the land where I then was, and when they had got near the shore, the boat came on shore, and I found the commander of the boat to be Major Noah Miller, of Northport, and he had two Englishmen with him. One of them said he was the supercargo of the sloop; and he called me one side, and offered me one thousand dollars if I would persuade Major Miller to ransom the sloop; but I advised Major Miller not to ransom the sloop. The sloop went down the bay off against Lincolnville, and there stopped. Major Miller, myself, and the supercargo of the sloop, went down to Lincolnville by land, and the sloop was waiting there. While we were there we fell in with two gentlemen, Major Philip Ulmer and John Wilson. I heard the supercargo, who said his name was McWaters, offer Ulmer and Wilson each one thousand dollars if they would advise Major Miller to give up the sloop. Soon after this, Major Miller and the supercargo went on board the sloop, and proceeded for Camden. I understood said sloop was the English sloop *Mary*.

STATE OF MAINE, *Waldo*, ss :

Personally appeared the above-named David Alden, and made oath that the foregoing deposition, by him subscribed, is true. Before me,
 JOSEPH MILLER,
Justice of the Peace.

NOVEMBER 23 1837.

STATE OF MAINE, *Waldo*, ss :

I, Nathaniel M. Lowney, clerk of the judicial courts for the county of Waldo, certify that Joseph Miller is a magistrate in and for said county, and that the foregoing signature, purporting to be his, is genuine. I further certify, that the within-named David Alden is well known to me; that he is a man of truth, and that his declarations on oath are entitled to credit.

In testimony whereof, I have hereunto affixed the seal of the supreme
 [L. s.] judicial court of said State, and subscribed my name, this 24th day
 of November, A. D. 1837.

N. M. LOWNEY,
Clerk of the courts for said county.

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 No. 2.

I, Charles Thomas, of Lincolnville, State of Maine, testify and say: That, some time in the month of October, in the year 1814, Major Noah Miller, of Northport, came to me, and wished to hire a boat which I owned, for the purpose of cruising in Penobscot bay, in order to intercept and capture such English vessels as might be bound to Castine with supplies for the British troops which were then in possession of Castine. I declined hiring my boat to him unless I could go with the boat. Major Miller said he wanted to hire men to go with him, and he would hire me. Major Miller said he would give me two dollars per day for my services, and one dollar per day for the use of the boat. I agreed to go with him for that sum. I accordingly took my boat and went a cruising with Major Miller a number of days in Belfast and Penobscot bays. Not falling in with any English vessels, after cruising a number of days, I returned home to Lincolnville, and left my boat in the charge of Major Miller, who was the captain of our crew. In a few days after I returned home, Major Miller took my boat and went out in the bay off against Northport, and captured an English sloop, bound to Castine, with supplies for the troops, &c. After Major Miller captured the sloop, he returned my boat to me, and paid me for the use of it, and also for my services. I always thought that Major Miller acted as a private citizen in all his privateering expeditions against the British during the war, and that he acted in that capacity when he captured the English sloop Mary. I never heard a word said about Major Miller being a revenue officer at that time.

CHARLES THOMAS.

STATE OF MAINE, *Waldo*, ss :

Personally appeared before me the above-named Charles Thomas, and made oath that the foregoing deposition, by him subscribed, is true. I fur-

ther certify, that I am personally acquainted with the said Charles Thomas, and that his declarations, under oath, are entitled to credit.

JOSEPH MILLER,
Justice of the Peace.

DECEMBER 9, 1837.

STATE OF MAINE, *Waldo county, ss :*

I, Nathaniel M. Lowney, clerk of the judicial courts for said county, certify that Joseph Miller is a magistrate for said county, and that the foregoing signature, purporting to be his, is genuine.

In testimony whereof, I have hereunto subscribed my name, and affixed [L. s.] the seal of the supreme judicial court of said State, this 15th day of December, in the year of Lord 1837.

N. M. LOWNEY,
Clerk of the courts for said county.

No. 3.

