

Ex. Doc. No. 61.

HOUSE OF REPRESENTATIVES.

CORRESPONDENCE BETWEEN THE CONSULS OF THE UNITED STATES AT RIO DE JANEIRO, &c., WITH THE SECRETARY OF STATE, ON THE SUBJECT OF THE AFRICAN SLAVE TRADE.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In compliance with a resolution of the House, of the 23d of December, 1848, the correspondence between G. W. Gordon and Gorham Parks with the Department of State, on the subject of the African slave trade.

MARCH 2, 1849.

Laid upon the table, and ordered to be printed.

To the House of Representatives of the United States:

I communicate, herewith, a report of the Secretary of State, together with the accompanying papers, in compliance with the resolution of the House of Representatives of the 23d of December, 1848, requesting the President "to cause to be transmitted to the House, if compatible with the public interest, the correspondence of George W. Gordon, late, and Gorham Parks, the present, consul of the United States at Rio de Janeiro, with the Department of State, on the subject of the African slave trade; also, any unpublished correspondence on the same subject by the honorable Henry A. Wise, our late minister to Brazil."

JAMES K. POLK.

WASHINGTON, March 2, 1849.

DEPARTMENT OF STATE,
Washington, March 1, 1849.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 23d of December last, which is in the following words: "*Resolved*, That the President of the United States cause to be transmitted to this House, if compatible with the public interest, the correspondence of George W. Gordon, late, and Gorham Parks, the present, consul of the United States at Rio de Janeiro, with the Department of State, on the subject of the African slave trade; also, any unpublished correspondence on the same subject by the honorable Henry A. Wise, our late minister to Brazil," has the honor to lay before the President the papers mentioned in the subjoined list, which embrace all those on file in this department, called for by the resolution.

Respectfully submitted.

JAMES BUCHANAN.

To the PRESIDENT
of the United States.

List of papers accompanying the report of the Secretary of State to the President, of the 1st March, 1849.

Mr. Parks to Mr. Buchanan, February 25, 1846—with an accompaniment.

Same to same, November 14, 1846.

Same to same, August 20, 1847—extract, with accompaniments.

Same to same, " 31, " —with accompaniments.

Same to same, " 31, "

Same to same, October 13, " —with an accompaniment.

Same to same, November 30, 1847—with accompaniments.

Same to same, August 25, 1848—extract, with accompaniments.

Same to same, December 4, 1848—with accompaniments.

Mr. Wise to Mr. Calhoun, January 12, 1845—extracts with accompaniments.

Same to same, February 18, 1845—extracts with accompaniments.

Same to same, May 1, 1845—extracts, with accompaniments.

Mr. Wise to Mr. Buchanan, May 8, 1845—extracts, with accompaniments.

Same to same, May 19, 1845—extract.

Same to same, June 26, " —with accompaniments.

Same to same, August 1, 1845—extracts, with accompaniments.

Same to same, November 24, 1845—extracts, with accompaniments.

Same to same, December 18, 1845—extract.

Same to same, " 23, " —extract.

Same to same, February 18, 1846—extract.

Same to same, March 6, 1846—extract, with accompaniments.

No. 8.

Mr. Parks to Mr. Buchanan.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, February 25, 1846.

SIR: I send you copy of the papers under which a vessel is coasting between this port and Montevideo.

Conceiving her papers to be very irregular, I requested the opinion of his excellency the American minister at this court, and received from him an opinion, a copy of which I have the honor to enclose to you, with his approbation and consent; and I beg from your excellency instructions as to what course I shall take should any similar case be again presented to me.

With great respect, I am, your excellency's most obedient servant,

GORHAM PARKS,
United States Consul.

HON. JAMES BUCHANAN,
Secretary of State.

ENGENHO VELHO, *January 8, 1846.*

DEAR SIR: I have examined the laws to which you referred me in the case of the "Columbia." There appear to be *three* points of difficulty.

1st. The question of the *residence* of the owners who are certified to be citizens, but whether "usually residing in a foreign country," or either of them "be a consul of the United States, or an agent for, and a partner in, some house of trade or copartnership consisting of citizens of, and actually carrying on trade within, the United States," does not appear. That is a question of fact. But even if they do "usually reside in a foreign country," and neither of them be a consul, &c., yet how far the act of 31st December, 1792, sec. 2, (Gordon's Digest, p. 534, art. 1801,) is affected or repealed by the act of 2d March, 1803, sec. 3, (see *Id.*, p. 540, art. 1821,) is a question.

The last statute speaks expressly of transfer; the former does not, except by implication. The 3d section of act of 1803 seems to prescribe only the conditions therein named, and it is doubtful whether it be cumulative.

Then, how is the fact of residence to be proved or disproved by the consulate here? Another consulate certifies the owners are citizens; nonconstat, they are not such citizens as to entitle their vessel to the privileges of a register. To obtain a register, they must describe themselves; to receive the benefit of a transfer abroad, they are required only to "comply with all the requisites for registry within three days from the time at which the master is required to make his final report upon the vessel's first arrival

afterwards in the United States, pursuant to the 30th section of act of 2d March, 1799. And in case of a transfer in whole or in part to a citizen whilst without the United States, the vessel shall, on her first arrival, be entitled to all the privileges and benefits of a vessel of the United States."

This would seem, in case of a transfer to a citizen abroad, to intend that the vessel should have *prima facie*, whilst without the limits of the United States, the privileges and benefits of a vessel of the United States, and that this *prima facie* right is to be questioned only on her first arrival at home. The act of 1803 seems to extend the privileges of the act of 1792 in favor of commerce. I know a difficulty may here arise—the vessel may never go home; but still, what power has this consulate to inquire into and decide that intent, or fact?

2d. The second question arises from the want of a bill of sale evidencing the transfer. See sec. 14 of the act of 1792, (Gordon's Digest, p. 542, art. 1829.) "Some instrument in the nature of a bill of sale," &c., is required only when application is made to be registered anew. In case of transfer abroad, the vessel is required to apply for a new register only after "her first arrival." Nonconstat, that the bill of sale was not exhibited to the consul at Montevideo, when he certified the transfer to American citizens.

3d. The last question arises as to the change of master. Notification of this change seems to be required only before the "collector of the district where it shall happen, or where the vessel shall first be after it shall have happened." The vessel seems not to forfeit register, and the master not to forfeit any sum unless he fails to report this to a collector after the first arrival at home.

It appears, then, the Columbia was registered properly, owned by citizens entitled to register who have transferred her to citizens; that the register is deposited in another consulate; that she now has a copy of it, and certificate of transfer to persons *prima facie* entitled to receive and take the transfer; that the original register is duly accounted for; she has her crew list, and nothing appears on her papers, at least, opposed to the intent to comply with the laws of the United States on her first arrival at home, and her trading appears to be lawful. My presumptions would, therefore, be all in her favor, and in favor of the extension of the privileges of American commerce.

I would not look behind her papers, and would infer from them every fact and intendment required by law. But still I regard the whole case a doubtful one; would so notify all parties, note its particular facts, and ask for instructions in future from the department.

Very respectfully, yours, &c.,

HENRY A. WISE.

To GORHAM PARKS, Esq.,
Consul United States.

Mr. Parks to Mr. Buchanan.

[Extract.]

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, August 20, 1847.

I feel it to be my duty, under the instructions from your department, to accompany my semi-annual account with some remarks regarding the business relations of the United States with this country.

In the first place I will refer to the slave trade. This traffic has increased within a year or two past to a great extent; and I regret to be obliged to inform you that in some cases it has been carried on by Americans in American vessels. In the first place I will refer your excellency to the depositions taken in the case of the "Senator," marked A, by which it will appear that the "Senator" was probably sold on the coast, and that she brought over a cargo of slaves, with a dreadful loss of life; and that John Miller, of New York, acted as mate of her, both going over and coming back. Kelly, her master, died on the coast after the vessel was sold. The papers relating to the "Senator" are marked —. In addition to what appears by the depositions, I state that I kept a strict watch for Miller; and that, having ascertained that he was in this city, and where he was to be found, I called personally on the chief of police for this city, and requested him to issue an order for his arrest, and that when arrested he might be delivered to me for the purpose of being sent home to the United States for trial. He replied that he would issue the warrant, and would give it to one of his officers to serve; but that he declined at that time to give any answer to my request that he might be delivered to me. The next day an officer, apparently about the rank of a constable at home, called on me, and stated that he had the warrant; and I appointed a meeting with him the next day, when I would point out Miller to him. From that time I have neither seen nor heard from the chief of police, or his subordinate, upon the subject. Since that time, however, Miller has openly appeared in public, and even at my office, and announced himself as the "mate of the Senator;" and, in answer to my questions, stated that he came over in her as a "passenger," the vessel having been sold on the coast. I have no faith that the government here will aid me in bringing Miller, or any other slaver, to justice, and have preferred to watch him, in order that he may be taken at sea, rather than risk the chance of his arrest and delivery to me by the Brazilian authorities; as I fear that, even were the chief of police willing to do it, there would be great danger that the subordinate would give him notice of his orders, and enable him to escape. The witnesses necessary for the conviction of Miller are in this city, and could be sent home were he taken.

Another and still worse case, in many particulars, is that of the "Fame." This barque, a whaler from New London, Connecticut, came into this port from the Pacific ocean. Her master died in

those seas, and Anthony Marks, a native of one of the Portuguese islands, who has a family in New London, and who left home in her as second mate, came into this port as her master, having been appointed to that situation by an United States consul in the Pacific. He represented to me that the vessel was unseaworthy, and needed many repairs. I advised him to have a survey upon her, that she might be condemned in case the persons whom I should appoint should decide against repairing her. After some days, he concluded to repair her, saying that he had in his hands funds enough of the owner's for that purpose. At the time, I supposed that this arose from his desire to remain master of a whaler, a rank to which he had not before attained. He did repair her, and cleared for a whaling voyage.

After she had gone to sea I was informed that she had taken on board, as passengers, certain Portuguese and Brazilians. This information combined with the fact that he consigned his vessel to a house recently established in this city, and which, after the vessel sailed, began to be suspected of being concerned in the slave trade, created some doubts in my mind, and I steadily watched for her return from the coast of Africa. The *Fame* sailed on or about the 27th of February, of the present year. My suspicions were increased by time, and from information I received from the Guarda Mor of this port, I applied to Commodore Rousseau to send the *Bainbridge* to the part of the coast where she was supposed to intend landing her slaves, to wit: Ilha Grande, to the westward of this port; which he did forthwith. The *Bainbridge* has continued cruising in that quarter for that purpose, and the protection of American whalers, most of the time until now. I afterwards learned that the "*Fame*" landed over seven hundred slaves to the eastward of Cape Frio, and that her mate was in the city, while the master disappeared, leaving the vessel at or near Macahi. The Commodore very promptly, at my request, ordered the first cutter under Lieutenant Strain, accompanied by Captain Griffin, of the whaling bark "*Sarah and Esther*," who could identify the vessel, to proceed after her. Great credit is due to Mr. Strain for the manner in which he executed his commission, cruising over two hundred miles in an open boat. But the bird had flown. I learn that the *Fame* was apprised by telegraph that the *Bainbridge* was cruising to the west of Rio, and Marks was instructed to proceed to the eastward, which he did, and landed his slaves; and the vessel left before Mr. Strain got there. Lieutenant Strain thinks the vessel has gone to Paranaguá to be altered, so that she cannot be identified. I shall inquire into the matter.

This offence of Marks is double piracy by our law. 1st. For abstracting the vessel from her lawful owners; and 2d. For engaging in the slave trade. I shall endeavor to find Marks, but I fear without success. He cleared about 40,000 dollars by the voyage, and will probably remain in the country. Permit me, sir, here to state that whenever we make a treaty with Brazil, if the government wishes to put a stop to the slave trade, it will be necessary that the United States consuls should have the power to issue their own

warrant for the arrest of Americans who have committed crimes against the laws of the United States, and have them executed by whomsoever they think proper to direct them. After arrest the accused to be brought before the chief of police, or other proper Brazilian authorities, for the purpose only of being proved to be a citizen of the United States; which being done, the accused to be delivered to the consul for the purpose of being sent home for trial. Any hope of succeeding in arresting a man here, through the agency of the common police, will always prove futile. The same privilege could be granted to the Brazilian consuls over their own subjects in our own country.

I regret to be obliged to inform you, that since the promulgation here and on the coast of Africa of the charge to the grand jury, in the case of the "Porpoise," and of Libby her master, in the circuit court of the United States, the persons incidentally concerned in the trade are much more open than they were before. I think it my duty after consultation with the United States legation here, to name to you one house in particular, as deeply involved in this traffic. That house, lately established, consists of an American named Jenkins from New York, an Englishman named Russell, and a Portuguese named Guimaraes. This last was the person who went down the coast to receive the cargo of the "Fame," and pay off the crew. Nearly the whole of the slave trade in American bottoms, is transacted by this house of Jenkins and company, either as principals or factors. No doubt exists in my mind but that the owners of the "Fame" owe the loss of their vessel to the influence of Jenkins over the mind of Marks. I regret that no measures can be taken, by which this man, by far the most guilty of all, can be brought to punishment.

Nothing effectual can be done towards stopping the slave trade, as our squadron is at present organized. We have one large frigate, which lies at anchor either here or in the River la Plata most of the time; one small brig which cruises at times, but is generally at the river when the frigate is here. I do not mean to say that more can be done with the force as at present organized, than has been done; but when it is considered that the Brazil station extends from north of the equator to Cape Horn on this continent, and includes a great part of Africa south of the equator, on both sides of the Cape of Good Hope, it must be admitted that one frigate and one brig is a very insufficient force to protect American commerce, and repress the participation in the slave trade by our own vessels.

The force needed on this station should consist of steam vessels, one at least, and sloops and brigs of war, frigates being too large for such service. If a commodore was appointed to live on shore to direct operations at this place, it might well be considered, whether in ordinary and peaceable times, all frigates could not be dispensed with.

A.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, May 12, 1847.

Personally appeared before me, the undersigned, consul of the United States at this city, Manuel Jiro, who being duly sworn upon the Holy Evangelists of Almighty God, deposed and said as follows: That he left Rio de Janeiro, in the beginning of January last past, in the quality of 2d mate to the brig "Senator," of Boston, John Kelly, master; that the said brig first went to Ambriz, and left there a part of her cargo; then went to the river Congo, and left there a portion of her cargo likewise; that after being there two or three days, deponent was driven ashore by the captain, after being ill-used and shot at, and left there; that the deponent, after being five days on shore, succeeded in procuring a passage to Rio de Janeiro, in the brig Fredericka, of Key West. Further the deponent said not.

MANUEL FRANCISCO JIRO.

Sworn to, at Rio de Janeiro, this 12th of May, 1847.

Before me:

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States at this city, hereby certify the foregoing to be a correct copy of the original on record at this consulate.

[SEAL.] Given under my hand and seal of office, this 14th day of July, 1847.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before me, Gorham Parks, consul of the United States at this city, Joseph Alvares Cunha, who being duly sworn upon the Holy Evangelists of Almighty God, deposed and said as follows: That deponent was cook on board the brig "Senator," which sailed from this port on the 23d of December last past, with a general cargo; that the first place where the said brig touched, after leaving this port, was Ambriz; where a part of the cargo was left; that after leaving Ambriz, said brig proceeded to the river Congo, where another part of the cargo was landed; after which the said vessel proceeded direct to Cabinda, and left another portion of her cargo; and the vessel then proceeded to Loango, the termination of said brig's voyage; that the same day the vessel arrived at Loango, the captain went ashore, and deponent saw him no more; that after being at Loango about ten days, a cargo of slaves arrived, and were put on board during an afternoon; that

about nine hundred and fourteen slaves were put on board; that the said brig then sailed for Brazil, under the command of a Portuguese captain; and that after a voyage of twenty-three days, the said vessel cast anchor near Macahé, having lost two hundred and forty-six blacks by death; that at Macahé, the crew was discharged; that John Miller, 1st mate, left at Macahé. Manuel Jiro was left at the river Congo; one of the seamen was left on the coast of Africa, whom deponent thinks to be William Temple, an Englishman; the others, to wit: the deponent, Edward Casey, George C. Koeler, William Laurenson, William H. Christie, William Sampson, and Robert Pidgeon, left at Macahé, after the slaves were landed; that when the deponent shipped, he enquired, both in this consulate, and on board of said brig of Captain Kelly, if he was going for slaves, or with a regular cargo; he replied that he was going and should return with a regular cargo; that deponent was ignorant of the sale of said brig, until she arrived on the coast of Africa, at Loango, at the time the slaves were taken in; that the day before the slaves were taken in, the mate went on shore, and on his return told the crew that the brig was sold; that the last time the flag of the United States was used, was when the vessel was going into Loango, after that the brig carried no flag; that the mate told the men, when the vessel was at Loango, that they might go ashore or remain, if they pleased; that as the mate represented it to be very sickly on shore, the deponent remained on board; that deponent first saw the Portuguese captain at Loango, when he came on board; his name, as far as deponent understood, was Antonio Augusto; that no person offered to pay off the crew of said brig; that deponent understood Captain Kelly to be very sick, he having sent for his cot the day before the slaves were put on board; that when the slaves came on board, they were stowed away like cargo in the hold; that they were allowed to come on deck for air about twice a week, part at a time; that the cause of the death of so many, was the scarcity of water; that deponent does not recollect to have seen the word "Senator" on said vessel, after the slaves were put on board; or does he know, if said name was painted out or covered over; that deponent was turned ashore at Macahé, without having been paid wages for the outward voyage.

Further the deponent said not.

JOSE ALVARES CUNHA.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before me, the undersigned, consul of the United States, at this city, Jose Alvares Cunha, one of the crew of the brig "Senator," and made solemn oath to the truth of the above affidavit, by him subscribed before me.

In testimony whereof, I have hereunto set my hand and [L. s.] affixed the seal of this office, this 15th day of May, one thousand eight hundred and forty-seven.

GORHAM PARKS,
U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States at this city, hereby certify the foregoing to be a correct copy of the original, on file at this consulate.

[L. s.] Given under my hand and seal of office, this 20th day of
July, 1847.

GORHAM PARKS,
U. S. Consul.

I, William Laurenson, a native of the kingdom of Norway, being sworn on the Holy Evangelists of Almighty God, depose and say, that I was shipped on board the brig "Senator," of Boston, in the United States of America, at Rio de Janeiro, in the month of December, now last past, for a voyage to the coast of Africa and back to the coast of Brazil. John Kelly was master of said brig. We sailed about the first of January of the present year, and after a fair passage arrived at Ambriz, on the west coast of Africa. We carried over three Brazilian passengers, who were landed at Ambriz. At that place we discharged some cargo, and then we went to the river Congo, and there we discharged some cargo. From the river Congo we went to Loango; there we discharged the remainder of the cargo. Then we took in ballast to come back to Brazil; then we took in nine hundred and forty-three negroes. Of this number a great many died on the passage to Brazil—three hundred and seventy-three blacks and three white men, as I was told. The remainder were landed at a little place to the north of Cape Frio. Captain Kelly was left ashore sick at Loango. A Portuguese captain came home as master. We also went to Cabinda, after leaving the river Congo, before we went to Loango. We left cargo at Cabinda also. The last time I saw the American flag hoisted was at Cabinda, there being two or three English men-of-war there and one American man-of-war. I was taken sick at Cabinda, and continuing sick, when we arrived at Loango, I and one other man went on shore and were in a negro hut some days; and being very sick with the fever, I requested to be taken on board the vessel. Two or three days after this, the mate came on board and called on the men to come aft, when he announced to us that the vessel was sold, and inquired who wished to leave the vessel; that they might go and receive three months' extra pay. I was so sick that I lay helpless on the deck. One man and the captain left at Loango. In ten minutes after the mate had told us this, the negroes were brought on board. In half an hour after the slaves or negroes were brought on board, we went to sea. Only about six or seven were in irons; the rest were loose.

The name of the mate was Miller. The cause of the great number of deaths was the want of water; the blacks were not allowed a pint of water per day. The first night we went to sea I was told that seventy-four died. This was because the ship was too full.

They were men, women, and children. The deck and hold were both as full as they could be. We were twenty-two days on the passage; we had no colors up on the voyage. I was turned ashore where the slaves were landed, without being paid any wages for going out or coming back, excepting the month's advance which I received at Rio; but they gave me, as they said, as a present—three hundred and fifty milreis—though I was too sick to do duty. I did steer the ship a part of the time for eight days, although I was too weak to stand; but I did this sitting down on the quarter-deck. We went in a little boat to Cape Frio, and came to Rio in a small schooner; we landed the slaves about three weeks ago.

And further deponent sayeth not.

his
WILLIAM + LAURENSEN.
mark.

Witness: GORHAM PARKS.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before me, the undersigned, consul of the United States at this city, William Laurenson, one of the crew of the brig "Senator," and made solemn oath to the truth of the above affidavit by him subscribed before me.

In testimony whereof, I have hereunto set my hand, and affixed
[L. s.] the seal of this consulate, this twenty-first day of May,
one thousand eight hundred and forty-seven.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States at this city, hereby certify the foregoing to be a correct copy of an original deposition taken by me, and on file at this consulate.

[L. s.] Given under my hand and seal of office this 21st day of
July, 1847.

GORHAM PARKS.

