

EZEKIEL JONES.

[To accompany bill H. R. No. 483.]

JANUARY 27, 1838.

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

REPORT:

The Committee on Naval Affairs, to which was referred the petition of Ezekiel Jones, respectfully report:

The petitioner states that, in obedience to orders from the President of the United States, as contained in letters from the Secretaries of the Treasury and of the Navy, of the 6th and 9th of January, 1836, he being then in command of the United States revenue cutter "Washington," sailed for Tampa bay, and served in conjunction with the navy of the United States until the 9th of July, 1836, when he was relieved, and ordered on to the Portland station; that as he was during this period acting with the naval force of the United States, and was in fact a part of it, and subject to all the increased expense of an officer of the navy in like command, and having faithfully discharged all his duties, he believes himself honestly entitled to the pay of an officer of like rank in the navy; and he therefore prays that the same may be allowed him.

The facts are fully proved, as appears by the accompanying documents, marked A, B, C, D, and E.

By the 12th section of the act of the 1st July, 1797, the President is authorized to increase the strength of the revenue cutters, and to cause them to be employed in defending the seacoast, &c.; and by the act of the 25th of February, 1799, entitled "An act for the augmentation of the navy," the President was authorized to place on the naval establishment, and employ accordingly, any of the revenue cutters which had been increased in force under and in virtue of the abovementioned act, and to allow the officers and crews of such vessels, at his discretion, the pay, subsistence, and advantages, proportionably to the rates of such vessels. By the 98th section of the act of the 2d of March, 1799, it is provided that the revenue cutters shall, whenever the President shall so direct, co-operate with the navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department.

The act of the 25th February, 1799, above referred to, seems to proceed on the ground of making compensation in some measure according to the character or grade of the services rendered, and it is difficult to see why it ought not to be so.

The amount of salary varies with the rank or grade of those who may be entitled to it, not because they are of different grades, but because the services to be performed are of a different character. A post captain is entitled to receive four thousand dollars per annum, not because he is post captain, but because of the nature of the duties, and the high responsibilities which are imposed upon him by law, as such, and which he is bound to perform. The service is that to which the compensation has reference, and not the rank of the officer by which it is rendered. This view of the subject is fully sustained by the spirit of the act of the 3d of March, 1835, to regulate the pay of the navy, in which it is declared that "officers temporarily performing the duties belonging to those of a higher grade shall receive the compensation allowed to such higher grade, while actually so employed."

It appears that the petitioner, while serving in conjunction with the naval force in the manner stated, rendered essential service to the country, and performed all the duties assigned him with great fidelity and ability, for which he deserved and received the highest commendations of his superiors in command.

The committee are therefore of opinion that the petitioner is justly entitled to the same pay to which an officer of like grade in the navy would be entitled for like services, and therefore report a bill.

A.

TREASURY DEPARTMENT,

January 6, 1836.

SIR: By the direction of the President, the revenue cutter Washington, under your command, is placed under the orders of the Secretary of the Navy. Accordingly, until otherwise directed, you will obey such orders as you may receive from the Navy Department.

Respectfully, sir, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

To the OFFICER in command of
revenue cutter Washington.

B.

FORT BROOKE, FLORIDA,

February 4, 1836.

SIR: In a despatch from Governor Eaton, of the 20th ultimo, he expresses a wish that you should make a reconnoissance of Charlotte harbor, &c. Allow me, as commandant of this post, to add to the weight of his excellency's instructions, of the expediency of which our joint opinions have for several days tended. The United States ship Vandalia

will afford perfect security to the United States interests here; and a speedy report of your operations will no doubt be very acceptable to the Governor, whose junction with this command may be soon expected.

I take this occasion to express the sense of obligation your liberal and prompt conduct has excited. Your early supply of part of your armament, and other effective co-operation, I am well pleased to acknowledge.

I have the honor to be your obedient servant,

F. S. BELTON,

Captain, acting commander.

To Captain E. JONES,

Revenue cutter Washington.

C.

U. S. SHIP CONCORD, OFF PASSAGE ISLAND,

Tampa Bay, June 26, 1836.

DEAR SIR: I avail myself of your departure for Pensacola to express to you the pleasure I feel in the assurance that the revenue cutter under your command has been very useful in sustaining the interests of our country during the period you have been placed under my directions.

The promptness with which you have executed every order for the last three months, whilst co-operating with this ship in protecting the inhabitants of Florida, and in the various expeditions against the hostile Indians, deserves my approbation, and entitles you to my confidence and esteem.

Wishing you all success in your career, I remain, dear sir, very respectfully, your obedient servant,

M. P. MIX, *Commander.*

To Captain EZEKIEL JONES, *commanding*

U. S. revenue cutter Washington, Tampa Bay.

D.

UNITED STATES SHIP VANDALIA,

Tampa Bay, April 28, 1836.

DEAR SIR: Previous to my departure for Pensacola, I take great pleasure in assuring you the services of the revenue cutter under your command have been of essential benefit to the interest of our country, in co-operating with this ship and the army of Florida, in their operations against the Seminole Indians.

The promptness with which you have executed every duty that I have required of you merits my highest approbation, and entitles you to my confidence and esteem.

I have the honor, dear sir, to be, respectfully, your obedient servant,

THO. T. WEBB.

To Captain E. JONES, *Commander of the*

U. S. revenue cutter Washington, Tampa Bay.

E.

NAVY DEPARTMENT,

January 18, 1838.

SIR: I have the honor to return to you, herewith, the petition and papers, of Ezekiel Jones, captain of the United States revenue cutter Washington, in behalf of himself and others.

Although the evidence of commanders Mix and Webb sufficiently attests the importance and value of the services rendered by the cutter Washington, under the command of Captain Jones, in co-operating with the naval forces on the coast of Florida, no law exists under which he can be allowed *navy* pay for his services. Captain Farnifold Green, commanding the revenue cutter Dallas, was paid, no doubt, by order of the *Treasury* Department, but to what amount I am not informed.

I do not find amongst the papers annexed to the petition of Captain Jones the letter from the Secretary of the Navy to him, of the 9th January, 1836, to which he refers.

I have the honor to be, very respectfully, your obedient,

M. DICKERSON.

Hon. SAMUEL INGHAM, *Chairman of the
Naval Committee, House of Representatives.*