I, Alfred Johnson, of Belfast, Maine, of lawful age, testify and say: That I resided in Belfast aforesaid during the late war between the United States and Great Britain, and was well acquainted with Major Noah Miller, of Northport, an adjoining town. Major Miller was a very active officer of the militia, and signalized himself as an efficient partisan and a vigilant observer of the movements of the enemy in our vicinity; and it is my opinion that no one person in this quarter was oftener mentioned as a brave and useful friend of his country during that war. About one year, according to my best recollection, he was in the actual service of the United States as a captain of volunteers; and after the expiration of this service, it was understood, and I have no reason to doubt it, that he was in the revenue department of the Government—in what capacity, or whether officially or as a volunteer, I cannot say—and assisted to prevent an illicit intercourse with the enemy. He received a wound in a personal rencounter growing out of his said employment. During the war, he made a capture of a valuable vessel and cargo, attempting to introduce goods of the enemy into this country. And in doing this, it was at the time the general opinion that the said capture was made by him as a private citizen, at his own risk, responsibility, and expense.

ALFRED JOHNSON.

STATE OF MAINE, *Waldo, ss :*

Personally appeared the above-named Alfred Johnson, and made oath to the foregoing deposition, as truth. Before me,

JOSEPH MILLER,
Justice of the Peace.

NOVEMBER 24, 1837.

STATE OF MAINE, *Waldo county, ss :*

I, Nathaniel M. Lowney, clerk of the courts for said county, certify that Joseph Miller is a magistrate for said county of Waldo, and that the fore-

going signature, purporting to be his, is genuine. I further certify, that the within-named Alfred Johnson is well known to me; that he is judge of the court of probate for said county, and that his declarations, on oath, are entitled to credit.

In testimony whereof, I have hereunto affixed the seal of the supreme [L. S.] judicial court of said State, and subscribed my name, this 24th day of November, in the year of our Lord 1837.

N. M. LOWNEY,

Clerk of the courts of said county.

No. 4.

I, William P. Preble, of Portland, in the State of Maine, depose and say: That in the month of November, A. D. 1814, Josiah Hook, collector of the customs for the district of Penobscot, reported to me, at that time attorney of the United States for Maine district, the sloop Mary and cargo, as being then in his possession and custody, to the end that said vessel and cargo might be proceeded against, condemned, and confiscated to the United States. I accordingly drew a libel, and filed the same in the district court, setting forth the facts as reported to me by said Hook, the collector; and the property was afterwards, in due time, condemned and confiscated to the United States. The place where the Mary was captured and seized, it appeared, was in Mr. Hook's district, and within the waters of the United States; and the property, by the then existing statutes, was liable to seizure and forfeiture, without regard to the fact of its being enemy's property. Hence, as well as I can remember, the collector claimed a right to take the property into his possession, and to receive and account with the Government for the proceeds.

I further depose and say: That it was well understood and notorious that said Mary and cargo were, in fact, captured and seized by Major Noah Miller, who, having discovered the vessel from the shore, put off in a boat, with a small crew, and took possession of her, and brought her into Camden; and that the capture was wholly due to the activity and enterprise of said Miller and his assistants.

I further depose: That I well remember it was understood at that time that said Miller met with a good deal of difficulty in securing the property after its capture, and that it was wholly owing to his active exertions, aided by his boatmen, that the property was removed to a place of safety; and that, if it had not been so removed, it would have been rescued by the enemy's armed forces then in the vicinity. I have since understood, and now fully believe, that said Miller, in making said capture, and securing said property, acted solely from his own promptings, and in no respect under the authority and instructions of Mr. Hook, the collector.

And I further depose: That I well remember said Miller was in those days distinguished for his zeal and activity (after I knew him) in carrying on a partisan warfare against the enemy, and the contraband trade carried on with them in that quarter, while the British forces were in possession of Castine.

WILLIAM P. PREBLE.

CUMBERLAND, ss :

Then personally appeared William Pitt Preble, and made oath that the foregoing statement, by him subscribed, is true, according to the best of his knowledge, recollection, and belief. Before me,

JOHN L. MEGQUIER,
Justice of the Peace.

AUGUST 18, 1837.

No. 5.

Extract from the testimony of Philip Ulmer, taken in 1814, to be used, as is understood, in court, in the case of the Mary.

Answer to the 3d interrogatory : The sloop Mary was taken in Penobscot bay, as I was informed, by Captain Miller, being English property. About two hours after her capture, the sloop was brought into Camden. Sailed under British colors. No resistance made. Seized by the revenue officers.

Answer to the 5th interrogatory : The sloop is about sixty tons. There were six men on board, officer included, and a lady, the captain's wife. They all appeared to be English or Irish. The captain said he had lived in Halifax about ten years. I do not know when or where they came on board.

