EDITED BY
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PROPRIETORS AND PUBLISHERS.

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DAILY, per year,	$10 00
SEMI-WEEKLY, (published tri-weekly during the session of Congress)	5 00
WEEKLY	2 00
Clubs will be furnished as follows:	
Five copies of the DAILY, for	40 00
Five copies of the SEMI-WEEKLY,	20 00
Ten copies of the " "	35 00
Five copies of the WEEKLY,	8 00
Ten copies of the "	15 00

The Daily Union.

VOLUME I. "LIBERTY, THE UNION, AND THE CONSTITUTION." NUMBER 232.

CITY OF WASHINGTON, SATURDAY MORNING, JANUARY 17, 1852.

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Dept of Interior

CONGRESSIONAL.

DEFERRED DEBATE.

WEDNESDAY, JANUARY 14, 1852.

SENATE.

The following is the letter of Commodore Stewart, omitted at the conclusion of Mr. MALLORY's speech yesterday:

Commodore Stewart's report as to the abolition of flogging and the spirit part of the ration in the navy, in answer to a circular of the Navy Department, dated 29th of January, 1850.

BORDENTOWN, (N. J.,) March 11, 1850.

SIR: I have received your "circular" of the 29th of January last, asking my views in relation to dispensing with corporeal punishment in the navy; and if, in my opinion, it can be dispensed with, what *other* punishment should be substituted; but if not, you desire my reasons for such opinion. Also, whether any further restrictions than those which the law now imposes upon the use of this punishment can be advantageously applied.

The decision which may be made upon this subject by the authorities controlling and governing the navy of the United States seems to me to involve results of the highest moment to the welfare of this arm of our national defence.

If we take into consideration the peculiar character, habits, and propensities of some of the men constituting the crews of vessels-of-war, crowded together and confined for years to the narrow bounds of their respective ships, subject to innumerable restraints and deprivations, controlled by rigid discipline, so essential to keep them in due subjection to the rules and regulations for the government of the navy, in order that the great objects of such armaments may be accomplished, it cannot be questioned that the means of punishment, both prompt and efficient, must be lodged somewhere, so that an effectual restraint may be put upon those who may be found in national vessels but too ready to violate the good order and discipline of their ship. The organization of the navy is not now an experiment; it has been in operation for half a century, and the results have generally proved satisfactory, at least so far as the most subordinate portions of their crews are concerned. If, under so long a test, the navy has not been found wanting, and all the essential duties required of it have been efficiently performed, I cannot think that any material changes or radical alterations would carry with it all the advantages which past experience assures us have been accomplished. Should a new experiment when tried prove a failure, and the ships and their armaments not be conducted according to the views of your officers, but agreeably to the will of the men, and losses and disgraces ensue, or should the power confided to the officers, under any new arrangement which might be adopted, be found inadequate to check a growing insubordination amongst the men, and which might finally result in open mutiny, it would be but a poor consolation to reflect that this condition of things had been brought about by withholding (perhaps through a mistaken sense of humanity) an exemplary punishment justly due to offenders, and which, perhaps, would not have fallen upon more than three or four per cent. of the whole number, and that, too, when we know that those who generally commit offences are almost always found to be the worthless part of the crew: such, for example, as the "*drunkard*," the "*skulker*," the "*quarrelsome*," the "*disobedient and negligent*," the "*insubordinate*," and the "*thief*."

The mass of a ship's company is generally composed of good and orderly men; but there may sometimes be found amongst them some who have strong propensities, (acquired by irregularities and improper indulgences on shore,) which would lead them into violations of the indispensable order of a ship-of-war under a lax discipline, but from the commission of which they are now restrained in consequence of the occasional exemplary punishment inflicted on those who are more reckless and deserving of it.

It must be evident to the most superficial observer that ships-of-war can never answer the end for which they are designed unless it be accomplished through the operation of a judicious organization, and by the maintenance of a rigid discipline on board. To attain this important object, it is necessary, with large bodies of men thus circumstanced, and influenced as they are by such a variety of tempers and propensities, that the powers which are conferred on the commanders should not be too much enfeebled or restricted, but fully adequate to the objects to be attained.