I, George C. Koeler, a native of Norway, being sworn on the Holy Evangelists of Almighty God, do depose and say, that I shipped on board the American brig "Senator," at Rio de Janeiro, for a voyage to the coast of Africa and back to this city, in December last. We sailed on the 3d of January last, and arrived at Ambriz after a passage of about seven weeks. At Ambriz we discharged part of our cargo, and left two passengers, either Portuguese or Brazilians. We went next to the river Congo, where we discharged more cargo; thence we sailed to Loango, where we also discharged cargo, and then proceeded to Cabinda, where we discharged what remained of our cargo. A part of the time I was

at Cabinda I was so sick with fever that I was insane. While there, after everything was taken out of said vessel, the mate, Mr. Miller, went ashore early one morning, and returned at eight o'clock in the same morning, and called all hands aft, and said that the vessel was to take in slaves, and the hands might either remain on board or go ashore, as they pleased. I was so sick I could not go on shore, and was compelled to remain. After this, the Portuguese captain came on board, and the crew went to work to make all ready to receive the slaves. The mate worked with the rest and assisted in getting ready, and aided to receive the slaves. The slaves were brought on board in the afternoon of the same day, and about dark we went to sea. The captain (Kelly) was very sick ashore at this time, and was left there. Captain Kelly left the vessel the day we arrived, and did not come on board afterwards. The day before we took the slaves in, the captain's things were taken on shore. Most of the slaves who died, perished for want of water. Miller acted as mate during the voyage over. I have seen Miller in this city within a few days. Miller told us our wages would be paid in Rio de Janeiro. Senhor Ramos was supercargo, and he told us we should be paid by his brother in Rio. I was paid three hundred and fifty milreis by Senhor Ramos the elder, on board, before we landed the slaves.

And further deponent sayeth not.

GEORGE C. KOELER.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before me, the undersigned consul of the United States at this city, George C. Koeler, one of the crew of the American brig "Senator," and made solemn oath to the truth of the above affidavit by him subscribed before me.

In testimony whereof, I have hereunto set my hand and affixed [SEAL.] the seal of this office, this twenty-fifth day of May, one thousand eight hundred and forty-seven.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned consul of the United States at this city, hereby certify the foregoing to be a correct copy of an original deposition on file at this consulate.

[SEAL.] Given under my hand and seal of office, this 23d day of July, 1847.

GORHAM PARKS,
United States Consul.

I, William Temple, a native of Beverley, in the county of Essex and State of Massachusetts, of the age of twenty-two years, hav-

ing been sworn on the Holy Evangelists of Almighty God, depose and say: That I shipped on board the brig "Senator," John Kelly master, to go to the coast of Africa on a trading voyage, on the eighteenth day of December last, at the consulate of the United States for the port of Rio de Janeiro. We sailed from Rio de Janeiro on or about the second day of January last past. We arrived at Ambriz, on the coast, about the twentieth of February. We delivered a little of the cargo. Thence we went up the river Congo and delivered more cargo there; thence we went to Cabinda, where we delivered more cargo; and thence we went to Loango, where we delivered the remainder of the cargo. There the captain and myself went on shore. The captain was taken sick at that place. The merchants there to whom the vessel was consigned, came on board and told us the vessel was about to take in slaves, and told us that all who did not like to go in her with the slaves might go on shore. I went on shore, and was the only one that left her there. The mate, John Miller by name, was the one who told us the slaves were to be taken on board. Miller came on board and told us about six o'clock in the morning, and I went ashore in the boat that brought him off. The vessel sailed the next day. I did not wait to see the slaves put on board. I waited on the captain at Loango till he died. I arrived here in the Casket a few days ago. One of the merchants, called Bastos, came on board the vessel with Miller when he announced to us that she was to be converted into a slaver. And further this deponent saith not.

WILLIAM TEMPLE.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States at this city, William Temple, and made solemn oath to the truth of the foregoing affidavit by him subscribed before me.

In testimony whereof, I have hereunto set my hand and affixed [SEAL.] the seal of this consulate, this 16th day of July, 1847.

GORHAM PARKS,
U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States at this city, hereby certify the foregoing to be a correct copy of the original on record at this consulate.

Given under my hand and seal of office, this 23d day of July, [SEAL.] 1847.

GORHAM PARKS,
U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, William Henry Christie, a native of Portsmouth, England, being sworn upon the Holy Evangelists of Almighty God, depose and say: That I shipped at this office on or about the 18th day of December last past, on board the brig "Senator," of Boston, John Kelly, master, to go on a voyage to the coast of Africa and back to this port. We sailed from Rio de Janeiro on the 3d of January, and in thirty-five days arrived at Ambriz. We staid there a few days and discharged some cargo. We then sailed to the river Congo, remained there about sixteen days, and discharged another portion of the cargo; thence we went to Cabinda, remained about a week, discharged some cargo, and proceeded to Loango, where the rest of the cargo was discharged. After lying about a fortnight there, the slaves—the exact number of whom I am not aware—arrived, and began to come on board one day after dinner; and we weighed anchor and went to sea about five o'clock in the evening of the same day. The slaves did not appear to be sorrowful or unhappy; only five were brought on board in irons, and these five were made overseers the next morning over the others. About sixty died the first night. Nothing particular occurred during the voyage, excepting that a great many died. When leaving Loango, there was an English man-of-war's pinnace apparently in chase of us. We brought thirteen Portuguese, or Brazilians, over as passengers, of whom three died; the captain of the vessel, in place of Captain Kelly, was a Portuguese; the greater part of the crew were sick at different times; I and Pidgeon, one of the crew, and Alvares Cunha, the cook, were the only persons of the crew who had not the fever. We landed the slaves in the bay of Macahé, in front of a small town—not Macané; Senhor Jose Ramos was supercargo. We were paid off by the captain before the slaves were landed; all the men before the mast received each four hundred and fifty milreis.

And further deponent saith not.

WILLIAM H. CHRISTIE.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States, William Henry Christie, and made solemn oath to the truth of the above affidavit by him subscribed before me.

In testimony whereof, I have hereunto set my hand and
[SEAL.] affixed the seal of this consulate this 22d day of July,
1847.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States at this city, here-

by certify the foregoing to be a correct copy of the original on record at this consulate.

Given under my hand and seal of office this 24th day of
[SEAL.] July, 1847.

GORHAM PARKS,
United States Consul.

Mr. Parks to Mr. Buchanan.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, August 31, 1847.

SIR: Since writing you my semi-annual letter accompanying my accounts, I have the honor to inform you that having obtained information that J. H. Plunkett, who was first mate of the Fame, was about to sail for Baltimore under the assumed name of John Harding, in the Montezuma, cleared for that port, I requested Commodore Rousseau to cause her to be pursued, and the man taken out when she was on the high seas. This he directed; and it was done by Lieutenant Johnston, of the navy. And I also send home Plunkett, in the United States frigate Columbia, to be surrendered to the marshal of the United States for the district in which the Columbia may arrive. I have also sent home, as witnesses, Mr. William Holland, a clerk in my office, and one seaman, named Manuel Baptiste. One other seaman, named Luther Towle, whom I was about to send home as a witness, was, after he was sent on board the Columbia, seized with the small pox, and was therefore sent to the hospital by Commodore Rousseau. As soon as he is cured I will send him home. Towle and Baptiste made the voyage to Africa and back in the Fame. Lieutenant Johnston, of the Columbia, who arrested Plunkett, will also be a material witness.

I have written to the United States marshal and district attorney of the district in which the Columbia may arrive.

I am, &c.,

GORHAM PARKS,
United States Consul.

HON. JAMES BUCHANAN,
Secretary of State of the United States.

Luther Towle, a citizen of the United States, born in the town of Newburyport, in the commonwealth of Massachusetts, one of the United States of America, having been duly sworn on the Holy Evangelists of Almighty God, do depose and say: That he shipped on board the whaling barque Fame in Oahee, one of the Sandwich islands, before Alexander Abel, the American consul. Of this vessel Anthony Marks was then master. On the 26th of August, 1846, said barque Fame left Oahee and came direct to Rio de Janeiro, without stopping to fish by the way. Understanding that

we were bound to the United States, at Rio Captain Marks repaired his vessel. Said barque Fame arrived at Rio in December, 1846, and sailed in February, 1847. We shipped some hands at this place. Said vessel carried, as passengers, one Portuguese and one Frenchman. She had, also, a Lisbon captain and mate on board, who acted conjointly with Captain Marks and J. H. Plunkett, the mate. The captain told me, when he sailed from this port, that he was going after sperm whales, and I so supposed until after I got to sea. My suspicions were at first excited by there being so much rice between decks, but I said nothing about it. After we had been to sea a few days, Captain Marks called all the crew aft, and informed us that he was going to the East coast of Africa for a cargo of slaves. The vessel went to a place on the East coast of Africa about two degrees south of Dellagon bay. The name of the place I do not now recollect. We arrived there some time in April, and remained there two days. During that time, the French gentleman and the Lisbon captain went ashore, and about sundown of the second day we took in, in the course of one hour, 530 slaves, who had been brought down under the direction of those two persons. Three of the slaves were thrown overboard during the passage, who I suppose were dead. We landed the remainder within a mile or two of the city of Cape Frio. I was paid off at Cape Frio. I received 500 milreis. Mr. Plunkett acted as sailing mate during the passage. I recognize the man who was shown to me on board the United States frigate Columbia, as being J. H. Plunkett, the same man who acted as mate on board said barque Fame during the voyage above referred to.

LUTHER TOWLE.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, August 14, 1847.

Personally appeared Luther Towle, and made oath to the truth of the deposition by him subscribed before me.

GORHAM PARKS,
United States Consul.

Manuel Baptiste, a native of Providence, in the State of Rhode Island, one of the United States of America, having been duly sworn on the Holy Evangelists of Almighty God, do depose and say: That he shipped on board the Fame at the United States consulate at Rio de Janeiro, about five days before she went to sea. Marks stated in the consul's office, that he was going whaling, and that the deponent was to steer the boat, of which Wm. Brown the 2d mate was to have charge. I went to sea supposing the vessel was going on a whaling voyage. We sailed from Rio in the month of February, 1847. About three days after we was out to sea, the captain called all the crew aft, and told them they all wanted to make money, and that he was going to put them in the way to make it. This he said in English. He afterwards said, that if he found

any whales on the voyage he would take them; but if they did not find any it made no odds. There were only four Americans aboard said vessel, and we did not dare to say nor do any thing. And furthermore, the four Americans were J. H. Plunkett, the mate, Luther Towle, Ben Ceasar, and myself. There were as passengers one Portuguese, and one French gentleman; also one Portuguese, who acted as captain part of the way. There was likewise on board one Portuguese boatswain, who acted as mate part of the way. We went direct to Quillman on the east coast of Africa. There we took on board from 500 to 600 slaves, perhaps the number might have been from 600 to 700. The exact number I do not know. The slaves were brought on board in lighters under the charge of the two passengers. We were only about one hour taking the slaves on board. From Quilleman we went to a village just inside of Cape Frio called Armazon. There the slaves were landed in canoes. I was paid off at that place and received 680 milreis, as near as I can calculate. From that place deponent returned to Rio de Janeiro. Deponent identifies the man shown to him on board the United States Frigate Columbia as J. H. Plunkett, the mate of the said barque Fame. Deponent wishes further to state, that the evening after Marks had stated to the crew what I before deposed to, regarding the voyage, Plunkett came forward in the evening of that day, and called together Towle, Ben Ceasar and deponent, and asked us what we should do in such a case as this. We three told him that if we made any resistance, we knew what our fate would be, as there were seventeen or eighteen Portuguese against us, and that we must submit. Plunkett said he thought so too.

Furthermore deponent saith not.

his
 MANUEL + BAPTISTE.
 mark.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, August 14, 1847.

Personally appeared, Manuel Baptiste, and made oath to the truth of the above deposition by him subscribed before me.

GORHAM PARKS,
United States Consul.

—————
 [Extract.]

I regret that the acknowledgment of your letter of the 26th May last was not received. I received your letter respecting sea letters some months ago, and have since acted in conformity thereto. Mr. Tod and myself have acted together in the matter of granting sea letters, and have required the strictest proof as to every qualification required by the law—such as citizenship, reality of purchase on account of applicant, and not for other persons.. Whenever these requirements are made out I have given sea letters; and I re-

gret to say that, in every case where the sea letter has been granted, the vessel has been engaged in the African trade.

The slave power in this city is extremely great, and a consul doing his duty needs to be supported kindly and effectually at home. In the case of the "Fame," where the vessel was diverted from the business intended by her owners and employed in the slave trade—both of which offences are punishable with death, if I rightly read the laws—I sent home the two mates charged with these offences for trial, the first mate to Norfolk, the second mate to Philadelphia. What was done with the first mate I know not. In the case of the man sent to Philadelphia, Mr. Commissioner Kane states that a clear *prima facie* case is made out, and then holds him to bail in the sum of *one thousand dollars*, which would be paid by any slave trader in Rio, on the *presentation of a draft*. In all this there is little encouragement for exertion. The barque Laurens, of Sag Harbor, has been seized by Commodore Storer, on information furnished by me, charged with an intent to violate the laws. The evidence seems very strong—so strong that, if she gets clear, it will be useless to capture another. I have very recently received information that an American whaler, fitted out at Bahia for the slave trade, landed her cargo of human cattle under American colors at Macahé. Her crew, it is said, is now in this city. I have little encouragement from the past to investigate the matter, but endeavor to do my duty, even if hopeless of any result.

The whaler is said to be named "Cynosure," but of what port I am still ignorant; and having no fund at my disposal, I am compelled to wait until her crew, having wasted their earnings, will, some of them, from want, be compelled to call on me.

Mr. Parks to Mr. Buchanan.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, August 31, 1847.

SIR: I have waited until the last moment before the sailing of the "Columbia" to give you the latest intelligence respecting the "Yeoman" and the "Fame." I have been expecting hourly to learn the first would be discharged from her present detention; but such is not the case. Having been cleared by the first tribunal, an appeal has been entered, and the case is now carried up to a higher court; and when a further decision will be had is not at present known. The "Fame," after she landed her slaves at Cape Frio—and not at Macahé, as I wrote you—was taken to Santos, whence the captain came here and procured a new suit of sails, which he carried down to that place a short time before the "Bainbridge" arrived there in pursuit of her. The "Bainbridge" was sent down at my request, in consequence of information I indirectly received from the United States consul there. The report of the proceedings of the "Bainbridge" you will probably learn through the Navy Department. Her papers are now there, in the hands of the con-

sul, where she entered as an American vessel; but before proper intervention was made, the vessel had been stripped to the hull and standing masts of everything moveable, by a man named Verquina, a son of the minister of justice for this empire, who represented himself to be agent for the owners. At the suggestion of Mr. Wise, I shall write to Mr. Black at Santos for the original papers of the "Fame," or certified copies thereof.

I have, &c.,

GORHAM PARKS,
U. S. Consul.

To the Honorable JAMES BUCHANAN,
Secretary of State of the United States.

— — —
Mr. Parks to Mr. Buchanan.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, October 13, 1847.

SIR: I sent home, per the Columbia, J. H. Plunkett, first mate of the barque "Fame," of New London, for trial, on two charges of piracy, one for running away with the vessel, "without the consent of the owners," and the other for bringing a cargo of slaves from Africa to this port; and I sent home, at the same time, and on board the same vessel, two witnesses, to wit: Baptiste, a seaman, who performed the voyage with him, and Mr. Holland, a clerk in my office. I requested Commodore Rousseau to cause them to be delivered to the marshal of the district in which the Columbia might first enter; and I wrote to the district attorney and marshal of *that district*, enclosing copies of depositions taken, and a statement of facts relating to the same. I intended to have sent one other witness, Luther Towle, who performed the voyage likewise, but he being taken with the small-pox, was in the hospital when the Columbia sailed. Since that time, I have apprehended William Brown, who was second mate of the "Fame" on the voyage out and in, and whom I sent, together with Luther Towle, to Philadelphia, for trial, in the Barque Globe, Nicholas Esling, master. By the Lortitia, which sails to-day, I send home a highly important witness in both cases, named Peter Brown, whose deposition or a copy thereof, I forward to your excellency herewith. If those men could be tried at one place, and one time, it would save much expense to the government. No vessel going into the Chesapeake, I was obliged to send Mr. Brown to Philadelphia, though I suppose Plunkett to have been taken to Norfolk. I have been obliged to be at some expense in this matter, which I trust the court will reimburse to me. Both Plunkett and Brown were apprehended at sea.

I acknowledge the receipt of your excellency's communication, respecting the granting of sea letters, which I showed to Mr. Wise. My clerk leaving suddenly, as a witness, when Mr. Wise left, the letter, between the two, has been mislaid, and I request your excellency to cause a copy to be forwarded to me.

Immediately on its contents being known, which was only about ten days since, sales began to be made. Three, the "Ceres," "Malaga," and "Camilla" have already been sold for the African trade; two to Joshua M. Clapp, the master of the "Panther," condemned in Charleston, South Carolina, for aiding in the slave trade, but who was himself acquitted; one to a man, named George M. Usher, who has the "Magoun" in the same trade—a vessel he owns, although the property is in other names, and he is nominally supercargo. Yesterday I was applied to, by a man who is a pie baker in a lunch and drinking house, to know if I would grant him a sea letter. This last man I shall refuse if I can, without directly violating my instructions from your department. At any rate, I shall consult Mr. Tod on the subject. The purchaser of the last vessel, if sold, will be Señor Ramos, a notorious slave importer. The name of the vessel is the Alicia, of Baltimore.

With great respect, &c.,

GORHAM PARKS,
United States Consul.

To the Hon. JAMES BUCHANAN,
Secretary of State.

Peter Brown, a citizen of the United States of America, being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say as follows:—That he keeps a sailors' boarding house in this city; that he is personally acquainted with J. H. Plunkett and Wm. Brown; that both Plunkett and Brown boarded in the house of deponent for some time previously to their shipping in the barque "Fame;" that upon one occasion in February last, and subsequently to Plunkett's shipping in the barque "Fame" as first officer thereof, deponent had a conversation with said Plunkett relative to the voyage, and that deponent inquired of Plunkett where the said barque "Fame" was going after leaving this port; that Plunkett replied in these words as nearly as deponent can now remember: "that he had shipped in the 'Fame' for a whaling voyage, but that he (Plunkett) knew where he was going;" that upon another occasion, and subsequently to the conversation above mentioned, said Plunkett went to deponent and told him that the said barque was not going upon a whaling voyage, but that she was bound direct to the coast of Africa, and from thence she was to return to Brazil with a cargo of slaves; and that he furthermore stated to deponent that he was satisfied both from the number of Portuguese seamen employed on board, and from the kind of cargo taken in, that the said barque was bound to the coast of Africa; that deponent had no further conversation with said Plunkett relative to the barque "Fame" previously to the sailing of said vessel.

That upon several occasions, in conversation with William Brown, second officer of the said barque "Fame," previously to her sailing from this port, Brown told deponent, that the captain of the barque "Fame" had told him, that the vessel aforesaid

was going to the coast of Africa for a cargo of slaves, and he further remarked to deponent, that "it was the very voyage he wanted." That deponent neither saw or heard anything of the said Plunkett or Brown after the sailing of the said barque "Fame" till some time in July last, when both Plunkett and Brown again came to deponent's house to board. That shortly after their return as aforesaid, deponent had another conversation with Plunkett, the first mate of the said barque "Fame," during which said Plunkett told deponent that the said barque had gone to the coast of Africa as he expected, and had brought to Brazil a cargo of five hundred and odd slaves; that he had no further conversation with said Plunkett relative to the said vessel or the voyage. That deponent at different times after the return of the said barque "Fame" had conversations with the said William Brown, second mate of the said barque "Fame," relative to the voyage, and that said Brown told him that they had brought from the coast of Africa over five hundred slaves, and that he (Brown) had made a good voyage of it; and deponent further says, that said Brown frequently (and oftentimes in the presence of sailors) showed some of his money, and made a boast of how much money he had made. That deponent was present when both Plunkett and Brown shipped at the U. S. consulate in this city on board the said barque "Fame." And deponent further says that he was present at the U. S. consulate in this city when the said Plunkett made application to Gorham Parks, esq., the U. S. consul, for a certificate that he was an American seaman, by the name of John Harding, to enable him to get out a passport for the United States. That the said consul refused to give him the certificate he requested as aforesaid, there not being sufficient evidence of the fact that he was an American. That he, (Plunkett,) however, did get out a passport, and sailed from this port in the brig "Montezuma," under the assumed name of John Harding.

And deponent further deposes and says, that he was present when William Brown shipped at the U. S. consulate in the barque "Minerva," for a whaling voyage, and that he shipped in said vessel under the assumed name of William Thomas.

And further deponent says not.

PETER BROWN.

Witness: GORHAM PARKS.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States in this city, Peter Brown, who made solemn oath to the truth of the above affidavit, by him subscribed before me.

In testimony whereof I have hereunto set my hand and seal of

[L. s.] office, this 12th day of October, 1847.

GORHAM PARKS, U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States in this city, hereby certify the foregoing to be a true and correct copy of the original, on file and recorded at this consulate.

In testimony whereof I have hereunto set my hand and seal of
[L. s.] office, this 13th day of October, A. D. 1847.

GORHAM PARKS, *U. S. Consul.*

Mr. Parks to Mr. Buchanan.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, Nov. 30, 1847.

SIR: Enclosed I herewith send you certified copies of depositions taken before me in two cases, in order that you may know the nature of the applications to me for sea letters. Either Mr. Todd or myself will in a few days address you more fully upon the subject of these two applications.

With great respect, sir, I remain, very respectfully, your obedient servant,

GORHAM PARKS, *U. S. Consul.*

HON. JAMES BUCHANAN,
Secretary of State, Washington.

I, Joshua M. Clapp, having been sworn on the Holy Evangelists of Almighty God, do state, touching my application for a sea letter, wherewith to sail the brig Whig, purchased by me of James Birckhead, Esq., the agent of the owners, Birckhead and Pearce, of Baltimore, as follows:

Question by Consul. Of what country are you a citizen?

Answer. Of the United States. I was born in the town of Salem, in Washington county, New York; I lived for three or four years in Vermont; have been going to sea for the last fourteen years; have commanded vessels.

Question by the same. When did you last leave the United States, and is your absence to be temporary or permanent?

Answer. I left Baltimore in the early part of March last; and my present intention is to return to the United States to reside.

Question by the same. Are you the owner of the brig Whig, to sail which you now apply for a sea letter?

Answer. I bought the brig Whig on Saturday last. I paid one thousand milreis, and am to pay the balance this day. On yesterday I contracted to sell the vessel, under a charter party I had made of her, for sixteen thousand milreis, on a week's credit, holding the bill of sale as security. The price I agreed to pay for the Whig was thirteen thousand milreis. I hold likewise as secu-

city for the Whig two bills of the charterers for six contos of reis each, payable in three and five months, which bills are dated this day.