Answer to the 32d interrogatory : I have stated all I know, except the conversation I had with Mr. McWaters, relative to ransom, and the captain. After McWaters had offered Captain Miller £10,000 to ransom the vessel, and me £1,000 if I would not interfere to prevent the ransom, the captain then told me the property was all British ; that they were but four days from Halifax, and that they were towed all the passage by the sloop of war Pelter.

No. 6.

WASHINGTON, June 24, 1842.

GENTLEMEN : Having been requested, in behalf of Major Noah Miller, to communicate to your committee certain facts in relation to a capture made by him at a late period of the last war with Great Britain, which is the foundation of a claim on his part now under your consideration, I have the honor to state that I was the person who then held the office of district attorney for Maine. Immediately after Miller had made the capture, he found himself troubled by the pretensions of certain persons then in the military service, who seemed to have claims to a share of the prize, from the fact that the troops on shore were in sight. Major Miller was ignorant how to proceed with the property, or what to do with it. It was in imminent danger of recapture, if not removed, and he had no means of removing it, besides the risk of incurring a forfeiture. Under these circumstances, he applied for aid to the collector of the district. The collector accordingly took charge of the property, and had it removed, secured, and condemned. After condemnation, the proceeds were paid over to

the collector, to be by him disposed of and accounted for according to law. I had understood that Miller was an officer of the customs at the time of the capture; and the date of his commission as inspector indicated the fact to be so. I learned afterward that the commission was purposely ante-dated; and the fact was undoubtedly so. The act of the capture was an act of Miller's own devising and enterprise, unprompted by any one, and unaided by any one except his boat's crew. Miller continued afterwards in the United States service as inspector, and until our troubles of that period ceased, and was very active, vigilant, and enterprising; and no man did better service than he. He was the terror of smugglers and traders with the enemy. More than once he barely escaped with his life, so that it became necessary to caution him to be less venturesome and daring.

With great respect, gentlemen, your obedient servant,

WILLIAM P. PREBLE.

The COMMITTEE to whom is committed
the petition of Noah Miller.

No. 7.

I, Samuel A. Whitney, of Lincolnville, in the county of Waldo, and State of Maine, on oath, do say: That in the fall of 1814, while the British forces were at Castine, Major Noah Miller came on shore from a sloop then lying to off this place, and informed me and others that he and others had taken possession of the aforementioned vessel; that she was an English vessel, bound from St. John's to Castine, laden with English goods; that they took her in Penobscot bay, within a few miles of Castine, and wanted to get Major Philip Ulmer to go with him on board, to take charge of her, to take her into some place of safety, (Major Ulmer being a custom-house officer, seaman, and pilot;) that the said Ulmer did go on board with said Miller, and took said vessel into the harbor of Camden, and immediately landed the goods, and caused them to be transported overland to the town of Warren, for safety; that the next day an English frigate went from Castine, anchored off Camden, and sent in a demand for the goods; and Camden had to give up hostages, to prevent damage being done to the town, which were carried off.

I further say, that Christina, wife of Paul H. Stevens, Esq., Susan, wife of Samuel Buckmer, and Grace, wife of Job White, are the daughters and heirs at law of the aforesaid Philip Ulmer, deceased.

SAMUEL A. WHITNEY.

WALDO, ss :

Then personally appeared the above-named Samuel A. Whitney, and made oath to the truth of the above deposition, by him subscribed. Before me,

JACOB S. ADAMS, J. P.

DECEMBER 3, 1838.

No. 8.

THOMASTON, MAINE, *December 3, 1841.*

MY DEAR SIR: In behalf of a very worthy but unfortunate man, allow me to call your attention to the claim of *Noah Miller*. It is desirable that it should be *early* reported, in order that it may stand a chance of going to the other House in season to obtain the action of that body. It has passed the Senate three or four times, having received the unanimous sanction of the Committee on Commerce from the first examination of the subject in 1838. Let me refer you to Governor Davis's report on the subject, with accompanying documents—being Doc. No. 204, 2d session 25th Congress. The late chairman, Mr. King, has advocated it. I presume it will find no opposition.