Naval armaments have existed for centuries, and I believe the ingenuity of those who have organized, controlled, or conducted them has, through that long lapse of time, been ever on the rack to discover punishments which would be best calculated to promote their efficiency, and suppress the disorder which would certainly reign if there existed no adequate penalty by the imposition of which to check and arrest it. The great obstacles to this discovery, however, may exist in the meagerness of the proper means of punishing, found to be so circumscribed by the peculiar circumstances of the case, whilst at the same time the causes for and the nature of offences are so materially increased at sea, many there occurring which on shore are no offences at all, or have no injurious effect on society, or tend to impair the discipline and order of military men. Hence no just comparison can be drawn between armaments on land and those on the seas. In the various efforts to accomplish this important object, and amongst the very many plans resorted to during that long period of time, were "*a protracted confinement in irons*;" "*starvation almost to an extremity*;" "*keel-hauling*;" "*ducking from the yard-arms*;" "*gauntleting*;" "*suspension by the thumbs*;" "*exposure in the rigging to the weather blast*;" "*an interdiction from ordinary rest*," "*coventry with the mess and the crew*;" and "*corporeal punishment with the colt or cat*." All those have been tried, and finally abandoned, except the latter, because some were highly cruel and dangerous to life or limb, some were found inefficient and not applicable at all times and under all circumstances. Hence, after the failure of those modes, the whole were merged into reasonable confinement and corporeal punishment, which seems to have been found by far the most efficient punishment for the preservation of the order and discipline of ships-of-war. At all times, and under all circumstances practicable, it can be promptly administered, is highly exemplary, and from long experience it has shown it may be the only way in which the almost dormant sensibilities can be reached, or the strong propensities to violence and insubordination of those hardened and reckless men who form a portion of every ship's company can be subdued. Being publicly and ceremoniously administered, it may have a most salutary effect on the beholder, and carries with it those admonitory precepts which are so well calculated to deter the sufferer from future offences. It is also subject to the control of the law, and if properly regulated can be administered with a more strict regard to that due proportion of punishment, according to justice and the nature of the offences committed. In the navy of the United States it appears to me that it has reached by law the lowest mark at which the discipline and order essential in a ship-of-war can be preserved, and by which means all can be made to discharge their obligations to the country, in rendering her armies by sea the efficient and powerful engines for which they are designed.

In another part of this letter I have enumerated some of the offences most commonly occuring in ships; but there are others, some of which cannot be properly punished by officers in command, and therefore can only be provided for through the instrumentality of a court-martial.

To an officer of sensitive feeling there is no duty imposed on him more painful than that of inflicting corporeal punishment upon his fellow-man. It is not, therefore, through motives of cruelty which could ever induce such officers to inflict the penalties of the lash, if it could possibly be avoided, nor could such a motive have any weight with the many advocates for its retention which may now be found amongst the officers of the navy; but it is because long experience assures them that no adequate substitute can be provided without greater apparent cruelty. I cannot imagine a situation in which an officer can be placed more peculiarly onerous than that in which he finds himself when compelled to act as the inquisitor, judge, jury, and executioner of the sentence which his sense of duty obliges him to pronounce.

I would here, however, express my conviction that if a greater latitude were conferred upon a commanding officer by law, whereby he could assign other and milder punishment than the lash to minor offences, it would very much abridge the indiscriminate and frequent application of the cat—the less frequent use of which would enhance the effect of that mode of punishment, by the increased importance which would consequently be attached to it. Should abuses of this increased discretion occur, a proper and wholesome example of the offenders would effectually check it. Every intelligent officer would devise and apply more humane and a milder punishment to the generality of offences; and, by a closer observation of the character and the peculiarities of those committing offences, he will be better enabled to adapt his punishments to the nature of the offence, and such sensibilities as he may find in an accused to work upon with the best effect. And if at any time there should be found amongst his crew one who is equally insensible to all modes of punishment, and who will not render himself amenable to order and discipline, (and there may be such men amongst large masses,) let the commander have the authority to discharge him from the service at any proper time and place, provided his offences have not been of so grave a character as to require the intervention of a court-martial. I have frequently, in the course of my service, gone behind the law, and varied my modes of punishment, with highly beneficial results. Even where the lash had been used in vain, I have succeeded in producing wholesome reformation by means of trifling punishment. That cruelty and oppression have occurred in the service of fifty years' standing may readily be conceived, but we may search the records of our courts-martial in vain for an instance where examples have been made of such offenders. At all events, there are none within my recollection.

On shore, under our civil jurisprudence, where a much greater field for number and variety of punishments can be resorted to, there exists great difficulty in finding them commensurate and appropriate to the many offences committed against society; and, after the innumerable penalties for crimes which have been resorted to from time immemorial, the public mind seems to have settled down upon those of imprisonment, the tread-mill, hard labor, and solitary confinement; but of these none are applicable on shipboard, and, even were they, they could not be inflicted without injury or great disadvantage to the duties and the public service.

Should the present means of controlling their commands be taken from your officers, and no adequate substitute be found, it may be asked, how will it be possible to enforce the obligation of all placed under their command? No means will exist by law. Resort will finally be had to side-arms for personal protection in their efforts to perform their duty; murder will ensue—mutiny and death to the sailors, and a halter for the officers. What then becomes of "*humanity?*" The peculiarly isolated condition of a ship-of-war cuts them off from aid or assistance from the authorities on shore; and even were a disposition to interfere from that quarter when in port shown, the compact and irresistible power of her internal force would place at defiance such interference; and, where this was inadequate, the locomotive qualities of their vessel would enable her to glide from the attempt. Sailors are aware of its necessity, and volunteer to encounter it.