Question by the same. Of whom did you purchase the brig, and to whom have you sold her?

Answer. I bought the vessel of James Birckhead, who I suppose is the agent of Birckhead and Pearce, of Baltimore. I have contracted to sell her to a Mr. Usher.

Question by the same. How long have you been acquainted with Usher, and of what country is he a citizen?

Answer. I have been acquainted with Usher for about six months. I do not know of what country he is a citizen. He represents himself to be a citizen of the United States.

Question by the same. To whom have you chartered said brig, and on what terms?

Answer. I have chartered her to a Spaniard named Don Francisco. That, however, is not his full name. The charter commences thirty days after she is ready to receive her cargo, or from the time she is ready to go to sea with her cargo on board, and is for thirty-five hundred milreis a month. She is to go to the coast of Africa, and the charter continues until she returns and is discharged at the custom-house.

Question by the same. What is the usual length of a voyage to the coast of Africa and back to this port, Rio de Janeiro?

Answer. The average length is about five months.

Question. How many vessels have you heretofore purchased at this place for which you have obtained sea letters?

Answer. Two, to wit: the "Camilla" and the "Ceres."

Question by the same. Do you own those vessels, or have you disposed of them?

Answer. I still own them.

Question by the same. In what trade are they employed?

Answer. They are chartered to the coast of Africa.

Question by the same. Are the contracts you have with Birckhead and Usher respecting the purchase and sale of the "Whig" in writing or parol?

Answer. They are in parol, excepting that I have Birckhead's receipt for the thousand milreis paid.

JOSHUA M. CLAPP.

It appearing by the foregoing examination that the applicant does not propose to sail the "Whig," the sea letter is refused.

GORHAM PARKS,
U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States, Joshua M. Clapp, who made solemn oath to the truth of the foregoing deposition by him subscribed before me.

In testimony whereof I have hereunto set my hand and seal of office, this 16th day of November, A. D., 1847.

GORHAM PARKS,
U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, November 26, 1847.

On this day the said Clapp personally appeared, and renewed his application for a sea letter for the brig "Whig;" and, having been again solemnly sworn, deposed as follows: That since his examination the other day, the sale of the said vessel to the said Usher has been abandoned by me, in consequence of my doubts as to said Usher's ability to pay for said vessel, and also from the facts that on my putting to him various questions respecting the "Malaga," for which vessel he received a sea letter from Mr. Parks, the consul, I was satisfied that he had misrepresented to me many things about said vessel, and that I could not depend upon him. The brig "Whig" is, therefore, absolutely and *bona fide* my own property.

Question by Gorham Parks, the consul. How old are you?

Answer. About twenty-nine years.

Question by the same. How many years have you been engaged in business connected with the Rio trade?

Answer. Between four and five years.

Question by the same. In what trade, and in what capacity did you sail, before you entered into the Rio trade?

Answer. I commenced sailing before the mast on a whaling voyage; but the vessel being dismasted, and putting back, I quit that service and entered the merchant service. In 1841, I took command of the schooner Ursula, belonging to New York.

Question by the same. How many vessels have you owned since you went into the Rio trade?

Answer. Three, to wit: the "Camilla," and the "Ceres," and the "Whig."

Question by the same. Of whom did you purchase these three vessels, and what price did you pay for them?

Answer. I purchased the "Camilla" of Captain Curtis, her master, for seven thousand dollars. The "Ceres" I bought at public auction for seven thousand three hundred and fifty milreis. As to the "Whig," I have already answered.

Question by the same. In what trade are the "Camilla" and "Ceres" now engaged?

Answer. They are on a voyage to the West coast of Africa, under a charter of four thousand milreis per month.

Question by the same. Where did you obtain the means to pay for these three vessels?

Answer. Most of the money I have obtained by advance on charter parties for these three vessels, to wit: When I bought the Ca-

milla, I had about seven thousand milreis of my own money. I chartered her to Don Francisco, a Spaniard. This charter I knew I could make when I bought the vessel. I was to have four thousand milreis per month, and he advanced me sixteen thousand milreis in two bills of eight thousand milreis each, payable in two and four months. The bills were dated the 25th of September last, which was about the time of the purchase. I had those bills cashed, and realized for them fifteen thousand five hundred and eighty milreis, more or less. When I purchased the Ceres, I chartered her to Barbozo and Castro, merchants of this city, for four thousand milreis per month, and they advanced to me on the same fifteen thousand milreis before she went to sea. I have received bills on the charter of the Whig for twelve thousand milreis, at three and five months, which bills I also have had discounted.

Question by the same. Have you ever been to the coast of Africa in a vessel; and if so, when and in what vessel?

Answer. My first voyage to the coast of Africa was early in the year 1844, in the brig Gannicliffe, owned by Nicholson, of Boston, and Dixey, of New York. The second vessel I went over in was, I think, in 1845, in the ship "Panther." Of this vessel I was master. She was owned by Mr. Potter, of Providence; his consignees here were Maxwell, Wright & Co. I joined the ship at New York, took a cargo to Cadiz; came from Cadiz, and thence went to the coast.

Question by the same. Was the "Panther" chartered here to go to the coast of Africa by Maxwell, Wright & Co.; and if so, upon what terms?

Answer. Maxwell, Wright & Co. did not charter her. They, before that time, had abandoned the trade to the coast of Africa. I myself chartered the ship to Manuel Pinto de Fonseca for seventeen hundred and fifty dollars per month for the voyage.

Question by the same. What became of the Panther?

Answer. She was seized on the coast of Africa, carried to Charleston, S. C., and condemned, from which an appeal was taken; the result I do not know.

Question by the same. Are either of the men to whom you have chartered these three vessels, directly or indirectly interested as owners of the same?

Answer. They are not. The vessels are absolutely mine. I have authorized Captain Ranch of the Camilla to sell her on the coast of Africa, provided he can obtain thirty thousand milreis for her, the purchaser taking the charter upon himself. I have also given Captain Higgins of the Ceres similar instructions.

Question by the same. Why are the American vessels preferred for the coast trade more than those of other foreign nations?

Answer. Because our flag is more respected by cruisers on the coast than any other, except the French.

JOSHUA M. CLAPP.

The applicant produces to me the charter parties, drafts evi-

dence of payment, &c., referred to above, and corroborating the above statements.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States, Joshua M. Clapp, who made solemn oath to the truth of the foregoing deposition by him subscribed before me.

In testimony whereof, I have hereunto set my hand and seal of [L. S.] office, this 26th day of November, A. D. 1847.
GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned consul of the United States of America, hereby certify the foregoing to be true and correct copies of the originals on file at this consulate.

[SEAL.] Given under my hand and seal of office, this 30th day of November, A. D. 1847.

GORHAM PARKS,
U. S. Consul.

In this matter application for sea letter granted.

GORHAM PARKS,
U. S. Consul.

I, John A. Forsyth, being duly sworn on the Holy Evangelists of Almighty God, do make answers to the interrogatories now put to me as follows, to wit:

Interrogatory 1. Who is the owner of the brig "Joseph," sold at auction on the 3d instant?

Answer. I am the sole owner.

To the second interrogatory I answer, I bought said brig at auction of O Faniere, auctioneer.

Interrogatory 3: How did you pay him?

Answer. I paid him in milreis; the amount was, with the commissions, nine thousand seven hundred and sixty-five milreis.

Interrogatory 4. Where did you get the money?

Answer. The money was all my own. I borrowed one conto of reis of Mr. Guimaræs, whom I believe to be a partner in the house of Jenkins & Co., which is composed of Mr. Jenkins and a Mr. Russell, and this Guimaræs. I also borrowed two contos of Mr. John Morgan, a clerk in the house of Birkhead. When I first became master of the Beulah, which was in June, 1845, I had forty ounces in gold, which was worth sixteen dollars an ounce. While

master of the *Beulah*, which was two years, I received one hundred and fifty dollars per month. Captain Merrill, whom I succeeded, had about twenty dollars per month, and commissions. I made a venture the first trip, of flour, tobacco, candles, rice, and soap, on which I made a thousand dollars the first time I went to the coast. I paid no freight on that venture. I got bills on this place for the proceeds, some on a man named Castro; I do not remember the others. I had, likewise, all the passage money both trips to the coast; the cabin was wholly found by the charterers. The first trip I made by the passage money seven hundred milreis, Rio currency, and the second trip four hundred dollars. One horse was given me by the charterers each time, which horses I sold for seven hundred milreis, worth seven hundred dollars. I also drew in July, 1845, one thousand milreis; a half-ticket which I bought of a boy in the street; I do not remember the number; before I went to sea the last time, I drew a thousand milreas also. That ticket was bought of a boy at Sutton's, and was a twentieth part of a ticket which drew the highest prize; I do not remember the number of that either. I also borrowed eight hundred milreis at Santos, of Captain Billings Woodman, in April last.

Interrogatory 5. In what business have you been engaged for the last five years?

Answer. I have been trading to the West Indies as mate of a vessel, and also as mate of a vessel to this port, and master of a vessel from this port to the coast of Africa.

Interrogatory 6. How many voyages have you made to the coast of Africa?

Answer. Three; one as mate, and two as master of the brig *Beulah*, of Portland.

Interrogatory 7. Where do you live?

Answer. My family reside in Portland. I am at present here temporarily.

Interrogatory 8. In what trade do you intend using the *Joseph*?

Answer. I cannot say until I get her repaired.

Interrogatory 9. Who actually made the bid at auction on which the "*Joseph*" was struck off?

Answer. It was Guimaræs, of the house of Jenkins & Co., the man from whom I borrowed one thousand milreis, who bid her off at my request. I directed him to bid fifty milreis for the last bid, and no more after.

JOHN A. FORSYTH.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States in this city, John A. Forsyth, who made solemn oath to the truth of the foregoing deposition by him subscribed before me.

[L. s.] In testimony whereof, I have hereunto set my hand and seal of office, this 6th day of December, 1847.

GORHAM PARKS,

United States Consul.

I, John Morgan, now resident in the city of Rio de Janeiro, gentleman, and the only person of the same name in the employ of Mr. James Birkhead, being duly sworn by Gorham Parks, esq., upon the Holy Evangelists of Almighty God, do solemnly declare that I am acquainted with Mr. John Forsyth, but that he has never asked me to lend him, nor have I lent him, any sum or sums of money whatever.

JOHN MORGAN.

RIO DE JANEIRO, *November 8, 1847.*

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States in this city, John Morgan, who made solemn oath to the truth of the foregoing deposition by him subscribed before me.

[L. s.] In testimony whereof, I have hereunto set my hand and seal, this 8th day of November, A. D. 1847.

GORHAM PARKS,
United States Consul.

I, John A. Forsyth, do further depose and say: That in my deposition taken before the American consul a few days since, I stated that I borrowed two thousand milreis from Mr. John Morgan, employed in the house of Mr. James Birkhead. I now say that I applied to Mr. Thomas Russell for the loan of that sum, who said he could not conveniently let me have it; and I told him, then, he might get it from his tenant, Mr. Morgan. Mr. Russell let me have the money, and I thought he got it from Mr. Morgan, until the consul this morning showed me Mr. Morgan's affidavit, declaring that he had not lent me the money; when I inquired of Mr. Russell, and he said he lent me the money himself. I have not given Russell nor Guimaraes any security for the money—not even a note. Captain Billings Woodman has no security but my word to sell him a piece of woodland near his place in Buxton.

JOHN A. FORSYTH.

RIO DE JANEIRO, *November 8, 1847.*

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared before the undersigned, consul of the United States in this city, John A. Forsyth, who made solemn oath to the truth of the foregoing deposition by him subscribed before me.

[L. s.] In testimony whereof, I have hereunto set my hand and seal of office, this 8th day of November, A. D. 1847.

GORHAM PARKS,
United States Consul.

Application for sea letter refused.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned consul of the United States of America in this city, hereby certify the foregoing to be true and correct copies of the original depositions on file at this consulate.

[L. s.] Given under my hand and seal of office, this 30th day of November, A. D. 1847.

GORHAM PARKS,
United States Consul.

Mr. Parks to Mr. Buchanan.

[Extract.]

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, August 25, 1848.

* * * * *

The difficulty in regard to preventing our vessels being employed in the slave trade continues as great as ever. Our flag is preferred to any other for the purpose of carrying goods over to the coast, with which the slaves are purchased; so, likewise, whenever a captain can be found reckless enough to consent to it, it is preferred to bring back the slaves to Brazil; because, in the first place, they have only to avoid our own cruisers; and, in the second, because of the unwillingness of the officers of our navy to meddle with any of them, in consequence of not being moderately supported by courts and juries at home.

Allow me to instance the trial of Brown, one of the mates of the "Fame," an account of which vessel I rendered you before. In this trial (I extract from a Philadelphia paper) the judge ruled that the government should be compelled to prove the "Fame" to be an American vessel, and that no other evidence could be introduced for that purpose than the original register. If this is law, it requires to be altered; for, as at present, it gives sure and absolute protection to crime. The master of an American vessel, guilty of any act of piracy, when captured has only to burn his register, and he is safe. I think there must have been some mistake in the statement as to what Judge Grier decided the law to be.

In the case of the "Laurens" I have heard nothing; although Mr. Butler was duly informed that, if a commission to take testimony was sent out, proof sufficient to condemn the vessel could be furnished, as Mr. Tod and myself believed.

I continue to receive numerous applications for sea letters. The vessels which sail under these letters are in most cases owned by Brazilians, who pay the applicant for the sea letter about five hundred milreis each vessel, for passing the *examination* before Mr. Tod and myself, and covering the property. I forward to you two or three of the examinations, taken at random from among those

where sea letters have been granted; with only one exception, the vessels have been employed in the trade between this place and the coast of Africa. In other cases, where no ostensible change of property takes place, the vessel is chartered for one, two or more years, and sails under the American flag with an American captain, when it is notorious that they are owned by the greatest slave dealers in the city.

Again, a vessel is brought here, goes home one voyage, and comes back with a register in the name of her captain. All these several courses have been taken by the slave traders of this city.

I have nothing further to add, excepting that I beg leave to express to you the deep obligations I am under to Mr. Tod for the aid which he always renders me whenever needed. His immense personal and official influence with the government of this country he is ever ready to use to aid any other agent of the United States in the proper performance of his official duties.

* * * * *

In the matter of the application of Joshua M. Clapp for a sea letter for the schooner "Zenobia," of Baltimore, he says that he is the owner of said schooner "Zenobia," having purchased her of Maxwell Wright & Co., merchants of Rio de Janeiro, the agents of the owner, about ten days since, for the sum of six thousand two hundred and fifty milreis, three thousand of which sum I paid on the day of sale, and the remainder on the day the said bill of sale was signed at the consul's office. I further state that I am a citizen of the United States.

Question by the consul. Have you disposed of said vessel in any way, by sale or otherwise?

Answer. I have not, but am now negotiating for a charter for her.
JOSHUA M. CLAPP.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

Personally appeared the said Joshua M. Clapp, and made solemn oath on the Holy Evangelists of Almighty God to the truth of the above statement before me. And I further certify, that, knowing said Clapp to be a citizen of the United States and of ability to pay for the same, I have required no further testimony to either of said facts than his declaration under oath.

In testimony whereof I have hereunto set my hand and seal of the consulate, this twenty-seventh day of June, in the [SEAL.] year of our Lord one thousand eight hundred and forty-eight.

GORHAM PARKS,
U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States at this city, hereby certify the foregoing to be a correct copy of the original on file at this consulate.

Given under my hand and seal of office, on this the 31st [SEAL.] day of July, A. D. 1848.

GORHAM PARKS,
U. S. Consul.

I, Charles Rauch, of New Orleans, in the State of Louisiana, ship master, do depose and say that I was born in Trieste, in Austria—am a naturalized citizen of the United States, as will appear by papers to be produced. I also state that I am the sole owner of the American brig "C. H. Rogers," having purchased her from Captain Erasmus Peterson, who was authorized to sell by virtue of a power of attorney from her owner, and that I now apply to the consul of the United States at Rio de Janeiro for a sea letter, under which to sail her with the American flag.

Question propounded to the applicant by the consul. Where do you propose to go with said vessel?

Answer. If well enough, I shall go in her to the coast of Africa; if not well enough, I shall send her there.

Question by the same. How long have you been a seafaring man, and in what capacities have you sailed?

Answer. I have been a seafaring man since 1826, commencing before the mast, and for the last eleven or twelve years have commanded a vessel.

Question by the same. Have you ever owned a vessel before this one?

Answer by the same. I own the "Frederica," now in this harbor. I purchased her some two or three years ago.

Question by the same. Have you any family in the United States depending on you for support?

Answer. I have two sons, who reside with their grandfather; they are at college at Lexington, Kentucky. Their mother is not living; the grandfather resides at New Orleans.

Question by the same. What compensation have you received for your services as captain for the last ten or eleven years?

Answer. About one hundred dollars per month, more or less.

Question by the same. Of whom did you purchase the "Frederica," and how much did you pay for her?

Answer. I purchased her of Dr. Haley, at Key West, and paid twenty-two or four hundred dollars for her.

Question by the same. On what terms did you purchase the "Rogers?"

Answer. I gave eighteen thousand two hundred milreis for her; I paid the whole down—it was a cash sale.

Question. Did you borrow any money of any person to make said payment?

Answer. I did not; but I obtained an advance on the charter party of twelve contos of reis—having secured a charter party with Nicolaus Ventura Fortuna, previous to paying for the vessel, at the rate of three thousand milreis per month, the charterer advancing four months' pay. (The applicant here produced the charter party to the consul for his inspection, which fully confirms that part of said statement.)

Question by the same. How did you obtain the remainder of said money?

Answer. The remainder of the consideration money I had by me at the time.

Question by the same. What disposition did you make of the Frederica?

Answer. I chartered her in December 18, 1846, for two years, at \$500 per month.

Question by the same. Has she also been used in the coast trade?

Answer. I believe she has been; I once went over with her myself.

The applicant here exhibited to the consul proof of naturalization in the State of Louisiana.

CHARLES RAUCH.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, March 27, 1848.

I hereby certify that Charles Rauch personally appeared before me, and made oath to the truth of the above statement by him subscribed.

[L. s.] In testimony whereof, I have hereunto set my hand and seal, this twenty-seventh day of March, in the year of our Lord, one thousand eight hundred and forty-eight.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States, hereby certify the above and foregoing to be a correct copy of the original on file at this consulate.

[L. s.] Given under my hand and seal of office, on this, the 31st day of July, 1848.

GORHAM PARKS,
United States Consul.

In the matter of Joseph Souder, applicant for a sea letter for the barque "Louisa," of New York.

Question by Gorham Parks, United States consul. Of what country are you a citizen?

Answer by Souder. I am a native of Pennsylvania, and a citizen of Philadelphia.

Question by the same. When was you last in the United States?

Answer. I left the United States, 17th July, 1846.

Question by the same. Who is the owner of the barque Louisa?

Answer. I am at present the sole owner of her.

Question by the same. To what port or ports do you design sailing her, in case you obtain a sea letter?

Answer. To Ambriz and other ports on the coast of Africa, and thence to Rio de Janeiro, as may be required by the charter to be made.

Question by the same. Of whom, when, and at what price did you purchase the "Louisa?"

Answer by the same. I purchased the vessel of Mr. James Birckhead, for the sum of nine thousand dollars, at 1.920rs to the dollar, on the 10th of April instant; the bill of sale is from John Lake, Jr., the master of said vessel, but I transacted the business with Mr. Birckhead, and paid him the money, 17,280 milreis, in paper.

Question by the same. In what business have you been engaged since you left the United States?

Answer. In freighting a vessel called the "Martin Van Buren," of which I was owner and master, from Bahia to the coast of Africa, and back.

Question by the same. Are you still the owner of the "Martin Van Buren;" if not so, to whom, and where, and on what terms, did you sell her?

Answer. I sold the vessel at Ambriz, to a person named, I think, Lauriano Ferreira da Silva, for five thousand dollars, payable in bills on Gantois & Co., at Bahia; those bills were presented at Bahia, and paid to me; I arrived here in the brig Brazil, on the 27th of October last; on the 24th of November, sailed for Bahia, arrived on the 29th, and came back here in the "Mary Theresa," in February last.

Question by the same. How did you raise the means to purchase the Louisa?

Answer. I had five thousand dollars from the sale of the "Van Buren;" I owned one-half of the cargo of the Van Buren when I left Philadelphia, from which I realized a little more than eleven hundred dollars, and I chartered the "Van Buren" for the voyage round, for two thousand five hundred dollars.

Question by the same. Have you made any disposition of the "Louisa," conditional or not?

Answer. I made an agreement for her charter, in case I should obtain a sea letter, which would enable me to use the flag of the United States, but I have made no agreement to sell said vessel.

Question by the same. What are the terms of the charter, and to whom is she to be chartered?

Answer. I am to have 1,600 milreis per month for the voyage; she is to be chartered to a man called Miranda; all expenses are to

be paid by him, such as brokerage, despatching cargo, lightorage, and so forth.

JOSEPH SOUDER.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I hereby certify that Joseph Souder, within named, appeared and made oath, that the answers made by him to the questions in the above examination were true, before me.

[L. s.] In testimony whereof, I have hereunto set my hand and seal of office, this eighteenth day of April, in the year of our Lord, one thousand eight hundred and forty-eight.

GORHAM PARKS,
United States Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States, hereby certify the foregoing to be a correct copy of the original on file at this consulate.

[L. s.] Given under my hand and seal of office, on this the 31st day of July, A. D. 1848.

GORHAM PARKS,
United States Consul.

Mr. Parks to Mr. Buchanan.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, December 4, 1848.

SIR: I forward to you the examinations held in the case of the "Brazil," where Lewis Krafft is applicant for a sea letter. I also send you the copy of the sea letter I have given to him. Krafft is a Frenchman by birth; was naturalized at New Orleans without any legal residence in the United States; was for some time clerk in a slave factory on the coast of Africa; and now, it appears, owns the "Brazil," in company with one Peter Toreado, a slave dealer at the Havana.