You will perceive that the bill which passed the two last sessions appropriates \$7,500 for Miller, and \$2,500 for others, instead of the \$10,000 for Miller alone. This was a sort of compromise, assented to by Miller and others, to avoid collision and delay, though, in point of fact, Miller has the sole claim. I hope no modification more unfavorable to Major Miller will be consented to on any account. Governor Davis, just before he resigned his seat, said to me that he felt a deep interest in this claim of Major Miller, and regretted that any compromise (referred to above) had been assented to. He said that Miller was shown to be a very deserving man, and ought not divide with any one. He yielded to it only because Miller himself assented; and that, he thought, was hardly a sufficient reason. He spoke with some feeling about it.

I will not trouble you further now than to ask the favor of your making as *early* a report of a bill as practicable, if the committee see no objection. If there should be any thing that may require explanation before the Senate act upon it, I will thank you to apprise me of it.

Wishing you, my dear sir, a pleasant, useful, and *harmonious* session, I remain, very respectfully and faithfully, your obedient servant,

JOHN RUGGLES.

HON. JABEZ W. HUNTINGTON,
Senator United States.

P. S. The bill referred to has twice or three times received the *favorable* consideration of the House committee, but it has never been reached by the House.

No. 9.

I, John Studley, of Lincolnville, in the county of Waldo, and State of Maine, of lawful age, do testify and say: That, in the fall of 1814, the British sloop *Mary* was captured by Noah Miller and others, and hove to in Penobscot bay, near where I lived, about seven miles from Camden. Miller came on shore, and got Major Philip Ulmer to go on board and take charge of her, and carry her into Camden, he being a revenue officer; which was effected the same day, and her cargo discharged.

And I further say, Christina Stevens, Susan Buckmer, and Grace White, are children and lawful heirs of the said Philip Ulmer.

JOHN STUDLEY.

WALDO, ss :

Then the above-named deponent personally appeared, and made oath to the foregoing deposition, by him subscribed, to be true. Before me,

DAVID McKOY, J. P.

NOVEMBER 30, 1838.

No. 10.

I, Jacob S. Adams, of lawful age, do testify and say : That, in the fall of 1814, I resided at Lincolnville, in the county of Waldo, and State of Maine. I was at the shore at the time, and saw Major Philip Ulmer, together with Major Noah Miller, go on board the British sloop Mary, then lying in the bay. The report was, that they were going with him to Camden. I then went immediately to Camden by land, and met the sloop there. Major Philip Ulmer was on board said sloop, and appeared to have the command of her, and appeared to take an active part and be principal in unlading her and securing the goods.

And I further say, that Christina Stevens, Susan Buckmer, and Grace White, are children and lawful heirs of said Major Philip Ulmer, deceased.

JACOB S. ADAMS.

WALDO, ss :

Then the above-named deponent personally appeared, and made oath to the foregoing deposition, by him subscribed, to be true.

DAVID McKOY, J. P.

DECEMBER 1, 1838.

No. 11.

LINCOLNVILLE, *December 5, 1843.*

DEAR SIR: The circumstances concerning the claims of the heirs of Major Philip Ulmer, late of Lincolnville, I will briefly relate: In the fall of 1814, Noah Miller, with 3 or 4 others, boarded a British sloop, with a valuable cargo on board, in Penobscot bay, about 5 or 6 miles from the British fleet, then lying at Castine. After securing the crew, Miller left the prize in charge of his men, and went on shore to procure the assistance of Major Ulmer, then a shipmaster and pilot, who immediately went on board, took charge of the prize, and, at the imminent risk of being retaken by the British, carried her into Camden, where the cargo was taken out, sent to Portland, and sold, Government taking a large proportion, (which has since been proved does not belong to it,) the rest being divided among the crew, Major Ulmer receiving an equal share for his important services; and, sir, what we petition for is, that his heirs may receive a share of that which was awarded to Government.

With great esteem, I am yours, &c.

PAUL. H. STEVENS.

HON. GEORGE EVANS.

P. S. Should you, sir, use your influence with the other members, you will secure our warmest gratitude.

P. H. S.

No. 12.