To your last question, "Can the spirit-ration be dispensed with, and, if so, what substitute will answer in its stead?"—

As I have never been one of those who believed that the spirit part of the ration authorized by law to be issued was the cause of intoxication in our ships, *unaided by other means*, I cannot now conceive that its reduction to one-half of the former allowance produces that effect; neither does it seem, from the record of punishments furnished to the department, to have been arrested in any measure under the reduction it has undergone; while at the same time it has given rise to more punishment, through the propensity to smuggle it on board of our vessels, induced by the strong desire to have it. It therefore appears to me that the further reduction will only increase that desire, and augment the efforts to procure it clandestinely; hence, as it will be smuggled in larger quantities than now issued, drunkenness will be increased. To those who do not comprehend the character of sailors, this may appear paradoxical; but to those who do know, when influenced by their strong propensities for *rum* and *tobacco*, it will be "clear and indisputable."

In the earlier stages of our navy, efforts were made to abolish the spirit-ration by substituting porter and beer in casks; but it was found not to answer, and drunkenness still occurred. Some of the men refused the substitue altogether. In the hot latitudes it fermented, and burst the casks—it got stale and sometimes sour. It could not be procured at all places resorted to for supplies; and it was found inconvenient to take in the requisite quantity, because of the great space required, and which would sometimes exclude more important stores; it therefore entirely failed, and was obliged to be abandoned. Since that period I believe a substitute has scarcely been thought of, and perhaps none could be found calculated to satisfy the ship's company.

At this late period of naval history it would be difficult to discover the origin of the introduction of spirits as a component part of the ration into the navies of Europe; it seems they always had and still have such an allowance. It is, however, varied in kind, so as to suit the habits of those of their own seamen, and the policy of the respective governments who allow its use, in rendering it subservient to the various products of their country or colonies. England furnishes rum from its West India colonies; Holland furnished *gin*; France issues one day *wine* and the next *brandy* alternately; Sweden and Denmark *rum* from their colonies, &c.

All persons who have been much at sea are aware of the impossibility of keeping up a supply of good or pure water. Sometimes it is brackish, at others ropy and putrid, and oftentimes, from long confinement in close vessels, it is found in a state of decomposition, and any fixed air it originally contained wholly separated and expelled. In the hot latitudes it becomes in heated holds of vessels so warm that the stomach will almost reject it; and in the higher latitudes, as cold and chilling as the northers; thus the almost daily varying of cruising ships' positions brings with it a like varfiance in the water, and from those circumstances oftentimes deprives the water of its refreshing qualities. This may have originated the issue of the spirit-ration in vessels-of-war, as a means of ameliorating this essential article of life amongst those who go down to the seas in great ships. I know that, in addition, (from experience,) to be sometimes absolutely essential to the sustaining the energies of the men, when great efforts are to be made under emergencies, or to sustain them from sinking entirely after great physical exertion, influenced by excessive excitement.

If, therefore, it in any measure form an essential to a sailor's comforts, (of which he has so few at sea,) why, then, should the very many be deprived of it, because two or three per cent. of the whole number will, when an opportunity offers, abuse themselves and their service through an inordinate use of it? This would seem like punishing the many good men for the faults of the few. Besides, when a reasonable quantity is furnished, the dread of losing that for a part or the whole of a cruise aids materially in checking habits of drunkenness on shipboard; and long restraint to a quantity only which will comfort and not intoxicate I apprehend will do more for reasonable reformation than the sudden deprivation and entire interdiction of it the period of a cruise; for Jack, when again free and can return to former indulgences, is more likely to plunge headlong into greater excesses than he indulged in under former habits, from the very excess of restraint to which he had been reduced during his cruise. The authority to the commanders to withhold the spirit-ration for a part or the whole of a cruise from those who will by other means become recklessly drunken, will be a better restraint of such offences than punishment with the lash. This, and confinement in irons until twenty-four hours after soberness is restored, ought to be generally the only punishment for inebriety.

The foregoing observations are induced in reply to your several questions from an experience of nearly sixty years' sea service; and in all that time it does not appear to me that the characters of those who follow the sea have materially varied. In regard to native seamen, of which all the eastern seamen are composed, their habits and character most generally are those of industrious, sober, and enterprising men; those of the middle and southern States are more made up of foreigners, especially Scotch, English, and Irish; their propensities are more irregular, and require stricter discipline to keep them in any reasonable order; and when so kept are generally good seamen, brave and skilful.

In illustration of what I have here stated, I could furnish very many examples, but it would render this paper too long and perhaps inconvenient to the department.

I therefore have the honor to remain your obedient servant, very respectfully, CHAS. STEWART.

To the Hon. WM. BALLARD PRESTON,
Secretary of the Navy, Washington.

Mr. MALLORY here gave way to a motion to adjourn.