Krafft's connexions here are wholly with slave dealers, such as Bernardino de Sá, who ranks second only to Manoel Pinto da Fonseca in this country, and perhaps the world. I thought, considering the nature of the trade in which the "Brazil" is doubtless to be employed, that I was justified in being strict in the matter; and as I understand that a vessel, to have a sea letter, must be owned wholly by citizens of the United States, and as it appeared that Toreado was a foreigner, I felt disposed to reject the application; but Mr. Tod, who very kindly acts with me in these cases, thought otherwise. We have compromised the matter by giving the sea letter or paper, (before referred to,) and submitting the same to

your decision. The facilities which are given to the slavers by issuing sea letters may be estimated from the fact that, from the time I received your instructions, in August, 1847, I have granted, in obedience to them, sea letters for ten vessels, all of which, excepting one, went at once into the trade with the coast of Africa.

With much respect, &c.,

GORHAM PARKS,
U. S. Consul.

Honorable JAMES BUCHANAN,
&c., &c., &c.

Know all men by these presents, that I, David C. Bevans, of New York city, master, mariner, and owner of the brig Brazil, now lying in the harbor of Rio de Janeiro, in consideration of the sum of twenty thousand milreis, to be paid before the unsealing of these presents by Lewis Francis Desiré Krafft, the receipt whereof I do hereby acknowledge, do hereby sell and convey unto the said Krafft all and singular the said brig Brazil, her masts, spars, apparel and furniture, including boats and other appendages, to him, the said Krafft, to have and to hold forever, for the sole benefit of the said Krafft, his heirs, executors, administrators, and assigns.

In testimony whereof, I, the said David C. Bevans, have hereunto set my hand and seal, this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and forty eight.

D. C. BEVANS. [SEAL.]

Signed, sealed, and delivered in presence of—

GORHAM PARKS,
R. C. YATES.

CONSULATE OF THE U. STATES,
Rio de Janeiro.

Personally appeared David C. Bevans, and acknowledged the above instrument, by him subscribed, to be his free act and deed.

In testimony whereof I have hereunto set my hand and seal, [L. s.] this twenty-sixth day of August, in the year of our Lord one thousand eight hundred and forty-eight.

GORHAM PARKS,
United States Consul.

It appearing by the original bill of sale now on file in my office, of which the above and preceding is a copy, that one David C. Bevans, who was ostensibly the owner of the American brig Brazil, has ostensibly sold the same to one Louis Francis Desiré Krafft, alias Louis Krafft, and the said Krafft having applied to me for a

sea letter, wherewith to navigate the said brig Brazil, in lieu of a register therefor, and having exhibited to me a document under the seal of a United States Court for the district of Louisiana, whereas it appears that he was naturalized in said court during the year 1847, and the said Krafft having submitted himself to examination before me to enable me to ascertain whether or no said Krafft possessed all the requirements of the law to enable him to hold a vessel of the United States either by register or sea letter, and it appearing to me that said Krafft "usually resides abroad," or "in a foreign country," as contradistinguished from a residence in the United States; and, further, that one Pedro Toreado, of the city of Havana, in the island of Cuba, a subject of the Queen of Spain, is also an owner of part of said brig Brazil, either of which incapacitates said Krafft from receiving a sea letter, and which I hereby refuse to grant in the usual form. But many considerations occurring to my mind, showing the importance there is (applications of this nature continually increasing in number at this consulate) that this question should be submitted to the final decision of the Secretary of State of the United States, I have concluded to permit, and do hereby permit, the said brig Brazil to proceed from this port to any port within the United States, to enable the said Krafft to apply for a register therefor if he sees fit, hereby notifying the collector of the port into which said brig Brazil may arrive, or any other collector to whom said Krafft may apply for a register, that I have caused copies of all the documents and examinations appertaining hereto to be forwarded to the said Secretary of State, and requesting said collector, immediately upon sight of this paper, to notify the said Secretary of State of the arrival of said Brazil, and await the direction of said Secretary previous to any action being had on any application of said Krafft, or other person for him, for a register for said brig Brazil.

In testimony whereof I have hereunto set my hand and seal of this consulate, on the 30th day of November, 1848.

GORHAM PARKS,
United States Consul.

I, Charles Faulkner, do hereby solemnly declare that I am a citizen of the United States.

Sworn to on this 30th day of November, 1848, before me.
CHAS. FAULKNER.
GORHAM PARKS,
United States Consul.

Charles Faulkner, having taken the oath required by law, is now master of the brig Brazil, of New York, in lieu of David C. Bevans, late master.

[L. s.] Given under my hand and seal of office, this 30th November, 1848.

GORHAM PARKS,
United States Consul.

Examination of David C. Bevans, in the matter of the application of Louis Francois Desirée Krafft for a sea letter for the brig "Brazil."

Question by Gorham Parks, American consul at Rio de Janeiro. How long have you known said Krafft, and in what business has he been since you have known him?

Answer. I have known him since 18th December, 1846, and he has been with me ever since as owner of goods, and supercargo of others.

Question by the same. Are you acquainted with Krafft's pecuniary circumstances, and is he a man of property?

Answer. I am unable to say what his pecuniary circumstances are?

Question by the same. Has his business since you have known him been profitable, or not?

Answer. His ventures which he has taken in that time may have amounted to fifteen thousand dollars. What his profits were I cannot tell.

Question by the same. Had he any other means of acquiring property, than what you have stated, during your acquaintance with him?

Answer. Not to my knowledge.

Question. At what price did you sell the Brazil to Mr. Krafft, and how did he pay you for her?

Answer. When I originally bought the vessel, I obtained money of a third party, and hypothecated the vessel to him, with the agreement that if, within the time specified, I did not pay the same, he should take the vessel, and I should sail her on wages. I was unable to pay for the vessel, and the person from whom I obtained the money transferred his papers to Krafft in January last; and in pursuance of his instructions, I made a bill of sale of her to Krafft on Saturday last.

Question by the same. At the time of the transfer of the vessel to Krafft, did he pay you any money therefor; and if any, how much?

Answer. He paid me nothing for the vessel. At the time of the transfer, I settled with him for my wages as captain of the vessel, and he paid them to me. The amount due was about nine hundred and sixty dollars.

Question by the same. Who, in your opinion, is the absolute owner of the vessel?

Answer. I cannot say whether it is Krafft or other parties.

Question by the same. What money transactions have you had with Krafft?

Answer. All the money transactions I have had with him was money to pay the crew and myself, and small marketing bills, amounting to near four thousand dollars.

Question by the same. Under whose directions did you sail the Brazil while you commanded her?

Answer. By the direction of a third party. I sailed the vessel under general instructions from Krafft.

Question by the same. Give the name, if you please, of the third party who advanced you the money.

Answer. I received the money from Jenkins & Co.

Question by the same. Where is Krafft to go in the Brazil, in case he gets a sea letter?

Answer. He told me he was going to the coast, and that he had chartered the vessel for that purpose, and that he was ready to commence taking in cargo.

Question by the same. Were you ever in partnership with Krafft while he was on board said vessel?

Answer. It was promised me by Krafft, but he never gave me any portion of the profits.

Question by the same. Was the money which you borrowed of Jenkins & Co. to purchase the Brazil their own, or was it obtained from a third person; and if so, from whom?

Answer. It came from a third person—Bernardino de Sá.

Question. What ownership, or right of property, had Mr. Krafft in the Brazil, if any, at the time you gave him the bill of sale; if he had any, state what it was, and whether he was acting for another party, if so, who is that party?

Answer. At the time he sailed with me, that is, until January last, the Brazil was owned by Bernardino de Sá, by Pedro Toreado, of the Havana, and a small portion by Krafft. In January last I saw the papers which showed this ownership in the possession of Krafft and Bernardino de Sá, who at that time sold the share he had in the vessel to Krafft and the house of Pedro Toreado, aforesaid, at Havana; but although I saw the bill of sale Bernardino de Sá made to the house in Havana and to Krafft, he caused me to sign, at the same time, a paper recognizing him as sole owner of the vessel, and I have no knowledge of any real change of property since that time. The last I saw of that paper, it was in the possession of Krafft, and showed the proportion owned by the house in Havana and himself. In that paper Krafft was spoken of as agent of the Havana house and part owner, and the transfer was made to both.

D. C. BEVANS.

Sworn to before me on this 26th day of August, 1848.

GORHAM PARKS,
U. S. Consul.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States, hereby certify the foregoing to be a correct copy of the original on file at this consulate.

[L. s.] Given under my hand and seal of office, on this 4th day of
December, 1848.

GORHAM PARKS,
U. S. Consul.

*In the matter of the application of Louis Francois Desirée Krafft
for a sea letter for the brig Brazil.*

The applicant being duly sworn, states that he is a naturalized citizen of the United States, usually residing in New Orleans, and at times in the Havana; now an unmarried man, and is the absolute owner of the Brazil.

Question by Gorham Parks, United States consul. Where do you intend to go with the Brazil in case you obtain a sea letter?

Answer. I do not know.

Question by the same. When, and of whom, and at what price, did you purchase the Brazil?

Answer. I bought her on the day before yesterday; I had lent the captain sums of money before I bought her; I gave twenty thousand milrais; I bought her of Captain Bevans.

Question by the same. Do you know whether Captain Bevans was the real owner of said vessel, or did he cover her for others?

Answer. I suppose he was the real owner.

Question by the same. Was all the purchase money paid? and, if so, how was it paid, and when?

Answer. It was all paid in cash on the day before yesterday. I made up the accounts with Bevans, and paid him the balance, and he gave me a receipt for the whole sum.

Question by the same. How much was the balance?

Answer. I paid him on Saturday four thousand dollars, and had already advanced him six thousand dollars.

Question by the same. When did you advance him the six thousand dollars?

Answer. Whenever Captain Bevans applied for money, and particularly whenever Bevans made a voyage.

Question by the same. In what business have you been engaged for six or seven years past?

Answer. I have brought goods from the Havana; have bought goods here and taken them to the coast of Africa; and about three years since sent some coffee to Boston.

Question by the same. How many voyages have you made from the Havana here, and how many from this place to the coast of Africa?

Answer. I came from Havana here in the "Frederica," Captain Rauch, about two years and a half ago; went from this place to New Orleans in the "Brazil," about twenty-two months ago; from New Orleans I went to Havana in the "Brazil," and then back to New Orleans; thence to Havana again, and from the Havana to New Orleans; and from New Orleans once more to the Havana; from Havana to Cape de Verds; thence to Sierra Leone; thence to Maxumbia; thence to Loango; thence to Cabinda; thence to Ambriz; thence to Loanda; thence back to Ambriz; and thence to this port. I then went with a cargo from Rio to Ambriz and the Congo river; thence back here in ballast. She has made no other trip since, but may charter her to the coast.

Question by the same. In what capacity did you sail on these voyages?

Answer. As supercargo.

Question by the same. Who was the owner of the cargo?

Answer. I was the owner of some, and some went on freight.

Question by the same. Were you in the employ or the owner of the vessel? Or, if not, in whose employ were you?

Answer. I was not exactly employed by the owner of the vessel, but he and I were partners. I was supercargo for goods on board the vessel belonging to myself, also of those belonging to others; among others to Manoel Pinto da Fonseca. Also sums of money were entrusted to me to pay over.

Question by the same. How were you paid for your services?

Answer. I did not receive much pay, as the owner and I were partners. On the money I took over for others I received two per cent., on the remainder the shippers paid a freight which was divided between me and the captain or owner.

Question by the same. Who was the partner to whom you referred?

Answer. Captain Bevans was my partner as regards the vessel. I had no partner as to the goods I had on board belonging to me.

Question by the same. When did you and Bevans become partners in the vessel, and what were the several shares of each?

Answer. After I obtained my naturalization papers, I became a partner with Bevans. My naturalization papers were obtained on the 30th of March, 1847. I considered myself an owner in proportion to the amount of money I invested. The vessel was considered worth ten thousand dollars.

Question by the same. What were you doing for two or three years before the time you have spoken of?

Answer. I had been at Havana for seven years, and traded between Havana and New Orleans, and sometimes in the vessel commanded by Captain Rauch, who formerly commanded the Frederica.

Question by the same. Can you now say how much money you paid Bevans on the day of the execution of the bill of sale?

Answer. I paid him four thousand dollars, and took a receipt for the whole amount.

Question. In what kind of money did you pay Bevans?

Answer. In gold and currency.

Question by the same. Did you borrow any of the said money?

Answer. I did not, it was all my own money, and I have more deposited here now.

Question by the same. In what house is your money deposited?

Answer. In two houses, in that of Manoel Pinto da Fonseca, and in Mr. Russell's hands.

Question by the same. What amount of money have you in their hands?

Answer. About fourteen thousand milreis in Pinto's and six in Russell's.

In the matter of the examination of Louis Francois Desirée Krafft, for a sea letter for the American brig "Brazil," resumed on this thirteenth day of September, A. D., 1848.

Question. by Gorham Parks, United States consul. Where and when were you born?

Answer. In Paris, in 1811.

Question by the same. When did you first leave France?

Answer. In 1826; I first went to New York, where I stayed ten months; then I went to New Orleans, where I stayed not more than two months; thence I went to Havana, where I stayed one month, living on board the vessel; thence I returned to New York, where I stayed about two months.

Question. What was your employment during this time?

Answer. I was a sailor on-board American vessels during all this period.

Question by the same. Where did you go to from New York?

Answer. To France.

Question by the same. When did you next leave France?

Answer. In 1829, when I went to the East Indies, where I remained about two years, and then returned to France.

Question by the same. When did you leave France again?

Answer. I remained above three years in France, and then left for Havana, and thence proceeded to New Orleans, where I arrived in 1836; and from that time to 1841, was making different voyages to New Orleans. During this time I was buying in Havana and selling in New Orleans.

Question by the same. Where were you after 1841?

Answer. In 1841 I sailed from the Havana to the Cape de Verdes, to Mayan, Loando, and other places on the coast, and returned to the Havana. I sailed under the American flag.

Question by the same. Is the slave trade carried on upon that coast at the places you went to?

Answer. I don't know, for it was not my business.

Question by the same. After your return to the Havana where did you go?

Answer. I went to the coast again, and came to Rio de Janeiro.

Question by the same. When did you arrive here, and in what vessel?

Answer. I arrived here in the year 1843, in the American barque Pilot, Captain Swift.

Question by the same. In what vessel did you go to the coast immediately prior to your arrival at Rio, and in what capacity?

Answer. In the American vessel Cyrus, Captain Hill. She was on a second voyage to the coast abandoned by the captain, who afterwards commanded her on a voyage to the coast, to the English, in consequence of being taken by them, and their papers taken from them. Captain Dumas came here and made a protest before the American consul.

Question by the same. How long did you remain here at that time? where did you go, and in what vessel?

Answer. I staid here about one month and a half, and then sailed for Boston.

Question by the same. In what capacity were you on board the Cyrus?

Answer. I had goods on board the vessel for sale.

Question by the same. At what port did you go on board the Pilot?

Answer. At Cabinda. I was there two or three months before I went on board the Pilot.

Question by the same. Were you not residing at Cabinda when the Cyrus arrived?

Answer. * * * * *

Question by the same. How many voyages did the Cyrus make to the coast?

Answer. Two. I went out on her first voyage, and remained at Cabinda on the second voyage. She was consigned to me.

Question by the same. How far is Cabinda from the river Congo? and are not both those places from which great number of blacks are shipped?

Answer. Twenty-five miles is Cabinda from the river Congo. I think slaves are shipped from all that coast—most from Angola.

Question by the same. When did you arrive in Boston?

Answer. I think in September, 1845; am not certain as to the month.

Question by the same. How long were you at Boston?

Answer. At Boston and New York about two months; thence I went to Charleston, Key West and Havana, where I arrived in December, 1845.

Question by the same. When did you next leave the island of Cuba, and where did you go?

Answer. I came here in the brig Frederica. I left Havana in September.

Question by the same. Was you at Key West when Captain Rauch obtained a register for the Frederica?

Answer. I was not; I was there before.

Question by the same. Was the Frederica at Key West when you were there?

Answer. She was not.

Question by the same. Did you know Rauch before he got the register for the Frederica?

Answer. I knew him as far back as 1836.

Question by the same. Were you one of the real owners of the Frederica when she came here?

Answer. I was not, but I had advanced money on her.

Question by the same. Do you know one Pedro Toreado, of the Havana?

Answer. I do. The Frederica was consigned to him.

Question by the same. Did Pedro Toreado advance any money on the Frederica, or was he an owner?

Answer. No, but he had cargo on board.

Question by the same. To whom was the Frederica consigned when she came here?

Answer. When she first stopped here for water she was consigned to Manoel Pinto da Fonseca; when she returned from Montevideo, to which place she was bound, she was consigned to the captain.

Question by the same. When did you next go to the United States, and in what vessel?

Answer. In the Brazil, in December, 1846. I arrived at New Orleans in February, 1847.

Question by the same. In what vessel did you next leave the United States. Where did you go, and when did you leave New Orleans?

Answer. I left in the Brazil, in February, 1847, on the 25th of the month, having been there about twenty days; went to the Havana, thence back to New Orleans, back to Havana again, thence to the coast of Africa, and thence to this city of Rio.

Question by the same. Did you obtain your naturalization papers when you went to New Orleans the first time in the "Brazil?"

Answer. I made the application the first time I went in the Brazil, and obtained them the second time.

Question by the same. How long was it after you first made the application for naturalization before you obtained it?

Answer. I applied when I first went to New Orleans, in 1826, or signed some papers about it. I applied again when I first went there in the Brazil, and one month and a half afterwards, when I went to New Orleans the second time in the "Brazil," I obtained my papers.

Question by the same. Have you been in the United States since your first arrival here in the Brazil from the coast?

Answer. I have not.

Question by the same. Have you not, in a written paper signed by you, represented yourself as one-third owner of the Frederica, and Pedro Toreado the owner of two-thirds; and did you not make a joint stock company with the then owner of the Brazil, valuing the Brazil at twenty-eight contos of reis, Brazil currency, and the Frederica, at eighteen contos of reis, which was divided into shares, of which you held one-third part of one-half of both vessels, Pedro Toreado two-third parts of one-half of said vessels, and the former owner of the Brazil one-half of each vessel, you paying the difference between the same. And was not a paper signed by you, made in 1847, either at the Havana or this city, so describing the agreement before a notary public? (This question was propounded to Mr. Krafft in the Portuguese language, * * having been translated by Charles Ransford, jr., clerk at the United States consulate.

Answer. (In Portuguese, which being translated, runs thus:) It was a proposition which was not carried into effect.

Question by the same. What was the nature of the paper signed by yourself and Pedro Toreado before a notary public, named Eugenio Ponton, in the Havana, and which was at one time in the

possession of Captain Bevans, when master of the "Brazil?" (This question was also propounded in the Portuguese language, and translated.)

Answer. (In Portuguese, thus translated:) That paper related what is embodied in the former question; but as I have already stated, it was only a proposition which was not carried into effect.

L. KRAFFT.

CONSULATE OF THE UNITED STATES.

Rio de Janeiro.

I, the undersigned, consul of the United States, hereby certify the foregoing to be a correct copy of the original on record at this consulate.

[L. s.] Given under my hand and seal of office, on this the 4th day of December, 1848.

GORHAM PARKS.

United States Consul.

Mr. Wise to Mr. Calhoun.

[Extract.]

LEGATION OF THE UNITED STATES,

Rio de Janeiro, January 12, 1845.

SIR: Since my last, Mr. Hamilton, the English minister, has replied to the letter addressed to him by me on the subject of the African slave trade, and the part taken in it by English merchants and brokers in Brazil. Enclosed is a copy, marked No. 1, of his reply. My object in opening this correspondence with him, was to show that England cannot, in the first place, pretend to assume the morale on this subject over the United States; and to test, in the second place, the sincerity of English professions, and to demonstrate their real design, if their professions be insincere. There is no question but that both the minister and consul of Great Britain at Rio de Janeiro now know of the participation of English subjects in the slave trade, and that they are fully informed of the direct and indirect mode and means of carrying it on by British capital, goods, and credit, from both English and foreign ports. And we will see what steps will be taken to punish their own subjects, whilst they are assuming the right of visit and search over the vessels and citizens of other countries. Our merchants here hesitate not to say, and to adduce many proofs, that the whole struggle on the part of England has been and is to monopolize the trade of Africa. Certainly many manifestations wear that appearance. But Mr. Hamilton seemed gratified at the tone of my letter to him, and is evidently himself sincere in earnest efforts to strike at the slave trade, though it be at the risk of English commerce. The prisoners arrested for aiding and abetting this traffic

in the charter, fitting out and sale of the brig Montevideo, will be sent home in the frigate Congress.