I hereby certify, that I have been personally acquainted with Major Noah Miller, of Lincolnville, in the State of Maine, since June, 1821. At the time of my first acquaintance, he was affected with paralysis of the inferior extremities, to such a degree as to render them entirely useless. His general health was very much impaired, and his difficulties gradually increasing for ten or twelve years, during a considerable part of which time he was perfectly helpless, and his life despaired of. He has recovered so far as to be able, by the assistance of crutches, to support the weight of his body and move a short distance; and his general health has within a year or two somewhat improved. He is still, however, unable to walk without assistance. During his protracted illness, I have been frequently consulted, affording ample opportunity to learn his real condition. When I first saw him, he informed me that he had been in his present condition for some five or six years, it having introduced itself instantaneously. He shows a scar in his right hand, from a wound which has nearly deprived him of its use, which (I have been informed by the surgeon who attended it) was received during the last war, while endeavoring to prevent a man from conveying supplies to the enemy at Castine.

J. P. ALDEN, M. D.

STATE OF MAINE, *Waldo, ss* :

Personally appeared the above-named, J. P. Alden, and made oath to the truth of the foregoing deposition, by him subscribed. Before me,

JOSEPH MILLER,

Justice of the Peace.

NOVEMBER 24, 1837.

STATE OF MAINE, *Waldo, ss* :

I, Nathaniel M. Lowney, clerk of the courts for said county, certify that Joseph Miller is a magistrate for said county, and that the foregoing signature, purporting to be his, is genuine. I further certify, that the within-named J. P. Alden is well known to me; that he is a man of truth, and that his declarations on oath are entitled to credit.

In testimony whereof, I have hereunto affixed the seal of the supreme judicial court of said State, and subscribed my name, this twenty-fourth day of November, A. D. 1837.

N. M. LOWNEY,

Clerk of the courts of said county.

No. 13.

UNITED STATES OF AMERICA.

DISTRICT OF MAINE, *ss* :

To the Hon. David Sewall, Esq., Judge of the District Court of the United States in and for Maine District :

Be it remembered, that William P. Preble, attorney for the United States in and for Maine district, in his proper person, comes before the said judge,

and as well in behalf of said States as of Josiah Hook, Esq., collector of the district of Penobscot, and of all others whom it may concern, libels, propounds, and gives the said judge to understand and be informed, that since the declaration of war between the United States of America and the United Kingdom of Great Britain and Ireland, and during the continuance of the same, (to wit, on the first day of November instant,) the said Hook, by virtue of his commission as collector aforesaid, did, in and with a revenue boat of said States, and with the assistance of Noah Miller, an inspector of the customs for said district of Penobscot, acting under and by the order of said Hook, subdue, seize, capture, and take, the vessel or sloop called the Mary, whereof Benjamin Darling or Dalling was master, and her cargo on board said vessel, and afterwards, on the same day, did bring the said vessel and cargo into the port of Camden, in said district of Maine, where she now lies, for adjudication. And the said attorney further propounds and says, that, at the time of said capture and seizure, the said vessel, her tackle, apparel, and furniture, and her cargo, did belong to the King of said United Kingdom, or to some subject or subjects thereof, and as such, or otherwise, liable to capture in manner aforesaid, and to be condemned or confiscated to said States; all which is public and notorious, of which due proof being made, the said vessel, her tackle, apparel, and furniture, and her cargo, ought to be decreed and adjudged forfeit to the use of said States.

Wherefore, the said attorney prays the advisement of this court here in the premises, and that due process and monition may be had in this behalf, according to the course of admiralty proceedings in such cases; and that the said vessel, her tackle, apparel, and furniture, and her cargo aforesaid, may, by the definitive sentence of this court, be adjudged and decreed forfeit and confiscated to said States, and the proceeds thereof be disposed of according to law.

Dated this 17th day of November, A. D. 1814.

Filed this 17th November, 1814.

W. P. PREBLE,

U. S. Attorney, Maine District, and Proctor to J. Hook.

UNITED STATES, MAINE DISTRICT, ss:

DISTRICT COURT, CLERK'S OFFICE, *August 17, 1837.*

In testimony that the foregoing is truly copied from the original on file in this office, I have hereto set my hand, and affixed the seal of

[L. s.]

the district court, the day and year above written.

JOHN MUSSEY,

Clerk U. S. Courts.

No. 14.

DISTRICT OF MAINE, ss:

The President of the United States of America, to the Marshal of our District of Maine, or his deputy, greeting:

[L. s.]

Whereas, by the sentence of our judge of our district court, begun and holden at Portland, within and for our district of Maine, on the first Tuesday of December, 1814, a decree of condemnation was obtained by the

United States against the sloop Mary and cargo, except three trunks of goods and articles, marked $\triangle X$ No. 378, No. 379, and No. 380, captured and seized by the collector of Penobscot, as to us appears of record, whereof execution remains to be done.