THURSDAY, JANUARY 15, 1852.

Mr. MALLORY resumed and concluded as follows:

Mr. PRESIDENT: I have on several occasions during this discussion alluded to facts in support of opinions which I have advanced to meet the suggestions of the honorable senator from New Jersey. These facts are in part contained in a public document which is now lying upon the tables of senators, and from which I will occupy the attention of the Senate in making some quotations, as I desire these facts to go before the country. It is from the report of the Secretary of the Navy, a communication furnished us in compliance with a resolution of the Senate of the 19th of December, 1850, on the subject of corporeal punishment in the navy, and the revision of the regulations for the better government of the navy. We find that the Secretary propounded to the officers named in the circular the following interrogatories:

"1st. What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?

"2d. What has been the effect upon discipline and subordination among the persons composing ships' companies?

"3d. Do the crews of vessels-of-war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?

"4th. Are there any effectual means by which the badly-disposed persons on board ship can be restrained?

"5th. Are the vessels of the navy more or less efficient since the abolishment of flogging in the navy?"

The parties who have responded to these interrogatories are:

Commodores—G. C. Read, C. S. McCauley, J. H. Aulick, F. A. Parker, J. Downes.

Captains—W. D. Salter, S. H. Stringham, J. M. McIntosh, J. Tatnall, W. Inman, E. A. F. Lavalette.

Commanders—J. L. Saunders, J. B. Hull, J. Kelly, S. B. Wilson, F. Engle, C. Lowndes, J. T. Gerry, S. F. Dupont, T. J. Manning, T. O. Selfridge, H. Y. Purviance.

Lieutenant Commanding—John Manning.

I will read an extract from the answer to the circular, furnished by James T. Gerry, the officer in command of the United States receiving ship Ohio, in the harbor of Boston. It will be remembered that as the commander of a receiving ship in port, he has much better opportunities of judging of the efficiency or inefficiency of the system of flogging than a sea-going master, and he says:

"Even under these favorable circumstances, insubordination, particularly among recruits for general service, is becoming more common, and an impression seems to be rapidly pervading the whole naval service that men are independent of the immediate control of their officers, and can obey their orders at pleasure, or disobey them with impunity. During my experience in the navy, I have always found the best state of discipline where punishment of offenders was most prompt, and inflicted with the most formality; its frequency was less necessary; its influence more durable; and hence the efficiency of the service was greatly promoted.

"A certain class of reckless men will always be found in the navy, and, if kept under proper subjection, will perform their duty cheerfully, in a satisfactory manner, and not impose extra service upon the more orderly and obedient. To such corporeal punishment is mostly confined, and seems indispensable.

"To meet these cases, the system of irregular courts-martial, having the power to inflict flogging to a limited extent for minor offences, would, in my opinion, enable officers to preserve a more healthful state of discipline, and render the navy in all respects more efficient than at present, when there is no adequate punishment for such offences, and consequently all prestige of discipline is inevitably destroyed.

"In reply to the first question, I think the effect upon the recruiting service has been bad in every respect. It now requires a much longer time to ship a crew, and the persons induced to enter the naval service are generally of a class inferior to that which formerly entered the navy.

"In reply to the second question, I think the effect upon discipline and subordination is too obvious to admit of a doubt, and decidedly subversive of both.

"In reply to the third question, four ships-of-war have arrived at this port from foreign stations since the new system went into operation, and, from personal observation, it is my impression that there is less alacrity and cheerfulness in the performance of duty. The orders of officers are treated with contempt more frequently, and obeyed less promptly now than formerly.

"In reply to the fourth question, I think there are no effectual means by which the badly-disposed persons on board ship can be restrained under the present system. Confinement is a trifling punishment to such persons, and, while they enjoy a respite from work, innocent men actually suffer by having the onus of duty imposed upon them. The efficiency of the vessel is also materially injured by the confinement of men whose constant drilling is indispensable to constitute a well-regulated man-of-war.

"In reply to the fifth question, I must consider all vessels in the navy less efficient since the abolishment of flogging by act of Congress, and that they will so continue until a different class of persons embrace the sailor's profession than those now found of every nation, and in every part of the world, whose reckless life has constituted them a distinct but similar class of beings from earliest maritime dates."

Commandant W. D. Salter, from the New York navy yard, under date of the 21st July, 1851, replies thus:

"To the first question, I have to state that the effect upon the recruiting service is, that we have great difficulty in procuring good men for the navy, but few offering to enlist, excepting such as are unable to procure employment in the merchant service, and foreigners of all nations, particularly English, who are generally the most insubordinate and worthless found in a crew of an American man-of-war.

"The seamen who properly appreciates his situation and position in a man-of-war is deterred from entering the naval service in consequence of there being no summary punishment authorized by law in cases of an emergent nature, and the only means left to the officers being that of placing the offender in confinement, hence throwing extra duty on those who are disposed to perform their part of the contract with the government, while to *skulk* is relieved from that duty by the only course or manner left to punish him for insubordination, disobedience of orders, neglect of duty, or any other deviation from or violation of the rules of discipline.