* * * * *

In immediate connexion with this subject of the slave trade is that of interference by Great Britain with the domestic slavery of the United States. My intimacy with Mr. Slacum enabled me, through him, to procure from Mr. Jamo, the English commissary judge of the mixed commission here, a document printed by the British parliament, containing the correspondence of the Earl of Aberdeen with all the consulates of Great Britain in countries not parties to treaties yielding the right of visit and search, &c., such as Central America, the Barbary States, the United States, &c., &c. Lest the Department of State might not be in possession of this correspondence, and you might never have seen it, I caused my little son to copy so much of it as relates to the United States, and it is enclosed, marked No. 2. Whatever doubt may have existed in the minds of many respecting the improper interference of Great Britain with our most delicate of domestic institutions, the most sensitive to foreign intrusion, there can be no doubt of it hereafter with this proof of the fact in hand. You will observe by the letter of "Aberdeen," No. 1, that the information is sought for "*her Majesty's government*;" that it is not only statistical information proper for consuls to obtain and to transmit from their residence to their governments, such as the census of population, statements of trade, &c., &c., to be furnished by "*public documents*," but the inquiries of the British government relate even to matters of *private household economy*, and to answers to be drawn from "*private information*." They not only inquire about population, about the importation of slaves against our own laws in our own jurisdiction, about the laws for the protection of slaves, about the civil capacities and disabilities of slaves by law, about their relative increase or decrease, about the melioration of laws in respect to them, about their general relative condition, but they pry into *the treatment of the slaves by their private owners, into their food and raiment, into the disposition of masters to manumit them, and into the existing extent and influence of private societies or parties favorable to the abolition of slavery among us*. Now, what can this mean? I beg to call your attention particularly to the consular letter from Mobile which answers in relation to the abolition party, that there is no "*known party*"—these words "*known party*" printed in italics—in the State of Alabama. I repeat, what does this mean? What use for, what title to, this kind of information has the British government in respect to our private conduct and private property in the United States? Is this a permissible function of a British consul in the United States? Ought it to be suffered at a time when insurrection and massacre are set on foot in the neighboring island of Cuba by a British consul? If it were known at Norfolk, at Charleston, at Savannah, or Mobile, or New Orleans, that British consuls there were spies upon the very privacy of our families, and reporting the condition of our domestic and private relations daily to the British gov-

ernment, would it not bring down the just indignation of our best citizens upon these British authorities, and expel them by force from among us, and endanger at once our peace with Great Britain? Ought not our government to protest solemnly against such impudent and dangerous intrusion, and to notify the Earl of Aberdeen that it will not be tolerated? It is true that the answers generally are very fair and very favorable to the nature and condition of our institution of slavery; but that does neither justify nor palliate the unauthorized assumption to take official cognizance and make official report of our domestic concerns. As a citizen of Virginia, I certainly would not consent that our national government should permit so gross a foreign invasion of the very sanctity of our private lives and of our private rights, as well as of our public jurisdiction; and I am clear in the opinion that not only the President and Congress ought to be informed of this, but official notice of it ought to be sent to the governors and legislatures of the States, and to the mayors and magistrates of every city, in order that they may take decisive measures of preventing future interference of the kind, and the fatal consequences which may ensue when it becomes known to our southern and slaveholding people. They would not, I fear, wait long in such a case for protection by the federal government, for it is of that class of imminent cases which belongs to the law of self-preservation. But you can fully appreciate and best judge of the action to be taken on such a subject.

* * * * *

[Enclosure]

Mr. Hamilton to Mr. Wise.

BRITISH LEGATION,
Rio de Janeiro, December 14, 1844.

SIR: I have had the honor to receive, and I beg to return my acknowledgments for, the letter which your excellency addressed to me on the 1st instant, relating to matters connected with the African slave trade.

It is my intention to forward this very important document to my government by the packet which is to sail for Falmouth to-morrow morning.

I have the honor to be, &c., &c.,

HAMILTON HAMILTON.

His excellency HENRY A. WISE, &c., &c., &c.

[Enclosure.]

The title page is as follows:

Class D.

Correspondence with foreign powers, not parties to treaties or conventions, giving a mutual right of search of vessels suspected of the slave trade, from January 1st to December 31st, 1843, inclusive.

Presented to both Houses of Parliament by command of her Majesty—1844.

London: Printed by William Clowes & Sons, 14 Charing Cross, for her Majesty's stationery office—1844.

Page 1.

Class D—1843.

Correspondence with foreign powers.

Central America.

No. 1.

The Earl of Aberdeen to Mr. Chatfield.

FOREIGN OFFICE, *May 30, 1843.*

SIR: I have to desire that you will do your utmost to obtain, for the information of her Majesty's government, answers to the following queries:

1. What is at present the amount of the population of the State in which you reside, and what the number of whites and of colored people forming that population, distinguishing males from females, and free people from slave? What was the amount of the population of the same State in the year 1832, and what was the amount in the year 1837, distinguishing the particulars as in the case of the present time?

2. Is it supposed that any slaves have been imported into the country within the last ten years, either direct from Africa, or from other quarters; if so, how many in each year?

3. Is the slave protected by law equally with a free man in criminal cases?

4. What protection is there by law to a slave against ill conduct on the part of his master?

5. Is the evidence of a slave received in a court of law?

6. Is the slave well or ill fed, well or ill treated?

7. Is the slave considered generally to enjoy as good health and to live as long as a free person?

8. Is the slave population considered to be on the increase or decrease; and from what causes?

9. Is the manumission of slaves of common occurrence?

10. Have the laws and regulations in respect to slaves become more or less favorable to them within the last ten years?

11. Is there in the State in which you reside a party favorable to the abolition of slavery? And what is the extent and influence of such party? And is such party on the increase or otherwise?

12. Is there any difference in the eye of the law between a free white and a free colored man?

13. Are free colored men ever admitted to offices of the State?

14. You will state whether you have drawn your answers from public documents, or from private information; and you will state whether any periodical census is taken of the population within the district of your consulate; and what was the last period at which it was taken?

You will be careful to make your reply to each question as concise as possible.

I am, &c.,

ABERDEEN.

F. CHATFIELD, Esq., &c., &c., &c.

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United States, (Consular,) Baltimore.

No. 51.

The Earl of Aberdeen to Mr. McTavish.

FOREIGN OFFICE, May 30, 1843.

Queries as to state of slave trade and slavery in the State of Maryland.

(See No. 1.)

No. 52.

BRITISH CONSULATE,
Baltimore, June 30, 1843.

[Received July 27.]

MY LORD: In conformity with the requisition contained in your lordship's despatch of May 30, marked "slave trade," I have the honor to enclose herewith my answers to the queries therein propounded as far as they relate to my consular district, namely, the State of Maryland and the adjoining District of Columbia.

I have, &c.,

JOHN MCTAVISH.

The right honorable the EARL OF ABERDEEN, K. T., &c., &c.

[Enclosure in No. 52.]

Consul McTavish's answer to certain queries contained in the Earl of Aberdeen's despatch of May 30, 1843, marked "Slave trade, No. 2."

BRITISH CONSULATE,
Baltimore, June 30, 1843.

Question 1. What is, at present, the amount of the population of the State in which you reside, and what the number of whites and of colored people forming that population—distinguishing males from females, and free people from slaves; what was the amount of the population of the same State in the year 1832, and what was the amount in the year 1837—distinguishing the particulars, as in the case of the present time?

Answer.

Description.	1832.	1837.	1847.
White males.....	164,206	172,256	178,834
Do females.....	160,837	168,721	181,522
Free black males.....	28,653	31,408	34,598
Do do females.....	32,800	35,954	40,066
Black males.....	54,606	50,384	45,006
Do females.....	51,235	47,274	44,222
Total in each year.....	492,337	505,997	524,248

Question 2. Is it supposed that any slaves have been imported into the country within the last ten years, either direct from Africa or from other quarters; if so, how many in each year?

Answer. No slaves have been imported within the last ten years, either direct from Africa or from any other quarter.

Question 3. Is the slave protected by law equally with a free man, in criminal cases?

(Page 118.) Answer to question 3. The slave, in all cases, except for petty offences, (see the following answer to question 4th,) is entitled to trial by jury, the benefit of challenge, and the aid of counsel; and it is the invariable practice of the courts to assign counsel for the accused slave, if the master omits to do so.

Question 4. What protection is there by law to a slave against ill conduct on the part of his master?

Answer. The law permits a master to correct his slave to the extent of ten lashes; more cannot be inflicted without the warrant of a magistrate; the latter, according to the nature of the offence, may punish to the extent of thirty-nine lashes, but cannot exceed that number. With these exceptions, the law protects the slave against ill conduct on the part of his owner, who is amenable to

punishment as a master would be who maltreated an apprentice or hired servant.

Question 5. Is the evidence of a slave received in a court of law?

Answer. Yes, in cases of his own color, whether free or a slave; but not for or against a white person.

Question 6. Is the slave well or ill fed, well or ill treated?

Answer. Generally speaking, the slave is well fed and well treated; though cases to the contrary may occasionally be discovered.

Question 7. Is the slave considered generally to enjoy as good health and to live as long as a free person?

Answer. The slave is generally considered to enjoy better health and to live longer than the free black.

Question 8. Is the slave population considered to be on the increase or decrease; and from what cause?

Answer. The slave population is considered on the decrease, from the following causes, viz:

The frequency of voluntary manumissions by will and deed. The number annually shipped by the Maryland State Colonization Society, to their settlement of Liberia, on the African coast. The removal of proprietors, with their slaves, to cultivate cotton and sugar in the southern States. The constant sale of slaves to supply the demand for southern labor. The facility of escape afforded of late years by means of railroads and canals, and the encouragement to abscond, which is supposed to be secretly given by agents employed for that purpose, by certain abolitionists in the northeastern States.

Question 9. Is the manumission of slaves of common occurrence?

Answer. Yes; the number of manumissions in Maryland from 1831 to 1842, amounted to 2,640.

Question 10. Have the laws and regulations in respect to slaves become more or less favorable to them within the last ten years?

Answer. The laws and regulations in respect to slaves have become much stricter within the last ten years. Since the prevalence of the abolition movement, (as it is termed,) the slave has been taught to regard his master with more dislike, and the master to regard his slave with more distance than formerly. The stringency of the law is directed to prevent meetings of slaves and the ingress of free blacks; the contact of the former being deemed injurious by their masters, as it tends to render the slave discontented. The laws referred to are numerous, and have the character of public regulations.

Question 11. Is there in the State in which you reside a party favorable to the abolition of slavery; and what is the influence of such party; and is such party on the increase or otherwise?

Answer. There exists in this State no party, as such, avowedly favorable to the abolition of slavery, although there are a number of abolitionists to be found in it, which number is on the increase.

Question 12. Is there any difference in the eye of the law between a free white and a free colored man?

Answer. So far as the rights of property are concerned, the law makes no difference between the white and the free colored man, but the personal rights of the latter are restricted by a variety of penal enactments, which render his social position as an American citizen very different, indeed, to that of the white man.

Page 119.

Question 13. Are free colored men ever admitted to offices of the State?

Answer. Never.

Question 14. You will state whether you have drawn your answers from public documents or from private information; and you will state whether any periodical census is taken of the population within the district of your consulate; and what was the last period at which it was taken?

Answer. My answers have been drawn from public records when attainable from such a source; the information of professional friends, and my own knowledge, derived from a residence of more than twenty years in the State of Maryland and the District of Columbia.

A census of the population of my consular district, (in common with all the other States,) is taken once in ten years under an act of Congress. The last was taken in 1840, and I annex the returns of 1830 and 1840 respectively, in order to exhibit the data upon which, by approximate calculations, I was enabled to prepare my tabular reply to the first question of this series.

JOHN McTAVISH,
Consul.

(Here follow the population of the white, free black, and slave inhabitants of Maryland, under the census of 1830 and 1840.)

United States, (Consular,) Boston.

No. 53.

The Earl of Aberdeen to Mr. Grattan.

FOREIGN OFFICE, May 30, 1843.

Queries as to the slave trade and slavery in the Province of Massachusetts.

(See No. 1.)

Mr. Grattan to the Earl of Aberdeen.

HER MAJESTY'S CONSULATE,
Boston, July 13, 1843.

[Received August 14.]

MY LORD: In compliance with your lordship's despatch, "slave trade," of May 30th, 1843, and in reference to the queries therein contained, I have the honor to observe, that Massachusetts being one of the free States of the Union, the queries No. 2 to No. 10 inclusive, have no application to the district of my consulate.

In reply to the remaining queries, I have to state:

1. The amount of the population of the State of Massachusetts according to the late census of the year 1840, is as follows:

	White Persons.	Colored Persons.
Males.....	360,679	4,354
Females.....	368,351	4,015
Total.....	729,030	8,369
	8,369	
Total population.....	737,399	

I regret that in reply to my inquiries at the State Department relative to the population of the years 1832 and 1837, I am informed that no official returns for those years exist.

11. There is a party in Massachusetts favorable to the abolition of slavery, of considerable and increasing influence in comparison with the other portions of the Union. From the best information I can obtain, I believe that this party in Massachusetts numbers several thousand persons. But they being divided in their views as to the means of carrying out the common object, and having, consequently, no general meetings of the whole, and many individuals sharing their principles without daring to avow them in defiance of general opinion, it would be hazardous to attempt an estimate of the number of persons who may be considered as abolitionists. Boston is the head-quarters of abolitionism in the United States. The most energetic members of the party live in this city. They have several newspapers of wide circulation. Their political influence was proved at the State elections in last year. Although unable to elect their own regularly nominated candidates for the offices of governor and lieutenant-governor, they certainly prevented the election of the whig candidates, and for a long time kept the contest for seats in the State legislature and in Congress open and undecided.

12. In the eye of the law, there is not any difference between a free white and a free colored man, except as regards serving in the militia, from which colored men are prohibited by an act of Congress, and in respect to naturalization, the act of Congress

of April 14, 1802, confining the description of aliens capable of being naturalized to "free white persons." It may, however, become a question to what extent persons of mixed blood are excluded, and what shades and degrees of mixture of color disqualify an alien from application for the benefits of the act of naturalization. An act of the legislature of Massachusetts, of February 25, 1843, repealed so much of the 5th section of the 75th chapter, and of the first section of the 76th chapter, of the Revised Statutes, as caused restrictions upon intermarriages between the white and colored races. Another reported bill, of January 25, 1843, of which a copy is herewith enclosed, but which did not pass into a law, provided against the regulation previously subsisting, which forced colored persons to occupy places in railroad cars of inferior accommodations to those occupied by white persons. But the object has been obtained without the necessity of a legislative enactment. A very important act, (of March 24, 1843,) prohibits, under pain of fine or imprisonment, any judge or justice within the commonwealth from taking cognizance of any case under the act of Congress, of February 12, 1793, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters;" and also prohibits any sheriff, constable, &c., from arresting, or detaining, in any jail, or other public building belonging to the commonwealth, any person claimed as a fugitive slave. The moral condition of the colored people in Massachusetts has considerably improved of late years. They are, nevertheless, subjected to many restrictions, in consequence of the violent prejudice existing against them among all classes of the population not of the abolition party. They have the right of voting at elections, but they never attempt to set up a candidate of their own color for any post. They are, like other citizens, liable to serve on juries; but they are never called upon to do this duty, which is tantamount to a prohibition against exercising it.

13. Free colored men are never appointed to any offices of the State. If elected thereto, there is no legal restriction against their admission to any.

14. My answers have been, in the instances of Nos. 1 and 12, drawn from public documents. In the other instances, my information has been derived from private sources. The last period at which a census was taken within the district of my consulate, as forming a portion of the Union at large, was 1840, such general census being taken at regular periods of the year, but no State census being taken in the intervals.

I have, &c.,

T. C. GRATTAN.

The right hon. the EARL OF ABERDEEN,

&c.

&c.

&c.

[Enclosure in No. 54.]

Senate No. 9.

Commonwealth of Massachusetts.

Senate, January 25, 1843.

The committee, to whom was referred the petition of Francis Jackson and others, and sundry other petitions, relating to the rights of railroad passengers, have considered the same, and report the accompanying bill.

By order of the committee:

GEORGE HOOD,
Chairman.

Commonwealth of Massachusetts, in the year one thousand eight hundred and forty-three: An act relating to the rights of railroad passengers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SEC. 1. No railroad corporation shall, by themselves, their directors, or others, make or establish any by-law, or regulation, which shall make any distinction, or give a preference in accommodation to any one or more persons over others, on account of descent, sect, or color.

SEC. 2. Any officer or servant of any railroad corporation, who shall assault any person for the purpose of depriving him or her of any right or privilege in any car, or other railroad accommodation, on account of descent, sect, or color, or shall aid or abet any other person in committing such assault, shall be punished by imprisonment in the county jail not less than six days, or by fine not less than ten dollars; and shall also be answerable to the person assaulted to the full amount of his damage in an act of trespass.

United States, (Consular,) Charleston.

No. 57.

The Earl of Aberdeen to Mr. Ogilby.

FOREIGN OFFICE, May 30, 1843.

Queries as to slave trade and slavery in the States of North and South Carolina.

(See No. 1.)

No. 56.

Mr. Moodie to the Earl of Aberdeen.

HER BRITANNIC MAJESTY'S CONSULATE,
Charleston, August 24, 1843.

[Received November 20.]

MY LORD: In compliance with the requisition contained in your lordship's despatch of the 30th May last, headed "slave trade," I have the honor of transmitting to your lordship herewith my answers to the queries conveyed in said despatch, so far as the State of South Carolina is concerned.

I have also the honor of enclosing herewith answers from her Majesty's vice consul at Wilmington to the same queries for North Carolina, that State being comprised within the district of this consulate.

I have, &c.,

JAMES G. MOODIE,
Pro-consul.

The right honorable

The EARL OF ABERDEEN,

K. T., &c., &c., &c.—
[First enclosure in No. 56.]

*Answers to queries propounded in despatch marked "slave trade,"
 May 30.*

Answer to No. 1. The aggregate amount of the population of the State of South Carolina in the year 1840 was 594,398. The number of whites, 259,084; of which 130,496 were males, and 128,588 were females.

The number of slaves, 327,038; of which 158,678 were males, and 168,360 females.

The number of free persons of color, 8,276; of which 3,864 were males, and 4,412 were females.

(Then follows the amount of the population in 1830.)

Answer to No. 2. No slaves have been imported into this State from Africa, or any other foreign country, since 1st of February, 1808. By an act of Congress, passed 2d March, 1807, the importation of slaves from any foreign places to the United States after 1st of January, 1808, was prohibited, under the penalty of a fine not exceeding ten thousand dollars, nor less than one hundred dollars, and imprisonment not exceeding ten years, nor less than five years.

Answer to No. 3. The slave is not protected in criminal cases equally with the white man. The white man is protected by the common law of England, which is of force in this State, and by all the safeguards afforded to an English subject. The slave and

free person of color are tried by a court consisting of two justices of the peace, and any number of freeholders, not less than three or more than six, in the county where the offences shall be committed; if a slave, he is entitled to counsel, and his owner has the right of challenge for cause; the expense of trial is paid by the State. The free person of color has also the right of challenge for cause in either case; the cause may for good reason shown be continued over. There is also an appeal to the superior judges on points of law. The expense of a trial of a free person of color is defrayed by himself, if able; if not, by the State.

Answer to No. 4. The owner has the absolute control over the slave; they may be punished at discretion; but extreme cruelty, such as maiming or disabling, is an indictable offence, and the penalty one hundred pounds current money. Taking the life of a slave is murder; and, upon arraignment for the offence, the same laws and rules of court apply as if arraigned for a white person, and the same penalty follows the verdict. It is aailable offence.

Answer to No. 5. The evidence of a slave is never received in any court in this State, except on trials of slaves or free persons of color, and then not under the solemnity of an oath.

Answer to No. 6. Slaves are generally supplied with a sufficiency of wholesome food. If death from starvation has ever occurred, evidence of the fact is unknown. Their treatment as a class of laborers is humane. There may be, and doubtless are, detached cases which form exceptions to this proposition.

Answer to No. 7. Slaves are subject to fewer diseases, enjoy a greater degree of health, and generally attain to a greater age, than free persons, whether they be white or colored.

Answer to No. 8. The slave population is on the increase in this State, notwithstanding that great numbers are yearly taken to the southwestern States, where the fertility of the land yields a much better return to the planter than South Carolina. The natural increase of the slave is greater than that of the white or free colored person.

Answer to No. 9. The manumission of slaves in this State is positively prohibited, except in cases of great public services performed, when they may be manumitted by special act of the legislature.

Answer to No. 10. The laws and regulations have since the year 1832 been less favorable to slaves in this State, in consequence of an attempt at insurrection which was in that year discovered, and suppressed without difficulty. At that period the manumission of slaves was altogether prohibited, except by an act of the legislature. Their instruction in reading and writing is also prohibited, under severe penalties.

Answer to No. 11. There is no party favorable to the abolition of slavery known to exist in the State of South Carolina.

Answer to No. 12. There is a great difference in favor of the white man. The free colored person is subject to most of the disabilities of the slave. He may hold, convey and transmit, by deed or will, property, either real or personal. He is entitled to the

benefit of the prison bounds, and insolvent debtor's act, but cannot be discharged without taking the oath it prescribes. His testimony is only allowed in cases against free colored persons or slaves, and then not under the solemnity of an oath. If a free person of color leaves the State he cannot return thereto.

Answer to No. 13. Free persons of color are never admitted to hold any office within the State.

Answer to No. 14. The respondent has drawn his answers from public documents, private information, and personal observation. The census is taken every ten years, both by authority of the government of the United States and of the State. The above replies are furnished from that taken by the authority of the United States, being considered the most correct.

[Second enclosure in No. 56.]

Answer to queries from Mr. Stow, British vice-consulate, Wilmington, North Carolina, July 28, 1843.

In obedience to the requisition of a despatch from the foreign office, dated May 30, 1843, marked "slave trade," a copy of which was transmitted to this vice-consulate from Charleston, on the 18th instant, by James G. Moodie, esquire, acting her Majesty's consul for North and South Carolina, the undersigned proceeds to append the following answers to the several queries propounded in said despatch.

Answer to query 1 is the population of North Carolina for the present time, and the years 1832 and 1837.

Answer to query 2. No slaves have been imported into this State from Africa or any other foreign country during the last ten years. The severity of the penalties affixed by the laws of Congress to the crime of importing slaves into the United States is such as to deter the most abandoned from making the attempt. Besides, the fear of detection, which is rendered almost certain by the vigilance of the authorities, aided by the strong moral feelings of the people of the State upon the subject, is an effectual guaranty against violation. (See note in reference to this query.)

Answer to query 3. In criminal cases the slave is equally protected with a free man. Indeed the policy of the law seems to have special regard to his condition. He cannot be put upon his trial unless a true bill be first found by the same grand inquest empanelled to inquire and present other delinquents. He has the same right of challenge in general with others, when put upon trial, and may peremptorily challenge every juror who is not the owner of a slave. He can for sufficient reasons, upon affidavit, have his cause continued over, or removed to some other judicial district; must always be defended by counsel at the expense of his owner; and, upon a verdict of guilty, has the same right of appeal with others to the supreme court, touching any questions of law which

his case may involve; and in all clergiable offences, is entitled to "benefit of clergy."

Answer to query 4. The master has the entire and absolute control over the slave, and may punish at discretion. But extreme cruelty of punishment, such as maiming or disabling, is an indictable offence. Taking the life of a slave is murder; and upon arraignment for the offence, the same laws and rules of court apply as if arraigned for the murder of a white person; and the same penalty follows the verdict. If a true bill be found against the master, no amount of bail can save him from prison. Nor is bail allowed before the trial, where the presumption of guilt is strong, though sought for by the process of "habeas corpus."