We command you, therefore, that you cause the said sloop Mary and cargo, except as aforesaid, to be sold at public auction to the highest bidder, at Portland, within our said district, after first giving public notice of the time and place of such sale, as our law directs. And the moneys arising from said sale, after deducting twelve hundred and sixty-four dollars fifty-eight cents, the costs of prosecution, and one dollar for this precept, together with your own proper fees and charges, you will dispose of as follows, viz: one moiety to be paid into the Treasury of the United States, and the other moiety to the collector of the district of Penobscot, for the uses prescribed by our law in such cases made and provided; and make return of this writ, with your doings herein, into our said court, to be holden at Wiscasset the last Tuesday of February next.

Witness, David Sewall, Esq., at Portland, the fifteenth day of December, in the year of our Lord one thousand eight hundred and fourteen.
 H. SEWALL, Clerk.

N. B. The return of the doings on this writ is annexed by seals.
 Attest: HY. THORNTON, Marshal.

MAINE, ss:

Pursuant to the annexed warrant of sale, I advertised the time and place of sale of the sloop Mary and cargo, according to law, in the Portland, Boston, and New York newspapers, and on the day of sale advertised, viz: January 5, sold at public auction to the highest bidders that part of the cargo advertised for sale in Portland (the other part and the said sloop Mary being sold by Deputy Tebbets, as per his account annexed) to sundry persons, as per account annexed; the amount of, as per said account, being sixty-five thousand nine hundred and forty-three dollars and fifty-two cents, viz: - - - - - \$65,943 52

From which I deduct the following costs and charges, viz:	
Court bill of costs, as taxed by the court	\$1,265 58
Advertising in Portland, \$5; extra advertising, New York, &c., \$20	25 00
Service precept, \$2; commission on \$500, at 2½ per cent., \$12 50; commission on \$65,443 52, at 1¼, \$818 04	832 54
Travel to return precept, \$3; extra incidental charges, \$35	38 00
To costs and charges paid Collector Hook for transportation of goods from Warren and Newcastle to Portland, being a distance of eighty miles; also, for storage, and guarding goods, labor, preparing invoice, printing catalogues, &c., for sale, as per his account.	952 54
	<hr/>
	3,113 66
	<hr/>
	62,829 86

Amounting to three thousand one hundred and thirteen dollars and sixty-six cents, which, deducted from gross amount of sales, leaves a balance of sixty-two thousand eight hundred and twenty-nine dollars and eighty-six cents, which balance I have paid over to Josiah Hook, Esq., collector, as per his receipt below, to be disposed of according to law.

HY. THORNTON,
Marshal of Maine.

JANUARY 14, 1815.

PORTLAND, *January 14, 1815*

Received of Henry Thornton, marshal of Maine, the sum of sixty-two thousand eight hundred and twenty-nine dollars and eighty-six cents, being the above balance of \$62,829 86, to be disposed of according to law, and have signed duplicates. I have also received twelve hundred dollars, made up in court bill of costs, and nine hundred and fifty-two dollars and fifty-four cents, costs of transporting goods from Warren and Newcastle, and other costs and charges, as per my account, and received twenty-four dollars, commissioner's fees.

JOSIAH HOOK, *Collector.*

UNITED STATES, MAINE DISTRICT, ss :

DISTRICT CLERK'S OFFICE, *August 17, 1837.*

In testimony that the foregoing is truly copied from the original on file in this office, I have hereto set my hand and affixed the seal of the district court, the day and year above written.

JOHN MUSSEY,
Clerk U. S. Courts.

—
No. 15.

DISTRICT OF MAINE, ss :

The President of the United States of America to the Marshal of our District of Maine, or his deputy, greeting :

[L. s.]

Whereas, by the sentence of our judge of our district court, begun and holden at Wiscasset, within and for our district of Maine, on the last Tuesday of February, 1815, a decree of condemnation was obtained by the United States against three trunks of goods, marked $\triangle X$ and numbered 378, 379, and 380, (part of the cargo of the sloop *Mary*, condemned at the last December term of our said court,) seized by the collector of Penobscot, and libelled as enemy's property, and decreed forfeited to said United States—one moiety to their use, and the other moiety to the said collector, as to us appears of record, whereof execution remains to be done.