"It is not found that a better class of persons is now induced to enter the naval service; on the contrary, just the reverse.

"Question 2. So far as has come within my knowledge, from the statements made to me by officers in command of vessels of war and storeships which have arrived at this station, I would answer that discipline and subordination have not been preserved since the abolishment of flogging, and that the knowledge of the disuse of that custom had a marked effect upon the crew of a frigate which arrived at this port in November last. The day before her arrival (the law not being known on board,) punishment with the cat was inflicted, and the crew were in a good state of discipline until the vessel hauled in to the wharf, when a change took place immediately on the men being informed of the recent act of Congress, which showed the inefficiency of the laws for the government of the navy, as they now stand. The crew of the frigate Brandywine were in a state of *open mutiny* on the arrival of that ship, and the commander of the frigate Constitution has already reported to the department the insubordinate state of his crew, as a reason for not complying *with the order to take the ship to Boston*.

"Question 3. I have not the means of replying fully to this question; but, from the reports made to me, I should judge that the orders of the officers are *less* promptly obeyed.

"Question 4. I know of *no other means* on board ship of restraining the badly-disposed than by confinement; and this practice must, it is obvious, be very inconvenient on many occasions. It may happen that a time when the services of all on board ship are required, either in action or for the preservation of the vessel, a portion of the crew may be in irons for offences against the laws. What resource, then, has the commander, when their services are most needed, but to let loose the vicious and insubordinate? who, if they see fit, may then refuse to do duty, and thus jeopard the safety of the ship and the lives of all on board; and all this the result of the mistaken philanthropy of our law-makers. I do not hesitate to say that the navy would be improved by the restoration of the *only* means that can well be made available on board ship for the suppression of crime, insubordination, mutiny, &c, viz: that of authorizing the commander to inflict corporeal punishment.

"Question 5. I consider the vessels of the navy less efficient than they were formerly, the cause of which is apparent to the most superficial observer who is acquainted with the routine of a well-regulated man-of-war.

"To my certain knowledge, many good men have refused to enter the service as the law now is, and have given the same reason at the rendezvous. The wages in the merchant service being much greater, they seek employment in that branch of our marine, or procure some other service on shore.

"The old laws for the navy I consider ample, and afford sufficient authority to the commander to govern and control his ship and crew in a proper manner, and to the seamen are much more satisfactory than the present."

Commander F. Engle, from the United States naval rendezvous, New York, July 18, 1851, says:

"I know nothing of greater importance, as far as the honor of our country is concerned. We are *bound* to be successful on the ocean. Our ambitious republic will hear of nothing short of success. To fulfil her demands, we must have discipline; without it, a ship is a most unfortunate command. Both in the fight and in the gale we must have implicit obedience to insure success or safety. An undisciplined ship can be told by a seaman as far as the glass can range. So, sir, if we are to have a navy, a successful navy, we must not stand on trifles; to make our ships worthy of the flag they wear, we must have discipline, and to insure it corporeal punishment is indispensable. It should be regulated by law, and inflicted only by order of the captain, and in presence of the crew. The certainty of it keeps the well-disposed, steady, and the disorderly within bounds.

"I commanded the Princeton through all the Mexican war; her reports will show that flogging was seldom resorted to—on an average not more than four men quarterly. I never approached the gangway to direct punishment without feelings of sorrow, and would most willingly have substituted any other punishment. But I know of none to recommend to you.

"Ours is a service of quickness—of constant readiness. The person who excels is he who is off-hand, who decides quick, and acts quicker. The principle governs the disciplined ship, from truck to keelson, and is the reason why summary punishment is so useful. Properly administered, it is a check and a lesson not to be forgotten.

"It would be well enough to have people understand that there are but about twelve men in a sloop-of-war, and twenty in a frigate, who are punished by the cat; these are bad and ungovernable. Two-thirds of the crew of a ship are treated as brothers—with a kindness and familiarity which would very much surprise those who have listened to the gross attacks which have been made on the naval service.

"I submit my answers to the several questions:

"Answer to question 1. There is no change for the better. The men now are not equal to what they were when I recruited in 1836. Prime seamen are not apt to go where there is a probability of insubordination, or where the worthless have the same treatment as the good.

"Answer to questions 2 and 3. I cannot answer these, not having had a command since the law forbidding flogging has been enforced.