The slave is protected by law from being turned upon the world when sick, old, or decayed; the master being compelled to provide for his maintenance.

Answer to query 5. The evidence of a slave is never received in a court of law, except when slaves or free persons of color are the subjects of the trial. Then, under the solemnity of an oath administered by the court, they are allowed to give evidence.

Answer to query 6. Slaves are generally supplied with a sufficiency of wholesome food. If death from starvation has ever occurred, the evidence of such fact is unknown.

Their treatment as a class of laborers is humane. There may be, and doubtless are, isolated cases, which form exceptions to this proposition.

Answer to query 7. Slaves are subject to fewer diseases, enjoy a greater degree of health, and generally attain to a greater age than free persons, whether they be white or colored.

The census of the State and the bills of mortality in that part of the State where the slave population is most numerous, attest this fact.

Answer to query 8. The slave population is supposed to be on the increase from natural propagation, as the number of births evidently exceeds the number of deaths; though the census from 1830 to 1840 does not shew this result, yet it is nevertheless true, the increase being carried to the south by emigration. (See note referred to in second query.)

Answer to query 9. The manumission of slaves does not often occur. The laws and policy of the State are opposed to their manumission within the State. The only mode by which the master can procure freedom for his own slave is, by showing such meritorious services to have been performed as will induce a court of record to grant his prayer, or he may apply to the legislature, where his chance of success is equally doubtful. But by sending his slave beyond the limits of the State he can accomplish the object. But the freed man can never return to the State. The liberation of whole families in this way occurs yearly. They are given in charge to the Colonization Society, who send them to the society's colony in Africa. And it is supposed that liberations in this way would be more frequent, could that society provide the means for their removal.

Answer to query 10. The laws have become less favorable to the moral condition of the slave, at least within the last ten years. After the attempted insurrection in Southampton, Virginia, in the year 1832, symptoms of which were manifest in this place, and along Cape Fear river, the legislature of North Carolina passed penal laws, prohibiting the education of slaves, so far as reading and writing is concerned, though oral religious instruction is more extensively imparted than formerly.

Answer to query 11. There is no party favorable to the abolition of slavery known to exist in the State of North Carolina.

Answer to query 12. There is a difference in favor of the white man, though the free person of color is equally protected in the acquisition and enjoyment of property, and of his freedom and liberty. Yet in his political privileges, so to term them, he is upon a level with the slave. By an amendment of the State constitution in 1835, he was debarred the right of suffrage, (which he before enjoyed) irrespective of his mental or property qualifications. Nor is he allowed to testify on oath, in any case whatever, except on the trial of persons of color. These prohibitions extend to all free persons of color of negro origin within the fourth degree of affinity.

Answer to query 13. Free persons of color are not admitted, nor are they eligible, to hold any office within the State.

Answer to query 14. The undersigned has drawn his answers from public documents, private information, and personal observation, having had a residence in the State upwards of 25 years. There is no census taken periodically in this State. The government of the United States causes the census of each State and Territory to be taken every ten years. This practice commenced in the year 1790. The last period for taking the census of the United States was in 1840.

All of which is respectfully submitted.

CYRUS C. STOW,
British vice-consul.

Note referred to in query No. 2.

Persons moving to this State from any adjoining slave State, usually bring their slaves along with them. Slaves are sometimes purchased in adjoining States lying to the north of this—seldom in States lying south; though the number so brought in is comparatively small.

The low price of land, and its great fertility in the States of Alabama, Mississippi, Louisiana, Arkansas, &c., are strong inducements to emigration from the older settled States. And since the value of a slave, as property, depends as much upon the cheapness of providing the means for his sustenance, government, keeping him in subjection, and the security of the community in which he

resides, as it does upon the productions of his labor, the tide of emigration is tending southward.

In the State of Delaware, this expense has rendered the slave, as property, almost useless. In Maryland, his value is far less than in North Carolina; and in North Carolina, much less than in States lying farther south.

(Then follows a table of the increase of slaves from 1800 to 1840.)

CYRUS C. STOW,
British vice-consul.

No. 57.

Mr. Ogilby to the Earl of Aberdeen.

HER BRITANNIC MAJESTY'S CONSULATE,
Charleston, October 23, 1843.

[Received December 6.]

MY LORD: Finding that the greatest anxiety exists among the British subjects, who are resident in this country, to become acquainted with the act which was passed during the late session of Parliament, "for the more effectual suppression of the slave trade," permit me to request that your lordship will do me the honor to direct a copy of it to be forwarded to this consulate as soon as practicable; and if any opinions have been given by the law officers of the crown upon its enactments, I should feel much obliged by having a copy of them also forwarded to me; for I feel assured that I shall very frequently be applied to by subjects of her Majesty residing in this part of the world, for an opinion as to the legality or illegality of certain acts connected with the subject to which the law refers, if done or participated in by them. Allow me respectfully to inquire if it would meet your lordship's approbation for me to have the law within referred to published in some of the newspapers of this city, for the information and guidance of all British subjects residing within my consular district?

I have, &c.,

WILLIAM OGILBY, *Consul.*

To the right hon. EARL OF ABERDEEN, K. T.,
&c., &c., &c.

No. 58.

Colonel Fitzgerald to Mr. Bidwell.

MOBILE, *January 20, 1843.*

[Received March 16.]

MY DEAR SIR: I beg to forward a newspaper that I think will

prove interesting to Lord Aberdeen, as it gives the negro population, and much interesting information.

I remain, &c.,

CH. FITZGERALD.

J. BIDWELL, Esq., &c., &c.

[Enclosure in No. 58.]

Article from the Alabama Beacon of January 14, 1843.

(Here follows a tabular statement, showing the population and federal representation of the State of Alabama, by counties, together with the proportion of political power possessed by each county in the House of Representatives of the United States, and the value of individual suffrage in the election of members.)

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No. 59.

The Earl of Aberdeen to Colonel Fitzgerald.

FOREIGN OFFICE, *May 30, 1843.*

[Received August 30.]

Queries as to the state of slave trade and slavery in the State of Alabama. (See No. 1.)

Question 1. What is at present the amount of the population of the State in which you reside, and what the number of whites and of colored people forming that population—distinguishing males from females, and free people from slaves? What was the amount of the population of the same State in 1832, and what was the amount in the year 1837—distinguishing the particulars as in the case of the present time?

(Here follows the amount of population of Alabama at the present time, and in the years 1832 and 1837.)

Question 2. Is it supposed that any slaves have been imported into the country within the last ten years, either direct from Africa or from other quarters; if so, how many in each year?

Answer. None, or if any, very few.

Question 3. Is the slave protected by law, equally with a free man, in criminal cases?

Answer. The law affords the same protection, and the trials for criminal offences are conducted precisely as for whites.

Question 4. What protection is there by law to a slave against ill conduct on the part of his master?

Answer. The master is subject to a penalty, and in some cases to imprisonment, on complaint being made to the authorities by any person, if found guilty.

Question 5. Is the evidence of a slave received in a court of law?

Answer. In cases against slaves.

Question 6. Is the slave well or ill fed; well or ill treated?

Answer. Well fed and clothed.

Question 7. Is the slave considered, generally, to enjoy as good health, and to live as long as a free person?

Answer. They enjoy better health, and live longer.

Question 8. Is the slave population considered to be on, the increase or decrease; and from what causes?

Answer. The slave population in this State is upon the increase; the causes are general good health, constant exercise, temperate living, and the absence of care.

Question 9. Is the manumission of slaves of common occurrence?

Answer. The manumission of slaves is not of common occurrence.

Question 10. Have the laws and regulations in respect to slaves become more or less favorable to them within the last ten years?

Answer. The laws of this State respecting slaves have not been materially altered within the last ten year, but at present are more rigidly enforced.

Question 11. Is there in the State in which you reside a party favorable to the abolition of slavery; and what is the influence of such party; and is such party on the increase or otherwise?

Answer. There is no *known party* favorable to the abolition of slavery; the State is unanimously in favor of it.

Question 12. Is there any difference in the eye of the law between a free white and a free colored man?

Answer. There is a difference between the free white and the free negro; the free negro is not allowed the right of suffrage, or to appear as evidence against a white person in a court of law.

Question 13. Are free colored men ever admitted to offices of the State?

Answer. They are not eligible to the offices of the State.

Question 14. You will state whether you have drawn your answers from public documents, or from private information; and you will state whether any periodical census is taken of the population within the district of your consulate, and what was the last period at which it was taken?

Answer. The census is taken from public documents, and other information is derived from personal observation and persons of good information; the census is taken every tenth year.

CH. FITZGERALD,
H. M. Consul.

The right honorable the

EARL OF ABERDEEN, K. T., &c., &c., &c.

United States, (Consular,) New Orleans.

No. 61.

The Earl of Aberdeen to her Majesty's consul.

FOREIGN OFFICE, May 30, 1843.

Queries as to slave trade and slavery in the State of Louisiana.

(See No. 1.)

No. 62.

Mr. Lighthorn to the Earl of Aberdeen.

BRITISH CONSULATE,
New Orleans, July 17, 1843.

[Received August 14.]

MY LORD: I have the honor to transmit, agreeably to your lordship's despatch of 30th May, answers to certain queries relative to the slave trade, which I trust will be found in order.

(Here follows the population of Louisiana in 1840 and 1830.)

2. None from Africa or foreign countries.
3. Yes, with this difference, that the slave is tried under the rules laid down in the black code, and summarily, by a jury of six freeholders.
4. When cruelty is proven, the slave or slaves are taken away, and the master or mistress prohibited from owning any.
5. Yes, against a fellow slave.
6. Generally both well fed and well treated.
7. In general enjoy better health and live longer than free people of color.
8. The slave population is considerably on the increase, in consequence of good treatment.
9. Very common, but confined to those of good character, and capable of taking care of themselves afterwards.
10. Some defects, existing in the black code of this State, were lately improved.
11. There is no party in favor of emancipation; and within the last ten years public opinion has become much less excitable upon the discussion of the subject, as all parties have apparently come to the opinion that it is an evil which cannot or ought not to be alleviated by universal emancipation, as the condition of the slaves will compare favorably with the condition of the lower orders of almost every part of the world.
12. None.
13. No.
14. I have drawn my answers from public documents in the State

department, as well as from disinterested private sources, and my own actual observation of some years in various parts of this country. A census is taken every ten years; the last one was taken in 1840.

I am, &c.,

J. G. LINGHORN,

Acting Vice Consul.

The right honorable the EARL OF ABERDEEN,

K. T., &c., &c., &c.

United States, (Consular,) Norfolk.

No. 63.

The Earl of Aberdeen to Mr. Gray.

FOREIGN OFFICE, *May 30, 1843.*

Queries as to slave trade and slavery in the State of Virginia.

(See No. 1.)

No. 64.

BRITISH CONSULATE,

Norfolk, Virginia, July 24, 1843.

MY LORD: I have now the honor to transmit herewith answers to the several queries propounded in your lordship's despatch of the 30th May last, relating to the population of this State of "whites and colored people."

I have, &c.,

WILLIAM GRAY.

The right honorable the EARL OF ABERDEEN, *K. T., &c., &c.*

[Enclosure in No. 64.]

Answers to queries in despatch of May 30, 1843.

BRITISH CONSULATE,

Norfolk, July 24, 1843.

Here follows the population of Virginia in the years 1790, 1800, 1810, 1820, 1830, and 1840.

2. It is believed that not one slave has been imported into this State, from any quarter whatever, during the period stated.

3. A slave can only be punished according to law; but the punishments differ from those enacted by white persons, and the mode

of trial is different also. A slave is not tried by a jury, but in a summary way by a court of justices; and in some cases he is punished with death, where, for the same offence, a white would be sent to the penitentiary. The murder of a slave is equally criminal with that of a free person, and the punishment the same in either case.

4. A master may be criminally punished for killing or maiming a slave; but he has the right to inflict stripes, and may, in fact, exercise much cruelty, without any adequate redress or protection for the slave, who has no right of his own. The question has, however, been long settled in Virginia, that a master may be indicted for beating his own slave cruelly. If he so treats the slave of another, the owner has the right of private action.

5. The evidence of a slave or colored person cannot be received in any court of law in this State against a white, but is admissible, and always taken in the case of a colored one.

6. Generally well fed and well treated, being to the interest and benefit of the owner that he should be.

7. Slaves are considered to enjoy as good health, and to live as long in this State as free persons; and it is believed there are more frequent instances of extreme old age among them than with the latter, whether white or colored.

8. It will appear on reference to answer number 1, that there was a decrease in the "slave population" in this quarter, between 1830 and 1840, of nearly 21,000; which decrease may be accounted for in the very frequent depopulation at that period of large numbers to the more southern States and Territories, where their labor was more wanted, and prices consequently much higher; and, also, in the emancipation and removal of very many to Liberia, to which quarter not unfrequently the whole stock of different plantations would be sent, on being liberated by their owners for that purpose. But for such causes, the slave population would have continued on the increase, as it appears to have done gradually in previous years.

9. In part answered above. It is, however, to be observed that by the laws of this State a slave cannot be manumitted and allowed to remain within its precincts; and there have been many instances where, having good masters, they have refused their freedom, and preferred remaining here in slavery to banishment from their home and friends. Yet, as before stated, many have been liberated by their owners and sent to Liberia, where they are said to be contented and doing well.

10. No alteration whatever has taken place in the laws and regulations of this State in respect to slaves within the last ten years, but custom has extended to them a greater degree of indulgence and liberty than formerly; yet it is not thought that their morals, habits, or behavior, are by any means improved thereby, but rather the reverse.

11. Certainly not; there is no party in this State favorable to immediate or sudden abolition of slavery, although it is an evil greatly deplored by all parties; and could emancipation be accom-

plished gradually, with perfect safety to the white population, and moderate compensation to the proprietors, it would be hailed with joy and gladness by all classes.

12. As stated in No. 5, the evidence of a free colored person cannot be received against a white, nor is the former regarded as a citizen, being under many and various restrictions and disabilities. He cannot vote upon any occasion, and, in a criminal offence committed by him, other than homicide, or where death is the punishment, he is tried in the same manner as a slave. In the excepted cases he is tried by a jury of white men. He is not allowed to keep fire arms; and all free negroes or colored people are required to be registered in court, and to renew the same at stated periods, on failure whereof they are subject to imprisonment. A free negro cannot purchase or own slaves, unless it be a wife, husband, or child. There is, however, no restriction upon acquisition of real estate in any other species of property.

13. Never, under any circumstances.

14. The statistical part of answer No. 1 is taken from different printed works bearing upon the subject, principally from Morse's, Bradford's, and Martin's Gazetteers. Upon the several other points referred to, the information is derived from individuals well acquainted with the different subjects, as well as from my own observation during a residence in the country upwards of 30 years. A census as already stated is taken every ten years.

WILLIAM GRAY.

United States, (Consular,) Portland.

No. 65.

- *The Earl of Aberdeen to Mr. Sherwood.*

FOREIGN OFFICE, May 30, 1843.

Queries as to the state of slavery and slave trade in the States of Maine and New Hampshire.

(See No. 1.)

No. 66.

Mr. Sherwood to the Earl of Aberdeen.

BRITISH CONSULATE, MAINE AND NEW HAMPSHIRE,
Portland, July 15, 1843.

[Received August 1.]

MY LORD: Agreeably to your lordship's command, I have the honor to transmit to you the following answers to the queries propounded to me in your lordship's despatch, dated foreign office,

May 30, 1843, which information I have endeavored to obtain as accurately as possible, viz:

(Here follow the populations of Maine and New Hampshire in the years, 1790, 1800, 1810, 1820, 1830, and 1840.)

2. It is supposed, and is generally believed, that slaves are smuggled into the southern States from Cuba and other places, but the number in each year, within the last ten years, I have no means of knowing. There are no slaves brought into my district, unless it is those who have secreted themselves on board of vessels arriving from southern ports.

3. To this query, I answer I believe not; no slave's oath is taken against a free person.

4. I believe the law protects the slave against ill conduct on the part of his master, but it is seldom put in force, unless death ensues to the slave.

5. It is against a slave, but not against a free person.

6. I have no reason to doubt but that the slave is well fed and well treated; it being the interest of the owner to do so.

7. It is said that the slave generally enjoys good health, and to live full as long as a free person.

8. The slave population is said to increase, although many are made free by their owners and sent to Liberia. Cause unknown to me.

9. It is frequently done by liberal owners.

10. This question I am unable to answer, not knowing the fact.

11. There is; the extent and influence of such party has not been very great, but it is now rapidly gaining in numbers as well as influence.

12. There is no difference in the eye of the law, within my consulate, between a free white and free colored man; and I believe it is the case in the southern States.

13. They never have been.

14. I have drawn my answers from public documents, so far as relates to population, and from private information respecting the other queries. There is a periodical census taken of the population within my consulate, and generally throughout the United States, by its government every ten years. The last period at which it was taken was in the year 1840. For State purposes, Maine took the amount of her population once or twice between the above periods, but they are not relied upon as correct.

I have, &c.,

JOSEPH T. SHERWOOD.

The right honorable

The EARL OF ABERDEEN, &c. &c. &c.

United States, (Consular,) Savannah.

No. 67.

The Earl of Aberdeen to Mr. Molyneux.

FOREIGN OFFICE, May 30, 1843.

Queries as to state of slave trade and slavery in the State of Georgia.

(See No. 1.)

No. 68.

Mr. Molyneux to the Earl of Aberdeen.

BRITISH CONSULATE,
Savannah, November 20, 1843.

[Received December 31.]

MY LORD: I have honor to enclose my replies to the queries contained in your lordship's despatch of 30th May, "slave trade," relating to the condition of the colored population of the State of Georgia.

I am, &c.,
E. MOLYNEUX.

The right honorable the
EARL OF ABERDEEN, K. T., &c., &c., &c.

[Enclosure in No. 68.]

Replies by her Majesty's consul at Savannah to fourteen queries relating to the colored population of the State of Georgia.

BRITISH CONSULATE,
Savannah, November 20, 1843.

¶ (Here follows the amount of population of Georgia in 1830 and 1840.)

2. It is not possible that any slaves could have been imported from foreign countries into this State within the last ten years, the laws of the United States being difficult of evasion. The laws of the State of Georgia prohibit the introduction of slaves except from an adjoining State.

3. In criminal cases, the slave is equally protected by law with the free colored man.

4. I consider public opinion the greatest protection a slave has against ill conduct on the part of his master. The law enacts:

“That any owner or employer of a slave, who shall cruelly treat such slave, or withhold proper food or sustenance, or require greater labor than he is able to perform, or not afford proper and sufficient clothing, whereby the health of such slave may be impaired; every such person so offending shall be punished by fine and imprisonment, at the discretion of the court.”

5. The evidence of a slave against a white man is not received in a court of law.

6. In all cases slaves are well fed; their treatment in a great measure depends upon the humanity of their masters. The weekly allowance on plantations is one peck of Indian corn, (which is more than any man can consume,) with animal food occasionally. They are allowed gardens, and the privilege of raising hogs and poultry, either for their own use or for sale. The allowance to domestic slaves is one quart of corn per diem. In the better class of families, from half a pound to one and a quarter pound of sugar, and a quarter pound of coffee, are allowed weekly, in addition to meat at breakfast and dinner. These remarks have reference to plantations, &c., near the sea coast. In the up country, the colored population is a much finer looking race, and more intelligent. They have no task, and work side by side with white men, from sunrise to sunset, and are not restricted to any quantity of food. In the low country all work is done by task, and, except in harvest time, an industrious man will finish his task by three o'clock.

7. Free persons of color being generally dissipated, do not enjoy as good health, nor live as long as slaves; and, being improvident, possibly from not being allowed to hold property, are, in old age, often dependent upon charity for their support.

8. The annual increase of the slave population on cotton plantations of late years is estimated at five to ten per cent. The increase on rice plantations, owing to the great mortality amongst children from local causes, is very trifling.

9. The manumission of slaves was prohibited in the year 1801. They might be emancipated by a special act of the legislature, but I doubt if such an act would now pass.

10. Slaves were formerly allowed to accompany their owners to other States or foreign countries; but in the year 1835, an act was passed prohibiting the return of a male slave from a non-slaveholding State or country. Females are still allowed to return.

11. There are doubtless many slave owners who condemn slavery in the abstract; but there is no party in this State favorable to the abolition of slavery without compensation.

12. A free colored man has not, legally or otherwise, the same privileges as a white man.

13. Free colored men are denied the right of voting, the right to sit on juries, and are ineligible to any office in the State, but both slaves and free colored men are permitted to officiate as clergymen to their own color, having first obtained license from the justices of the inferior court.

14. My information is derived from private information and from public documents. The census being only taken decennially by

the federal government, I am unable to give the population in 1832 and 1837.

E. MOLYNEUX, *Consul.*

[Extracts.]

Mr. Wise to Mr. Calhoun.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 18, 1845.