We command you, therefore, that you cause the said three trunks, with their contents, to be sold at public auction, to the highest bidder, at Portland, within our said district, after first giving public notice of the time and place of such sale, as our law directs. And the moneys arising from said sale, after deducting fifty-three dollars and fifty-eight cents, the costs of prosecution, and one dollar for this precept, together with your own proper

fees and charges, you will dispose of as follows, viz: one moiety to be paid into the Treasury of the United States, and the other moiety to the collector of the district of Penobscot, for the uses prescribed by our law in such cases made and provided; and make return of this writ, with your doings herein, into our said court, to be holden at Portland, the last Tuesday of May next.

Witness, David Sewall, Esq., at Portland, the tenth day of March, in the year of our Lord one thousand eight hundred and fifteen.

H. SEWALL, *Clerk.*

MAINE, ss:

Pursuant to this warrant, I advertised the time and place of sale of the within-named trunks of goods in a public newspaper, printed in Portland, according to law, and on the 12th instant sold the same at public auction, to the highest bidder, according to an account hereto annexed, and the amount of which sales was

	\$2,225 33
Costs of court - - - - -	\$54 58
Advertising - - - - -	5 00
Service - - - - -	2 00
Commission - - - - -	34 06
Extra charges and pay for auction room and labor, including precept - - - - -	5 00
	100 64
	2,124 69

Which sum of twenty-one hundred and twenty four dollars sixty-nine cents I have paid to Collector Hook, as per his receipt below.

HY. THORNTON, *Marshal.*

APRIL 15, 1815.

APRIL 15, 1815.

Received of H. Thornton, marshal of Maine, twenty-one hundred and twenty-four dollars sixty-nine cents, in full for the nett amount of the sales arising from the within-named goods, to be disposed of according to law; also, received twenty-eight dollars on the within bill of costs, as storage and for depositions.

JOSIAH HOOK, *Collector.*

UNITED STATES, MAINE DISTRICT, ss:

DISTRICT CLERK'S OFFICE, *August 17, 1837.*

In testimony that the foregoing is truly copied from the original on file in this office, I have hereto set my hand and affixed the seal of the [L. s.] district court, the day and year above written.

JOHN MUSSEY,
Clerk U. S. Courts.

No. 16.

TREASURY DEPARTMENT,

Register's Office, February 7, 1838.

I do hereby certify, that Josiah Hook, late collector of Penobscot, has accounted for the forfeiture in the case of the sloop Mary and cargo, and that the United States, proportion of said forfeiture amounted to thirty-two thousand one hundred and eighty-eight dollars and thirty-two cents, as appears from his accounts for the first quarter of the year 1815, filed in this office.

T. L. SMITH, Register.

Costs of court	584 58
Advertising	3 00
Services	2 00
Commission	34 06
Extra charges and pay for auction room and labor, including prospect	3 00
Amount of which sales was	100 84
Amount of which sales was	2,134 89

Which sum of twenty-one hundred and twenty-four dollars sixty-nine cents I have paid to Collector Hook, as per his receipt below.

H. THORNTON, Marshal.

April 15, 1815.

Received of H. Thornton, Marshal of Maine, twenty-one hundred and twenty-four dollars sixty-nine cents in full for the net amount of the sales arising from the within-named goods, to be disposed of according to law; also received twenty-eight dollars on the within bill of costs as storage and for depositions.

JOSIAH HOOK, Collector.

In testimony that the foregoing is truly copied from the original on file in this office, I have hereto set my hand and affixed the seal of the district court, the day and year above written.

JOHN MURSEY

Clerk U. S. Court.

IN SENATE OF THE UNITED STATES

REPORT

The Committee on Military Affairs, in response to a resolution of the Senate of May 10, 1905, relative to the case of Alva Day and others, members of a company of the 10th Cavalry, during the last war, etc., have the honor to report:

That they have had the honor to receive the petition of the petitioners, and, after inquiry at the proper authorities, have secured the evidence necessary to substantiate the petitioners' claims.

Apart from an entire want of evidence in support of the petitioners, the committee deem it the duty of the Senate to grant the prayer of the petitioners, when a case is presented which, without sufficient proof that such action was properly demanded by the Government itself, or satisfactorily explained, etc. They therefore submit the following resolution:

Resolved, That the prayer of the petitioners be, and is, granted.