"Answer to question 4. I know of no 'effectual means by which the badly-disposed persons on board ship can be restrained.' Placing men in irons, and under charge of a sentinel, is no punishment; nor is it intended to be. Drunken men are placed there for safety, to keep them from falling down the hatchways. Others are there to 'cool off,' so that, when brought before the captain, time will have passed, and the evidence be more clearly and temperately given. There is no place in a ship-of-war where a man can be confined for punishment without seriously injuring his health. I repeat that I am opposed to corporeal punishment, provided a substitute can be found. But, sir, I sincerely believe that no ship can come out of a fight with honor to the flag of her country, without being in a high state of discipline. And, to be so, the lash must be used when the case demands it.

"Answer to question 5. There is no doubt in my mind that our vessels are 'less efficient since the abolishment of flogging in the navy.' No officer is disposed to drill a crew, unless he can have his orders obeyed. Therefore, negligence prevails, and disgrace and defeat will be the consequence.

"If the law had been in force when I commanded the Princeton, her usefulness in the Gulf would have been destroyed; her crew was reduced one-third by sickness and hard work; so, if I had been compelled to punish the men by confinement, I never could have coaled at Pensacola; nor could I have met the requirements of the Commodore, who could name not only the day, but the hour of her arrival, from Pensacola, at Vera Cruz.

"It was a standing order that no boat should leave the ship when coaling. We could not spare the men."

Commander S. B. Wilson, from the United States receiving ship North Carolina, New York, July 22, 1851, says:

"I will premise that, as I have no reliable information in regard to the effect produced on board of other ships, my answers to the several questions will be confined principally to what has come under my observation, in reference to the subject, on board of this ship, which, it will be perceived, can scarcely be considered a fair test of the question, inasmuch as the situation of men here is very different from what it is on board of sea-going ships.

"The crews of receiving ships are enlisted but for one year; and as satisfactory testimonials of character are usually required of them, an opportunity is afforded of selecting a better class of men than when enlisted at the rendezvous for 'general service,' where they are on most occasions received without reference to character. There are also many inducements to good conduct, not available on board of sea-going ships, to which may be ascribed, perhaps, the better condition of men generally on board of receiving ships. The recruits are on board for a short time, and when first joining, being strangers to the ship and to each other, and in many instances to the service, they are less likely to engage in acts of insubordination than at a future period of their enlistment.

"I will now answer the several questions in the order in which they are proposed.

"*First.* 'What has been the effect upon the recruiting service? Is it found that a better class of men is now induced to enter the naval service?'

"The number of recruits daily received from the rendezvous for the last several months has been less in proportion than at former periods, and it does not appear that a better class of men is now enlisted; on the contrary, it is evident that the men received for some time past are generally of an inferior character, both in regard to their physical condition and capacity as seamen. This may be attributed, and perhaps very properly, to the scarcity of seamen which has prevailed for some time, and the higher rate of wages paid for those of a better class in the merchant service.

"*Second.* 'What has been the effect upon discipline and subordination among persons composing ships' companies?'

"There has been no overt act of insubordination or gross violation of discipline on board of this ship, except in some cases of desertion; but the effect otherwise has been decidedly unfavorable, as is frequently manifested by the manner and bearing of the men towards their officers—conduct utterly subversive of good order and discipline.

"*Third.* 'Do the crews of ships-of-war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?'

"There is evidently, even on board this ship, less alacrity and prompt obedience to orders than heretofore, evinced by an indifference and inattention to orders, when called upon, especially by junior or petty officers, to perform the ordinary duties of the ship. Frequent instances of this nature occur, being a source of annoyance and complaint both to officers and the better-disposed men.

"*Fourth.* 'Are there any effectual means by which the badly-disposed persons on board ship may be restrained?'

"Various means have been proposed, and I believe resorted to, but with what result on board of sea-going ships I am unable to say. On board of this ship, partly for the reasons before stated, there is seldom occasion to resort to more severe punishment than confinement, or, in case of any of the crew proper, a disreputable discharge. Moreover, there is ample means and sufficient space for securely confining delinquents, without injury to health or inconvenience from loss of service. It is not so, however, on board of sea-going vessels, where the services of all are necessary, and where they have not the means of confining men in such a manner as to render it effectual as a punishment without danger of perhaps permanently injuring the health of those confined.

"All who are familiar with this subject must agree as to the necessity of some stringent means by which the evil-disposed may be restrained, but none, that I am aware of, have been suggested as an effectual substitute for the mode of punishment formerly in use; nor am I prepared to offer one, being satisfied, from long experience in such matters, that none other can be resorted to on board ships-of-war likely to have the desired effect, or none more humane and salutary when administered under wholesome and proper restrictions. It is well known of what discordant materials ships' companies are usually composed; many of them are only to be controlled and restrained through the fear of prompt and severe punishment.

"*Fifth.* 'Are the vessels of the navy more or less efficient since the abolishing of flogging in the navy?'

"I am not prepared to answer this question from any knowledge I have of the effect produced on board of sea-going ships, where only it can be fairly tested; but it may readily be understood that, with less authority and power to enforce a strict and prompt obedience to orders, the efficiency of a ship-of-war must of necessity be seriously impaired."