SIR: The African slave trade "thickens around us," and we are treading on its dragon's teeth. It is not to be denied, and I boldly assert it, that the administration of the imperial government of Brazil is forcibly constrained by its influences, and is deeply inculpated in its guilt. With that, it would seem, at first sight, the United States have nothing to do; but an intimate and full knowledge of the subject informs us that the only effectual mode of carrying on that trade between Africa and Brazil, at present, involves *our laws and our moral responsibilities* as directly and fully as it does those of this country itself. Our flag alone gives the requisite protection against the right of visit, search and seizure; and our citizens, in all the characters of *owners, of consignees, of agents, and of masters and crews of our vessels*, are concerned in the business and partake of the profits of the African slave trade, *to and from the ports of Brazil*, as fully as Brazilians themselves and others, in conjunction with whom they carry it on. In fact, without the aid of our citizens and our flag, it could not be carried on with success at all. They furnish the protection; they are the common carriers; they sail over and deliver up to the trade *vessels* as well as *cargoes*; they transport the *supplies* of slave factories, the food and raiment of the slave trade's agents, and the goods which constitute the *purchase money* of the slave trade's victims; they carry the *arms* and the *ardent spirits* which are the hellish agents and instruments of the savage wars of African captivity; they afford safe passage to Brazilian masters and crews intended for the slave vessels when sold, and for the American masters and crews who have manned those vessels over to the coast; and they realize a profit in proportion to the risks of a contraband trade. In one word, the sacred principle of the inviolability of the protection of our flag is perverted in the ports of Brazil into a perfect monopoly of the unhallowed gains of the navigation of the African slave trade. And for the reason of this inviolability, our flag and vessels are sought and bought, and our citizens, at home and here, *sail* them and *sell* them in the African slave trade to and from all the ports of Brazil. And in all those ports, and in this, the metropolitan port of Rio de Janeiro especially, our vessels are fitted out for the slave trade; and most of the crimes of that trade, in violation of the laws of the United States, openly have their inception under the very eye of

the imperial government; and in them all, and in this port especially, *the consummation of those crimes is sheltered, as of right, by the sovereign jurisdiction of this empire.* This is fully shown by the facts of the case which it is now my duty to present, in addition to the other cases of which I have already given information; and it is left with the United States to determine *whether they will permit any power upon earth to countenance, to connive at, and to encourage the inception of the crimes of their citizens against their laws in its jurisdiction, and then to shelter the consummation of those crimes and the violation of their laws, and of the sanctity of their flag, under the protection of that same jurisdiction?* Will they respect the jurisdiction of a power as within the pale of the civilization of this day, which so *denationalizes* itself? Will they not rather, if such a pretension of the right of jurisdiction is persisted in, treat the power so pretending as belonging to the class of the Barbary States when they claimed freebooter's tribute from the seas?

The President will see that in the refusal of extradition demanded in this case, these serious and these by far the most important questions between the United States and Brazil are involved.

As early as the 12th of February, 1844, Mr. Slacum, the United States consul at Rio de Janeiro, wrote to the Hon. A. P. Upshur, then Secretary of State, his consular letter, No. 74, in which he says:

"The brig Duan, of Beverly, Massachusetts, alluded to in the deposition, (a deposition which he was sending on in the case of Driscoll, of the brig Hope,) and mentioned in my former despatches, also landed a cargo of slaves to the southward of this port. The *Porpoise*, a small brig belonging to Brunswick, State of Maine, *brought back the masters and part of the crews of the Hope and Duan, and is a regular tender to the slave dealers.* She is said to be *chartered* for twelve months." * * * "The *Porpoise* sailed again yesterday for the coast, I suppose to bring back the crews of the *Gannicliffe* and *Montevideo*," &c., &c.

In previous letters, also, Mr. Slacum had given warning of this vessel. The master and crew of the *Montevideo* returned in the *Sea Eagle*, and were arrested at the request of Mr. Gordon, and sent home in the Congress frigate. We will soon see what were the objects and ends of the cruise of the *Porpoise*.

Some months ago, lately, but prior to the last arrival of the *Porpoise* at this port, Commodore Purvis, in command of the naval forces of Great Britain on this station, showed to Commodore Turner an extract of a letter to him from the senior officer of the British naval forces off Quillimane, in Africa, respecting both the American brigs *Kentucky* and *Porpoise*. This extract has since been obtained by Commodore Turner, as you will see by his letter enclosing it to me, marked "A." This extract warned Commodore Turner, and the consul, Mr. Gordon, was warned already, to keep a lookout for the *Porpoise*.

She was consigned to Maxwell, Wright & Co., and through an

English broker, Weetman, was chartered to Manoel Pinto da Fonseca.

He placed his own agent, Paulo Roderiguez, with cook, steward, and others, on board the Porpoise, and sent her with cargoes, at different times, to the coast of Africa. There, on her last trip, at Quellimane, Jahambane, and other places, with Paulo in charge of her cargo, she supplied his slave factories with cochaca, (aquardente, or the white rum of this country,) with muskets and fazendas, (or dry goods and groceries,) and with provisions, sailing from port to port, the captain and crew seeing the slaves bought at various times and places, and shipped on board other vessels, and lending her boats and ship's crew from time to time to assist in shipping slaves.

The American brig Kentucky was sold here to the same Fonseca, I believe, and delivered at Quellimane by her captain, Douglass, of Philadelphia. This Captain Douglass assisted in shipping her cargo of slaves, and hoisted the United States flag over the vessel after she was sold, to afford her its protection. An Englishman, named Page, one of his crew, was, after being sent on board the Porpoise, compelled to go on board the Kentucky and to return to Brazil in her, with about 500 slaves. Page is now one of the witnesses on board the Raritan. Several of the American crews of the Kentucky and the Porpoise were offered, on board of the Porpoise, large inducements to ship on board the Kentucky to navigate her slaves to Brazil, and the boats and some of the crew of the Porpoise were allowed by her captain, Libby, of Portland, Maine, to assist in taking slaves from the shore to the Kentucky. In the course of the last voyage of the Porpoise, Paulo purchased a large number of slaves and sent them over; several hundreds, however, of those he had purchased were liberated by the English cruisers on shore, and this detained the Porpoise some months longer, to supply their places by new purchases. During all this time, the crew of the Porpoise was detained some six months over their times, as they allege, by Captain Libby, against their remonstrances and complaints, on miserable rations, and at the risk of their lives from the climate.

Finally, Paulo purchased two African boys, Pedro and Guilherme, branded on the breast with the slave dealer's mark, shipped them on board the Porpoise, and that vessel, with Paulo and his two slaves, cook, steward, &c., and with Douglass and Boyle, master and mate, and a part of the crew of the Kentucky, and with other passengers, whom you will see described in the consul's report, sailed for Rio de Janeiro. The witness, Page, returned to Brazil in the Kentucky, and his deposition, as you will see, describes the scenes of the voyage of that vessel the most horrible to be conceived of. The slaves mutinied, broke their irons, broke through the bulkheads; some eight or ten of them were wounded by musket shots before they were subdued, and between 30 and 40 of them were afterwards hung, and butchered, and shot in the most barbarous manner; one woman being thrown into the sea be-

fore life was extinct from hanging and shooting. No horrors of the middle passage ever exceeded the description of this scene by this witness, on board a vessel protected in Africa, by her American captain, under the flag of the United States. During the night of the 22d of January last, the Porpoise entered this harbor. Commodore Turner seeing an American brig in port, and without knowing what vessel it was, early in the morning of the 23d sent his boat alongside to make the usual inquiries for letters and news from the United States. Whilst the boat was in waiting, one of the crew dropped a letter into it, giving the information that there were two slaves on board, and the consul having been sent for immediately, a guard of United States marines was placed on board, and the events followed which you will see described in his report to me.

Late in the evening of the 23d Mr. Gordon called on me at my house, some two miles from the city, and I accompanied him immediately to the house of the minister of State, Mr. França. Not finding him at home, I left a card, saying I would call at half-past eight o'clock, a. m., the 24th, and the next morning, at that hour, I waited again upon Mr. França, in company with Mr. Gordon and with my Secretary, Mr. Walsh.

As to what took place in that interview, and as to the consent given by the minister for the United States guard to remain on board the vessel, there is not the slightest discrepancy in the understanding or recollection of either Mr. Gordon, Mr. Walsh, or myself. You will see Mr. Gordon's statement in his report to me, and can compare it with mine in the letters to Mr. França. At his request, I immediately addressed to him the letter marked "B," dated January 24th, 1845. After addressing this letter, and sending it from the consul's office to the minister of State, I went with Mr. Gordon on board the Porpoise, in order to see and hear in person the statements of the crew. Before we arrived, Lieutenant Shubrick, the officer first in command of the guard, had, in violation of express orders from Captain Gregory, allowed Paulo and several others of the Brazilian passengers to leave the vessel and go on shore. This most unfortunate step allowed the chief culprits to escape, and they took with them, as is said, and as was seen by one of the witnesses, a very large sum, supposed to amount in gold to \$70,000 or \$80,000, and in bills on London and Rio to some \$30,000 or \$40,000 more; in all, about \$120,000.

The men belonging to the crews of the Porpoise and the Kentucky all came forward at once, and voluntarily disclosed the whole facts of the case, and satisfied the consul and myself that the vessel and persons on board of her should be seized, and arrested, and sent home. The evidence was sufficient to cause the seizure and arrest for piracy under the laws of the United States. On the morning of the 25th, Mr. Walsh handed to me my letter of the day before to Mr. França, with his own note enclosed, marked "C." The truth is, that the passengers who had been allowed to go on shore had already alarmed the whole swarm of slave dealers,

and their influence had been brought to bear on the minister of state. He became alarmed lest he might be reproached for consenting to the guard, and wished me to erase the statement of the fact. This I could not do; and yet, I wished to avoid involving him in any difficulty which might prejudice him against the application I had made. To avoid exposing what he wished to conceal, and to avoid, also, erasing what I knew was true, and no misunderstanding, I withdrew the whole letter, without admitting any mistake, and addressed to the minister another letter, which is enclosed, marked "D." The latter portion of this letter was intended clearly to express to him that my application was still pending for the seizure and arrest, and the surrender of the vessel and accused persons. The officer, Lieutenant Shubrick, first placed in command of the guard, was withdrawn, and Acting Master Duer was put in his place; and whilst the Porpoise remained in his charge, Paulo, and some of the other passengers who had been allowed to go on shore, voluntarily returned to the vessel, and were, under orders, detained by him a second time. Their friends then roused an excitement in the city about the United States authorities arresting and detaining Brazilian subjects in their own waters, and got up a petition, it seems, to the minister of justice, Mr. Galvao, for their liberation. This was all done without the knowledge of and without notice to the commodore, or the consul, or myself. The fact was, this Paulo had acted throughout as supercargo or ship's husband of the brig; had sailed her as the agent of the charterer; had detained her on the coast; and he it was who had bought and put on board these two slaves; and he was, in fact, one of the "*ship's company*," in the true sense, under our act of 1820, of an American vessel. I myself, therefore, had suggested, with the consul, to Captain Gregory to have him detained to abide his fate with the others, in case he should return to the vessel for his baggage and effects. Thus the vessel was held under guard, without objection and peaceably, with the consent of the Brazilian authorities, as far as the United States officers could ascertain or were informed, awaiting the decision of the minister of state upon the application for extradition, during the 23d, the 24th, the 25th, the 26th, the 27th, and part of the 28th—*for more than five days*--when, on the 28th, without notice of objection, and without withdrawal of any consent or acquiescence whatever, either to Commodore Turner, or to the United States consul, or to myself, an *armed force* was sent by the minister of justice, Galvao, in some five or six boats, to release the vessel and persons on board of her from the detention by the United States guard. Fortunately I had on the 26th written a letter to Commodore Turner, requesting him not to deliver up the vessel until I could obtain a decision upon my application for extradition, a copy of which is enclosed, marked "E." When the Brazilian officer came along side and demanded the vessel, therefore, Acting Master Duer, with proper and officer-like spirit, warned him not to attempt to board—informed him that it was against orders to allow him to do so, and politely referred him to his superior officer on

board the Raritan. In the meantime I, knowing nothing of this outrage, on a visit the evening of the 28th to the city, met the minister of state riding post-haste to my house. At his request I returned with him. He beseeched me to cause the vessel to be released immediately. I could not comply without knowing a sufficient reason. He then informed me that this armed force was sent. Under such circumstances I could not think even of advising the release, and I had no control over Commodore Turner. He asked whether I thought he would resist *force by force*? "Certainly," was my reply; "what else could be expected when force was thus sent without notice whilst the matter was pending amicably between the two governments?" He then said that he thought the whole matter was at an end, and I had withdrawn my application. Certainly not; I had written him immediately on the 25th, giving him notice of "more *formal* proceedings," on the verbal application which I had left pending. He said he had mistaken the word "*more*" for the word "*mere*," in that sentence of my letter, and had supposed the application dropped, until he received a petition from Mr. Paulo, which he held in his hand. He begged me, then, to accompany him to the house of the minister of justice. I did so. There the whole matter was explained to him, and he insisted upon the release. Not, I replied, whilst my application was pending. When it was hinted again that there was none pending, I immediately took pen and paper, and hurriedly addressed to Mr. França my letter of the 28th January, enclosed, marked "F." The circumstances under which it was written must explain its latter clauses as to restraining the Brazilian police, and must apologise for its defects. It was put in to bar every plea that there was no application from that time; and it was impossible to make the demand more specific until Mr. Gordon could take evidence sufficient for precision as to persons, dates, and formality in all respects. It was my desire to await his report to me. This letter was handed to Mr. França, *present*. Both the ministers then urged me to write to Commodore Turner to release. My reply was, "not whilst there is *force* threatening will I interpose at all; and the vessel cannot be released, with my consent, until my application for extradition be first decided." An order then was issued in my presence to withdraw the forces sent to release the vessel. I then addressed to Commodore Turner the enclosed letter of the 28th January, marked "G." Both the ministers still urged their requests for my interposition to cause the release of the man Paulo and his companions, who had petitioned the Brazilian government to interpose in his behalf. Being anxious lest some mistake and consequent collision might occur between Commodore Turner and the police, I decided in my own mind to go on board the Raritan; and proposed that, if the minister of justice would send an officer to take Paulo and the other passengers into custody for trial under the laws of Brazil, I would interpose for their release, inasmuch as they had once been allowed, though against orders, to land, on condition that the vessel and other persons belonging to the flag of the United States should be detained by Commodore Turner until

the matter of detention and extradition could be satisfactorily adjusted between the minister of State and myself. This was acceded to; and the chief of police being present, he was ordered to accompany me into the city, and to send an officer, called a sub-delegado, with me to the Raritan to take Paulo and his companions into custody. About 7 o'clock, p. m., on the evening of the 28th January, I proceeded on board the Raritan, accompanied by a sub-delegado, with his orders from the chief of police. When I arrived, Commodore Turner informed me that, upon the withdrawal of the forces and the reception of my letter, he had already released those persons. I immediately despatched to Mr. França by the sub-delegado the enclosed letter of the 28th of January, marked "H." In this letter a list of those persons, of the places of their nativity, of their ages, and of the ports at which they joined the Porpoise, was sent, and is herein enclosed. I remained on board the frigate that night, and, through great exertion, obtained the enclosed report of Acting Master Duer to Commodore Turner in the letter of the commodore to me, dated January 29, marked "I," and also the report of Mr. Gordon, which I despatched to Mr. França, as soon as they were completed, in my letter of the 29th of January, enclosed, marked "K."

In justification of this letter of the 29th, the first one of that date to the minister of state, I must beg you to observe that it committed Commodore Turner to nothing, and spoke only of my views and of my own course. The minister of justice had sent the armed force in a very rude and insulting manner, and as yet I was not informed otherwise than that it was the act of the entire government; and both the ministers had clearly indicated the evening before that my application for the surrender to the United States would not be decided upon before the release from detention by Commodore Turner was effected, and that then it would probably be refused. Deliberately deciding in my own mind that the vessel and American crews on board of her ought not to be released by Commodore Turner, under all the circumstances of the case, and especially of the detention by consent, I deemed it an honest and dignified course so to inform the minister of state, in a tone decided but respectful. Still I renewed the application, in order to afford the imperial government the opportunity of avoiding a collision by the seeming good grace of granting the demand for extradition. I am free to confess that, after their course of giving consent to the detention, and then sending without notice an armed force, I would have placed the criminals or persons charged on board the Raritan, and I would have held them and the vessel until the demand for their extradition was refused or granted; and, if refused, I would have left the vessel in the harbor, if a permit to take her out could not have been obtained, and I would have sent the persons accused and the witnesses in the Bainbridge, at all hazards, home to the United States. But I regret to say that Commodore Turner did not concur with me in measures so strong. I have not a doubt that this all could have been done without the least conflict, and that we would

have been much more respected than we are now. I did not leave the frigate Raritan until late in the evening of the 29th. * *

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When I returned from the frigate, on the evening of the 29th January, I found a letter from Mr. França, dated January 28th, which I enclose, marked L. This I immediately replied to by my second letter of the 29th January, herein enclosed, marked M. Just as this letter was finished, about 9 o'clock at night of the 29th, Mr. França called upon me in person at my house, and a long interview ended by an appointment to meet him again at the house of the minister of justice, at 1 o'clock, p. m., the next day. His chief concern in this interview at night, on the 29th, seemed to be to inquire whether Commodore Turner would attempt to take the vessel and persons out by force. I assured him that there was no such intention, and none such would be entertained for a moment. On the 30th I attended at the time and place appointed for the interview, and received from Mr. França the enclosed note, marked N. In the interval between 1 and 6 o'clock, p. m., of this day, I addressed to Commodore Turner the enclosed letter, marked O, and at 6 o'clock, p. m., met Mr. França at the house of the minister of justice. The minister of state at this interview read my last letter of the 29th, and both ministers still insisted upon the unconditional release of the vessel and prisoners from the detention by Commodore Turner before they would decide upon the application for their extradition to the United States. *No authority* was pleaded as to the consent given by the guarda-mór of the port, and *mistake* as to that given by the minister of state for this detention. I replied that the point of *detention* was a wholly factitious issue. That the consent given by the guarda-mór, admitting he had no authority, was immediately followed by an application through me to the imperial government itself; and the minister of state, through whom alone I could know what that government would do, had consented to the detention, whilst he would consider the question of extradition. That there could be no mistake, so expressly was the authority to detain asked for and given. That it was *no exercise of jurisdiction* to hold in custody by consent of Brazil until her own authorities could decide whether there should be seizure and arrest, and whether they would surrender the vessel and prisoners to the United States. Why, then, force the United States to the alternative of either allowing the prisoners to escape, or of committing a trespass upon the jurisdiction of Brazil? It was unnecessary to do this; and the proper mode was to decide upon the question of extradition first, as that, in case of refusal, would more properly bring the question up whether the United States would claim to detain, or Brazil would allow them to detain after refusal. And, if there was a grant of the application for surrender, then there would, of course, be no question about detention. In the second place, I urged the peculiarly binding force of the right of comity between Brazil and the United States. Under their treaty of amity it was more than an *imperfect* right. Thirdly, that the policy of extradition was very apparent to prevent the pretension of the right of *visit and*

search by other nations. Fourthly, that if Brazil should refuse extradition, how would she stand before the world?

Allowing Fonseca to walk abroad with impunity, releasing Paulo and his companions, and countenancing the commencement of the voyage of the vessel, and, finally, sheltering all the criminals on their return under the protection of her sovereign jurisdiction. Such a course could not be submitted to by the United States, as far as their flag and citizens were concerned.

In reply, the minister of state submitted that Commodore Turner should be acquitted of all blame for the guard and detention, inasmuch as he had every reason to suppose that he was acting with the consent of the Brazilian authorities; that he would demand the vessel and prisoners to be delivered up to be examined under the laws of Brazil; that if it should be found that they were not chargeable or not guilty under the laws of Brazil, they should then be released; and in the meantime he would consider the question of their extradition to the United States. This I declined:

1. Because I apprehended that the tables might be turned upon the *witnesses*, of the crews of the *Kentucky* and *Porpoise*, who had come forward voluntarily and testified before the United States consul. I feared that they might be put into the criminal's box of Brazil for daring to become informers against the crimes of the slave trade.

2. Because I feared the two African boys might be enslaved if they were ever allowed to land in Brazil.

3. Because I could not give up citizens of the United States to be tried under the laws of Brazil whilst their own government was demanding their surrender to be tried under its laws.

The minister of state then put the question: What right has the United States to detain them in custody in the harbors of Brazil? I replied, *by Brazil's own consent*. He then said that all consent was and should be formally withdrawn. I replied that the custody and detention having once *began* by consent and peaceably, the *withdrawal* of consent would *still* leave the vessel and persons in the custody of the United States, and it would be peaceably *continued* on their part. That the withdrawal would only leave the United States *in peaceable possession*. I instanced the case of *trespass* at common law. Entry might be made upon the land of another to take quiet possession of stolen property; after the property was taken, the owner of the premises where it was found could not withdraw consent as to entry and possession so as to convict the person entering and taking of a trespass—it did not amount to even “*damnum obsequie injuria*.” At all events it would be for the United States authorities to determine whether they would commit that sort of trespass on the jurisdiction of Brazil after Brazil should refuse to surrender the vessel and prisoners to be examined and tried under their laws. I then submitted the proposition as contained in my letter to Commodore Turner and in the paper enclosed, marked “P.” This was instantly declined, and, finally, we parted, leaving the issue pending whether the question of *detention* or that of *extradition* should be first decided; and with the

understanding that the minister of state and I should meet at the chamber of deputies between the hours of 11 and 12 o'clock the next morning. In the meantime my letter to Commodore Turner of the 30th, containing my first proposition to Mr. França, had been received, and caused the commodore to come off and meet me on the morning of the 31st, before my interview with the minister at the chamber on the same day. The commodore did not approve of that proposition and did not wonder that it was declined. He was very anxious lest some collision might unhappily take place. He said that the forts were manned on the occasion, and he apprehended that the excitement gotten up in the city might cause some imprudent and insulting aggression by the government and people, who were very uncertain, which would compel him to use force; that he was desirous to concur with me in whatever stand I would take, and would sustain me in any course he deemed reasonable, but did not go with me in opinion as far as I had gone; and he requested me to submit some other proposition by which he would be better satisfied to stand.

