

IN SENATE OF THE UNITED STATES,

FEBRUARY 22, 1823.

The Committee of Naval Affairs, to whom was referred the petition of Robert F. Stockton, have had the same under consideration, and thereupon make the following

REPORT:

That, from the facts set forth in the petition, and the evidence produced before the Committee, it appears that the petitioner, having command of the United States' schooner Alligator, was, in the year 1821, ordered to cruise on the coast of Africa, for the suppression of the Slave Trade; and, while on that service, in the month of June, a vessel, having French colors, was captured by him, (under strong suspicion that she was an American, disguised with false and fabricated papers,) sent into the port of Boston for adjudication, and libelled in the District Court, when a *pro forma* decree was made by that court, directing restoration of the vessel to the owners. That the libellants, namely, the United States and the captors, entered an appeal to the Circuit Court of the United States, where, upon a full hearing, the decree of the District Court was reversed. That, previously to this decision of the court, the vessel had been given up, by direction of the President of the United States, as an act of comity to the French Government, whereby, the whole expenses in costs, and fees, to a large amount, were paid by the petitioner.

That, in the month of November, in the same year, he was ordered on a second cruise on the coast of Africa, during which he was attacked in an unprovoked manner, by a large armed ship: that the firing upon the Alligator continued for one hour, the whole of which time, the flag of the United States was displayed, and proper demonstrations made of her national character; that the firing did not cease until the Alligator came along side, returned her fire, and subdued her. She proved to be the Portuguese private armed ship, called the Mariana Flora, and was sent into the port of Boston for examination and adjudication, and there libelled, for a piratical attack, by the Attorney of the District, in the name of the United States. That the District Court ordered restoration of the vessel, and awarded damages against the petitioner, of upwards of twenty thousand dollars; that, on an appeal to the Circuit Court of the United States, that court reversed the decree of the District Court,

awarding damages against the petitioner, but directed each party to pay their own costs, and that an appeal from the judgment of the Circuit Court is now depending in the Supreme Court of the United States.

The petitioner prays indemnity for the expenses which have been sustained by him; that he may be protected against the ruinous consequences of litigations for acts done in the performance of arduous and responsible duties; and that provision may be made for the suit now in the Supreme Court.

The Committee having maturely considered the case of the petitioner, are of opinion, that, in the capture, and sending in for adjudication, of the vessels herein mentioned, he was actuated by an honest determination, to discharge, in a proper manner, the trust reposed in him by the government; that, in the case of *La Jeune Eugenie*, the matter libelled having been taken out of court, by the interposition of the executive authority of the United States, the petitioner was left without remedy, in regard to the expenses incurred; and that, under all the circumstances, indemnity ought to be made to him; and for that purpose they herewith report a bill.