Commander John L. Saunders, from the receiving ship Pennsylvania, July 24, 1851, says:

"SIR: To the interrogatories contained in your circular of the 5th ultimo, I have the honor to submit the following reply:

"*First.* 'What has been the effect upon the recruiting service? Is it found that a better class of persons is now induced to enter the naval service?'

"No officer has had a better opportunity perhaps than myself of noticing the effect of the abolition of corporeal punishment upon the recruiting service—from the fact that nine-tenths of the men recruited on all the stations since the passage of the law have passed through this ship. I am prepared unhesitatingly to say that a vastly inferior class are now to be found on board our ships—mostly foreigners, lawless in the extreme!

"Rarely do we now see the familiar faces of the old 'stand-byes' of the service—our native-born seamen, who were completely identified with the interests of the navy: these persons have been driven from the service. But the other day I heard one of those individuals say, while engaged in work not properly his own, but unable to obtain the assistance of the worthless around him: 'That he had rather be in hell than on board an *American* man-of-war under the present system; that the willing men were worked to death; and that matters, he feared, would never be better unless the *cats* were restored.' This is the opinion of most of the good men with whom I have conversed.

"*Secondly.* 'What has been the effect upon discipline and subordination among persons composing ships' companies?'

"Injurious in the extreme! The men seem to lose sight of the fact that the officers have been left without a substitute for flogging, and have themselves to devise means for the support of discipline; they fancy the modes adopted are intended only to annoy and harass them, and consequently have arrayed themselves against their officers as their natural enemies, and become much more insubordinate than formerly.

"*Thirdly.* 'Do the crews of vessels-of-war evince more or less alacrity and cheerfulness? Are the orders of officers more or less promptly obeyed?'

"They appear much more dissatisfied and complaining, and there is evidently a hesitancy and disinclination to obey any and every order given them. Twice since I have commanded this ship, and since the abolition of corporeal punishment, have a portion of the marine guard been turned out to enforce, at the point of the bayonet, the legal and proper orders of their officers—a necessity which I have never before seen arise in forty years' service. Time would fail to mention the hundreds of instances of insubordination that have fallen under my observation.

"*Fourthly.* 'Are there any effectual means by which badly disposed persons on board ship can be restrained?'

"All the means which I have seen tried only tend to irritate and make the men more stubborn and insubordinate. That you may form some idea of the class of persons with whom we have to do, and to show the effect of 'ignominious discharges,' I will relate a circumstance which recently occurred in presence of the assembled crew. A man named McCaddan, brought home in the St. Louis under sentence of court-martial, was by your order discharged in disgrace from this ship. Upon landing abreast of the ship he was greeted by a portion of the crew of the St. Louis with three hearty cheers, followed by three groans for the ship, placed in a carriage and driven off in triumph, exclaiming as they went off, 'You have done nothing disgraceful; you have only licked *an officer*, which we will all do if the opportunity offers.' As a further illustration of the effect of this mode of punishment, I will mention the fact that one of the crew of the John Adams, an excellent seaman, applied to Commander Barron for a 'disgraceful discharge!' I know of no remedy other than the old and well-tried one of the 'cats'—the instrument that placed and sustained our gallant little navy upon an equality in discipline with any other upon the globe!

"*Fifthly.* 'Are the vessels of the navy more or less efficient since the abolition of flogging?'

"To this interrogatory I am not prepared to give a decisive answer, from the fact of my not having been to sea since the passage of the law. I cannot for a moment imagine, from any experience here, however, *that they are at all efficient*; and from accounts abroad, and the condition of those recently returned, I am confident in the opinion."

Commandant Downes, from the commandant's office, navy-yard, Boston, July 26, 1851, says:

"SIR: In compliance with the wishes of the department, in the circular of the 5th of June last, to furnish, as much in detail as practicable, my views of the effects produced in the naval service by the abolishment of flogging in the navy, and proposing a series of questions for my consideration, and answers thereto, I would remark that, not having been to sea since the law abolishing corporeal punishment went into operation, I can only judge of its effects on the service from the apparent little control the officers of ships arriving here to be paid off have over their crews. I have witnessed among them a general spirit of insubordination and indifference in the discharge of their duties. About fifteen hundred men have arrived here and been paid off within the last two years, and I have experienced more difficulty with them than ever before with the thousands that I have heretofore seen paid off and discharged.

"In answer to the first question in the circular—'What has been the effect upon the recruiting service?'—I would state, as my opinion, that it has driven many of the class of seamen from the service. I have the fact from themselves; and when I have asked them why they did not return to the service, their answer has uniformly been, '*There is no flogging now*,' and the good men will have to do all the duty, whilst the ill-disposed are confined below, where they prefer to be rather than to being exposed to bad weather on deck. Formerly, the bad men were kept to their duty from the *dread of the cat*, while the good seaman had no fear of being punished. I think it very certain that not one man has been induced to enter the naval service in consequence of the abolishment of flogging, but, on the contrary, that many have avoided it for that reason.

"In answer to the third question—'Do the crews of vessels-of-war evince more or less alacrity and cheerfulness, and are the orders of the officers more or less promptly obeyed?'—I would remark that, as far as they have come under my observation, much less so now than previous to the abolition of flogging.

"In answer to the fourth question—'Are there any effectual means by which the badly disposed persons on board ship can be restrained?'—I would remark, the ships-of-war when at sea are at all times expected to be in readiness for immediate action, which cannot be the case if many of the crew are in confinement. To insure efficiency in ships-of-war at sea, prompt punishment should follow offences. In port, confinement may be resorted to; but at sea I know of no punishment, except corporeal, that will effectually keep badly-disposed persons under the proper and necessary restraint. This might be authorized under the sentence of a court of three officers, ordered by the commander of the ship, for small offences, restricted to slight punishment.

"To the fifth question—'Are the vessels of the navy more or less efficient since the abolishment of flogging in the navy?'—I would remark, that this question is already answered in the preliminary remarks of this communication; but I repeat, that from my observation on the condition of vessels arriving here, they are far less efficient than before the abolition of flogging."

Captain S. H. Stringham, from the commandant's office, navy-yard, Gosport, August 23, 1851, says, in reply to the interrogatories:

"*To the first.*—No. The recruits received from the rendezvous at this and from the northern station, since the abolishment of flogging in the navy, have been found far inferior to those who comprised the crews of our ships previous to the passage of that act.

"*To the second.*—From personal observation, I am unable to say; but from official reports made to me by commanders of vessels at this station and under my command, the abrogation of punishment by flogging has had a most unhappy effect upon the discipline and subordination of ships' companies.

"*To the third.*—Cannot say from personal knowledge; but, from information derived from officers attached to sea-going ships, I am justified in answering No, emphatically.

"*To the fourth.*—None, in my opinion, except a restoration of authority to punish by flogging for certain specified offences; the offence and extent of punishment inflicted to be entered in the log as formerly, and regularly reported to the department. In connexion with this, I would remark, that from free and unrestrained conversations with many of our worthy and reliable seamen, I am satisfied that the mass of them are unanimous in the wish that the law prohibiting flogging be repealed."

Commander Thomas O. Selfridge, under date of Boston, Massachusetts, September 6, 1851, says:

"SIR: In reply to the circular from the department of June 5, I have the honor to state that the effects of the abolishment of flogging in the navy are, a subversion of efficient discipline, and the infliction of a direct injury on the better portion of a ship's company.

"These conclusions are drawn from my knowledge of the character of seamen generally—from having served much on board large ships-of-war, where a more vigorous course of discipline is required than in small vessels, and from the universal opinion of intelligent seamen, who have served many years in the navy.

"Since the passage of the act abolishing corporeal punishment, I have taken *especial* pains to obtain all the information possible on this subject, from those who have served in the navy previous to and since flogging was abolished. In every instance of inquiry, seamen of intelligence have told me that they much preferred the service as it was than as it is; that they considered flogging, or rather the power to flog, essential to the preservation of discipline, order, and social comfort; that now the good men of a ship were of necessity obliged to perform much of the labor of the idle and profligate, who care but little for the punishment of confinement or other mild penalties.

"These opinions from this class of sailors I conceive to present an unanswerable argument in favor of the system of corporeal punishment.

"As I have not been afloat since flogging was abolished, I am unable to answer any of the queries embraced in the circular but the first, which relates to the effect it has had on the recruiting service. To this I have to say that the abolishment of flogging has had no perceptible influence on the recruiting service. Neither has it induced a better class of persons to enter the naval service."

Captain James M. McIntosh writes from on board the "United States frigate Congress," Rio de Janeiro, August 5, 1851, and thus answers the interrogatories:

"1. What has been the effect on the recruiting service? Is it found that a better class of persons is induced to enter the naval service?

"Answer. My ship's company having enlisted previous to the passage of the law, I am unable, from my own experience, to judge; but from the representations of the officers of our ships who have touched at this port since the passage of the law, I am of the opinion that no advantage has been obtained to the service in the character of the men enlisted, but perhaps the worst.

"2. What has been the effect upon discipline and subordination among the persons composing ships' companies?

"Answer. I do not conceive a sufficient time has yet elapsed to fairly test this question. So far this ship has been kept in good order and good discipline; but I do not consider the new system can be judged of from that fact. The ship sailed under the old law, and I conceive a moral control was gained at the commencement by a firm and decided course with all offenders, which, while the power existed, convinced the men that crimes and offences would be punished, and which rendered a few examples sufficient. I had hopes, for some time after the abolishment of the lash by Congress, and which was abolished by me for two months previous to the passage of the law—for I saw it was inevitable, and I desired to be prepared for it