I assured him that it was my wish as much as it could be his to avoid all violence, and yet to send the vessel and prisoners all home to the United States; and that I believed, that the course I had taken was the only one to effectually accomplish both ends. But, finally, as I had not the *arms* as well as the *argument* in my own hands, and as I was not disposed to take a position for him which he could not maintain with his own approbation, or which might not be maintained by him at all, or which might cause the responsibility of any collision which might occur to fall upon me, I submitted to him to suggest the course which he would approve. He suggested none, but requested me to prepare some other proposition less strong than the other, and which would allow the imperial government an opportunity to grant our demands without seeming to be forced to accede to them. I then, immediately, but much against my best judgment, prepared for his approval, the enclosed projet, marked "Q," to be submitted to Mr. França. This projet the commodore thought reasonable, and regarding it as his rather than my own, I furnished a copy of it to the minister of state, about 1 o'clock, p. m. He expressed a favorable opinion of its terms, and took it into consideration and for advice of the council of state; saying that preparatory to its being formally made and accepted, he would address me a letter enclosing certain documents from the minister of justice, which would justify Commodore Turner, by admitting the consent of the guarda-mór, &c., &c. The next day, February 1st, he addressed to me the enclosed letter and documents, marked "R." On the same day I addressed in reply, the enclosed, marked "S," with the deposition of mark Tanner, and also on the evening of the same day, the letter enclosed, marked "T." On the 2d of February, a clerk of the State Department called on me from the minister to ask for the lists of the persons demanded, and saying, as I understood him, that the whole affair would be adjusted according to my proposition, and on the same day, the 2d instant, I addressed to Mr. França the enclosed, marked

"U." This letter, marked "U," was enclosed in a note from Mr. Walsh. On the night of the 2d, I received Mr. França's note, marked "V," and on the morning of the 3d, addressed to him my letter, marked "W," soon after which he called in person. He begged me to take back the letter, marked "U," as he had not authorized the messenger to say or to do more than to ask for the list of accused persons whose surrender was demanded. He handed it to me, and I addressed him in his presence the note marked "X." It was then verbally and informally understood, that the terms of my last proposition would be carried into effect. To evidence which, he gave me a private note to the minister of marine, M. Cavalcanti, who was to issue the orders to the port police. And before we parted, on the morning of the 3d, he promised to postpone the decision of the question of *extradition*, after delivering into the custody of Brazil, until Mr. Gordon could complete the taking of the depositions, and until I could address him a written argument in full on that point. He even requested me to hurry Mr. Gordon in his task, as he did not wish that question kept open and the vessel and persons held in custody too long. I then addressed to Commodore Turner my letter of the 3d, the same as that enclosed in my letter of the 3d to M. França; and on the 3d, Commodore Turner handed to me the enclosed letter and documents, marked "Y." On the morning of the 4th, I addressed to M. França the enclosed letter (improperly dated the 5th,) marked "Z," thus repeating in writing my request for delay of the decision of the question of extradition, for the reasons stated; and in the evening of the same day, I completed and addressed to him the promised argument, enclosed, marked "A 2." Yet, notwithstanding his promise of the day before, and my repeated notices and requests for delay, verbal and written, and without waiting for depositions or discussion, the minister of state addressed to me the enclosed decision, marked "B 2," which I received about 10 o'clock at night on the 4th instant, refusing to surrender the vessel and four accused persons; and I have not a doubt this was decided upon before they were delivered up to the custody of the Brazilian police. Though I had every reason to apprehend it, and had so warned the commodore, yet I could not but feel indignant, and after due reflection, on the morning of the 5th, I addressed to the minister of state the enclosed *protest*, marked "C 2." The evening of the same day I received his reply to my two letters of the 4th, inclosed, marked "D 2." On the 6th I answered the last by the enclosed, marked "E 2," and addressed to Mr. Gordon, the consul of the United States, the enclosed marked "F 2." About 2 o'clock, p. m. of the same day, the 6th, I received from M. França the enclosed note marked "G 2," and about 8 o'clock the same evening, the minister of marine, M. Cavalcanti, paid me a personal visit. He came, he said, not as minister, but as a private gentleman, a friend to the United States, to M. França, and myself, to intercede for the explanation and adjustment of all difficulty and ill feeling in the case of the brig Porpoise. He assured me that the minister of state was greatly disturbed by my last communications, and he was afraid

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that our harmonious relations would be disturbed. He came from M. França, and at his request, to satisfy me that there was no disposition to offer an indignity either to the United States or to myself. He alluded to the case of M. Raguét, hoped there would be no other such affair, and gave me his views of the pending case, regretting extremely its occurrence on account of the pleasure it would give, particularly to the English. He said M. França desired him to request me to withdraw my *protest*, in order to avoid a personal and angry discussion with him. That a personal quarrel with him might disturb the harmonious relations of the two governments, and he hoped my letter would be withdrawn. I replied that it was not my wish to treat the imperial government with disrespect; that I desired above all things to preserve its amicable relations with the United States, and that I would be glad to do anything, consistent with duty, to gratify the minister of marine, M. Cavalcanti. But, as M. França said, there was an *official* issue between him and myself; that I entertained no unkind feelings towards him personally, but that he had, in the whole affair of the Porpoise, treated the United States and their minister with anything but proper respect. My complaints were:

1st. That after giving his consent to the proceedings of Commodore Turner, and after causing me so to inform the commodore, and after allowing *five days* to elapse without objection or withdrawal of consent, he had allowed an *armed force* to be sent, without notice, to release the vessel, &c.

2d. That he had promised on the morning of the 3d instant to postpone his decision upon my demand, which he had repeatedly said he had not made up his mind upon, and which he had tried to make me infer would be anything but unfavorable, until I could address him an argument, and all the testimony could be completed; and yet, as soon as Commodore Turner delivered up the vessel and persons accused, and before the consul could send in another deposition, and without waiting for discussion or argument, he had refused extradition without deigning to assign a reason.

This, added to the main complaint that Brazil had first countenanced and finally sheltered the crimes of the citizens of the United States committed abroad against their laws, had led to my letter, which I had deliberately meant to be what it was—a decided *protest*, in the language of truth, plainly and directly told. But if the decision was withdrawn, and the case was re-opened for discussion, I would withdraw it. As to the allusion to the case of M. Raguét, who had for outrages upon American commerce demanded his passports, and which decided step had the happy effect of causing the payment of many of our claims and the negotiation of the last treaty with Brazil, I was not afraid of any responsibility, either to my own government or to this. I would fearlessly do my duty and abide by all the consequences. I regretted the whole affair; but the United States could not without dishonor allow Brazil to countenance and connive at the inception of the crimes of their vessels and citizens in her ports against

their laws, and then shelter the consummation of those crimes under her jurisdiction. He said that the only reason why England was so unpopular was that she opposed and interrupted the African slave trade; that if the United States prevented their flag and citizens from engaging in it, they too would become unpopular, and there could not be friendly relations with Brazil. I told him at once if it came to that, the United States would *elect any* honorable alternative rather than be compelled to allow the foreign slave trade to be carried on unmolested by their citizens, and that they would assume any justifiable responsibility to snatch their flag from its infamous uses. He said England would rejoice at this. I replied I knew Great Britain would rejoice, and, therefore, Brazil and the United States ought to aid each other to arrest the further prosecution of the African slave trade, and ought effectually to punish their own citizens engaged in it, in order to strip England of all pretext for visit and search on the high seas and on the coast; that the best defence of the lawful slavery already existing in Brazil and the United States, would be for both those powers to enforce, sternly and strictly, their own laws for the suppression of the contraband slave trade, and for them to aid each other in this high and humane duty. He said this was impossible. He was opposed to the slave trade himself; but it was impossible to do this and preserve kind feelings in Brazil towards the United States; that he still held this vessel and these citizens in the custody of his department; but that if they were tried in Brazil, they would certainly be found innocent. I lamented this state of things, and suggested that extradition might be provided for in future by an immediate treaty to settle anew all our relations; that if I could be assured of the prospect of such a treaty soon, I would forego all complaints in this case. He was not prepared to go farther than to express his earnest desire for such a treaty, and could give no assurances. I told him that M. França had that day invited me to another personal interview, which I should decline; that I had been here for months and had been able to get but one official and formal answer to many communications which I had made. He then entered upon excuses for the minister of state, and said that as to my first complaint touching the Porpoise, the *armed force* was sent by another minister without his knowledge; that as to the second, he, M. Cavalcanti himself, had advised as speedy a decision upon the whole case as possible, and, as to M. França's delays, he had treated me no better and no worse than he had treated the whole diplomatic corps; that there were insuperable causes of delay in the very organization of the imperial government itself, and the minister of state did not feel authorized to take upon himself undue responsibilities. This is a mere abstract of the purely private but authorized interview, and, finally, we parted with mutual assurances of kindness. On the 7th instant, I replied to M. França's note of the day before, by the enclosed, marked "H 2." After mature reflection upon the nature of the interview with the minister of marine, and upon the private request of the minister of

state through him, after considering that I had gained three points, at least, out of four, in the issues of the case—

1st. The main point of the release from captivity and bondage of the two African boys;

2d. The safety of the oppressed sailors who had volunteered their testimony, and the certainty of their evidence being taken and of their being sent home;

3d. The custody and detention of the vessel and accused persons by the imperial government, until it would decide upon the demand for their surrender to the United States; and reflecting also that a *protest*, such as upon my own responsibility I had made, could effect no good and might cause some mischief, and that a decided remonstrance by our government itself, made through me after a full knowledge of all the facts of the outrage to this government, could not have a better effect and accomplish more good, I determined to comply with the request to withdraw the offensive papers and to submit the whole matter to the better judgment of the President of the United States and yourself. Accordingly, on the 8th day of February instant, I addressed to M. Cavalcanti the "private and confidential" note, marked "J 2," enclosing to him the "private and unofficial" note for M. França, marked "K 2." By a note, dated the 11th February, M. Cavalcanti informed me that he was charged to deliver certain papers to me personally; and a day or two afterwards his chief clerk, Mr. May, with an apology for the minister's inability to see me in person, handed me back my two letters of the 5th and 6th February, marked herein "C 2" and "E 2," in an envelope, enclosing the note to him from M. França, marked "L 2."

Thus the case stands peaceably at present, and I have given you without reserve every possible clue to a true understanding of it. The vessel and the four persons, her captain, Libby, and mate, Ulrick, (who was the mate of Captain Driscoll on board of the brig Hope, now under trial in New York, and who confessed in my presence, on board of the Porpoise, that he accompanied Driscoll, by his own orders, on board of the Hope, and hoisted the United States colors on board of her after she was loaded with slaves on the coast of Africa,) and the captain and mate of the brig Kentucky, Douglass and Boyle, are still in the custody of the marine department of Brazil. My impression is that they are thus held at the request of some person or persons interested for the owners in the brig Porpoise, until the owner, Richardson, of Portland, Maine, can be heard from in respect to the vessel, and until these guilty persons can escape in some vessel bound to the United States. Douglass has a wife and family, he says, in Philadelphia, and Libby a family in Portland, Maine. If the vessel is abandoned here, the consul of the United States ought to claim her for the benefit of the United States under forfeiture, if she is condemned, and for the benefit of the owner, being a citizen of the United States, if she is not condemned. But I doubt whether, if she be abandoned, the government of Brazil would allow our consul to take her. The owner, however, will, I presume, order her to be

sold, and if so, she will probably be transferred to the Brazilian flag. In case she is, and she attempts to sail after due notice by our consul that the United States have already a claim of forfeiture upon her, I shall request Commodore Turner to seize her as soon as she passes outside the marine league. And the commodore has ordered the Bainbridge to cruize off and on fifty miles to the windward of Cape Frio, where she has been cruizing for the past week, to intercept vessels under the flag of the United States bound to Brazil from the coast of Africa, and to search vessels under our flag, bound home from this port, which may probably have on board Libby, Douglass, Ulrick, and Boyle. And in this attitude we shall stand until we receive full instructions from the government.

I beseech, I implore, the President of the United States to take a decided stand on this subject. You have no conception of the bold effrontery and the flagrant outrages of the African slave trade, and of the shameless manner in which its worst crimes are licensed here. And every patriot in our land would blush for our country did he know and see, as I do, how *our own citizens sail and sell our flag* to the uses and abuses of that accursed traffic, in almost open violation of our laws. We are a "bye word among nations"—the only people who can now fetch and carry any and every thing for the slave trade, without fear of English cruizers; and because we are the only people who can, are we to allow our proudest privilege to be perverted, and to pervert our own glorious flag into the *pirate's flag*—the slaver's protection—the Brazilian and Portuguese and Spanish passport to a criminal commerce against our own laws and the municipal laws of almost every civilized nation upon earth? In these violations of all laws, human and divine, is the imperial government to be permitted to encourage and to protect our own citizens and our own flag against the justice of our own penalties? If this be allowed, our flag will become the scorn of good, as it has become the evil instrument of bad, men. I have endeavored to prevent and arrest this course of crime, and to resent this insult to our national pride and honor, whilst compelled by the very necessities of the evil and its own great strength and influence to take strong measures, I have endeavored so to modify and moderate my action as to meet the entire approbation of my own government, and not to impair a single interest which it has at stake in its relations with this country.

Previous to this case of the Porpoise, I may flatter myself that I stood uncommonly well in the good graces of the imperial government, in the favor of its emperor, and ministers, and people; and I know not now that I have become at all obnoxious to any except those whose interest in the slave trade a good man in the faithful discharge of his official duty must at all times and by all means oppose. Certainly, the most distinguished of all classes for integrity and intelligence here, are with me in the stand I have taken *to prevent at all events the prosecution of the African slave trade by our flag and our citizens*. I have abstained from touching the subject except where our own laws, our own citizens, and our own

vessels are concerned. They surely should not be left to be controlled by the jurisdiction of Brazil. The trade between Africa and Brazil is almost the only trade of the world left in which our citizens and vessels can now violate our laws for the suppression of the foreign slave trade; and those laws must become wholly inoperative if the practices and pretensions of the Brazilian government are to be tolerated by the United States. I desire especially to have the approbation of my course by the President, expressed to this government; but, if the President cannot fully approve of the steps I have taken, modified as they are now, I beg that he will at all events address to the Imperial government a decided remonstrance against *its action*. I beg that he will allow *me to say* to it, that if Brazil will not prevent the merchant vessels of the United States from being employed by notorious slave traders in her ports, for the known uses and purposes of the African slave trade, in violation of the laws both of Brazil and the United States, that the United States will not submit to the protection by the imperial government of *their vessels and their citizens*, criminally chargeable with piracy under their laws for the suppression of that trade, after they have completed their unlawful voyages, consummated their crimes, and returned to the ports of Brazil. But that the United States will demand the criminals under their laws on board of their vessels, and will expect them to be delivered up. I beg also, that the President will call the attention of Congress to the glaring defects of our various laws for the suppression of the foreign slave trade. This case but too clearly illustrates some of those defects. The poor *foreign sailors* and our *own sailors* on board of the Porpoise for example, being of the "*crew or ship's company*," might under the act of 1820, be hung as pirates; whilst Paulo, the very agent of Fonseca and the chief culprit of all, pleading that he was *not* of the "*crew or ship's company*," but a mere *passenger* on board, might easily have escaped. Again, the acts ought in several of their parts to apply to all foreigners as well as to those who are "*resident in the United States*." And by all means, there ought to be a provision against *our own citizens*, resident abroad or at home, "*fitting out or equipping*," &c., &c., any vessel of the United States for the slave trade, or aiding or abetting therein, in *foreign ports*, as well as *in or from the ports of the United States*. And there ought to be a sweeping provision embracing *foreigners* anywhere residing, and *in any capacity on board of our vessels*, and embracing *our own citizens anywhere residing, in any capacity of owner, master, agent, consignee*, as to *chartering, selling, fitting out, &c., &c.*, or aiding and abetting therein. Vessels, also, of the United States ought not to be allowed to be sold at another place, *deliverable on the coast of Africa*; and they ought not to be allowed to take any kind or description of *cargo* there known to be for *the uses and trade of the slave factories* or dealers. And no vessel ought to be allowed to be sold or delivered on the coast of Africa *where there is no United States consul or commercial agent*. And our consuls and commercial agents should be given more full and complete powers of arrest and examination. They ought to be invested with more ple-

nary powers as justices or conservators of the peace and dignity of the United States, particularly on the coast of Africa and in Brazil, in respect to our own citizens on board of our vessels, in cases of violation by them of our laws. They ought to have power to demand of witnesses to testify, and penalties ought to be imposed on those witnesses who refuse, to be enforced in the United States upon their arrival there. Now, the consuls can take the testimony only of those who come forward voluntarily. In one word, our laws ought to be amended and extended in all their provisions touching the whole subject. My opinion of the law as it now stands, is to be seen fully explained in my letter of reply to Maxwell, Wright & Co., lately transmitted to the State Department. The Navy Department ought, immediately, to increase the number of *small* vessels of war on this station. *Two brigs* and *two schooners* are required to cruize constantly between Cape Frio and Cape St. Roque, touching at Victoria, Bahia, and Pernambuco. A frigate for this harbor, and a sloop of war and *brig* or schooner for the Platte river, interchanging and touching constantly at Santos and St. Catharine's. In other words, *four* small vessels, brigs or schooners, are required at once in addition to the force already here. The government may rely on it that the coast of Brazil requires more watching than the coast of Africa. The slave trade is undoubtedly on the increase.

I learn through Mr. Samo, one of the mixed commission of England and Brazil, that the number of slaves imported from Africa into Brazil during 1844, was at least 64,000. The night before the very day, the 3d inst., when Commodore Turner delivered up the Porpoise, 600 were marched across the land from Cape Frio to Praia Grande, just across the harbor of Rio de Janeiro. The *new* negroes are just as common in almost every Brazilian family able to purchase them as when the slave trade was lawful.

[Enclosures in Mr. Wise's despatch of the 18th February, 1845.]

HER MAJESTY'S SHIP ALFRED,
Rio de Janeiro, 30th January, 1845.

SIR: I do myself the honor to enclose you the extract from a letter addressed to me by the senior officer of her Majesty's ships and vessels off the port of Quellimane, detailing circumstances relative to the transactions of American citizens in that quarter, by which it appears they aid and assist those of Brazil, in contravening the treaty with Great Britain for the abolition of slavery.

I am, sir, your most obedient and humble servant,

J. B. PURVIS, *Commodore.*

To Commodore TURNER,
*Commanding the U. S. squadron
on the Brazil station.*

*Extract of a letter to Commodore Purvis from the senior officer off
Quellimane.*

“Our great difficulty here to contend with is the increasing illegal traffic carried on by American subjects; there has not been an American man-of-war on this side of the cape since the loss of the Concord, so that their subjects work with impunity. They sell their vessels at Rio (and I suppose must deliver the papers to the consul there.) The American crew, with a Brazilian crew also on board, navigate the vessel to a port on this coast, where she is given up to the Brazilians. This happened with the American brig Kentucky, which was delivered over at Inhambane about July last. The American crew are now on their way back to Rio in the American brigantine Porpoise, she having no cargo on board. If you can do anything to stop this by talking to the American commodore, it would do great good. The consul is answerable, I believe, that the vessel is sold for a legal voyage according to the United States law. Any further particulars you may want in this case, I do not doubt M. Azvedo can give you, as he was at Quellimane when the Porpoise sailed with the American crew on board.”

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 24, 1845.

SIR: On yesterday, the 23d instant, the brig Porpoise, a vessel of the United States, arrived from Quellimane, Africa, at this port. During the day a portion of her American crew gave information to Commodore Daniel Turner, in command of the naval forces of the United States on this station, that said brig had brought from Africa two negroes, in violation of the laws of the United States, and that the attempt would be made to smuggle them on shore during the night. The commodore immediately informed George W. Gordon, esq., consul of the United States, who immediately went on board the Porpoise, in company with the guarda mór of the port. With the consent of the latter, Commodore Turner, under the advice of the United States consul, placed a guard of marines from the United States frigate Raritan on board the brig, to remain until the proper authorities of Brazil could be apprised of the case.

This morning the undersigned waited, in company with the United States consul, upon your excellency, to inform you of the circumstances of the case—of the anxious desire upon the part of the United States authorities to avoid violating, in the least degree, the jurisdiction of Brazil, and to request that your excellency would cause the proper authorities of Brazil to seize the said vessel, and her officers and crew, and the said negroes, and all persons on board of the same, and to deliver them up to the custody of Commodore Daniel Turner, with the view that the consul of the United States may inquire and examine into the fact whether the laws of the United States for the suppression of the African slave trade have

been violated by the said persons, or either of them, and whether the said vessel has thereby been forfeited to the United States; and if so, with the view to send the said vessel and persons home to the United States for regular trial.

Your excellency was pleased to suggest that the undersigned should address you in writing, and to consent that, in the meantime, the guard of the United States marines might remain in charge and custody of the said brig. I accordingly address this note to your excellency, and repeat my requests of this morning, with the desire to pay the utmost respect to the territorial jurisdiction of Brazil. It is presumed that this vessel has committed no offence against the laws of Brazil, and that her offence, if any, is wholly against the laws of the United States. The undersigned trusts, therefore, that this United States vessel, and her officers and crew, and all persons on board of her, may be delivered up to the United States authorities, to be examined and tried by them for alleged offences against the laws of the United States. He claims this to be done under those parts of the treaty of the United States and Brazil, relating to peace and friendship, which are "permanently and perpetually binding on both powers."

With the assurances of the most perfect esteem, and of the highest consideration, the undersigned has the honor to remain your excellency's obedient servant,

HENRY A. WISE.

To his excellency, ERNESTO FERREIRA FRANCA,
 &c., &c., &c.

RIO DE JANEIRO, *January 25, 1845.*

SIR: M. França, the minister of foreign affairs, requested me yesterday to take back to you the letter which you had sent him concerning the brig Porpoise, and to ask you to erase the sentence in which he is said to have consented to the United States guard of marines remaining on board that vessel. He says that you misunderstood him—that he had supposed some arrangement had been made between Mr. Gordon and the guarda mór, and only intimated that he would not interfere with it until the minister of justice could act in the case; he himself having no authority to give such consent as is implied in your letter.

Very respectfully, your obedient servant,

ROBERT M. WALSH.

His excellency, HENRY A. WISE, &c., &c., &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 25, 1845.

SIR: Mr. Walsh, the secretary of this legation, has informed me this morning, that your excellency requested him yesterday to ask

me to omit, in the letter which I sent to your excellency yesterday, relating to the brig Porpoise, a certain passage which, he says, your excellency alleges contains a mistake; and he has brought to me the letter sent by your excellency, in order that I may make the correction desired. The undersigned has no wish, certainly, to proceed upon any mistake or misunderstanding, and he therefore begs leave to withdraw his letter of yesterday entirely, and that your excellency will consider it as never having been addressed to you, *with a view to more formal proceedings in the case.*

The undersigned begs leave to renew the assurances of the perfect esteem, and the high consideration with which he is your excellency's obedient servant,

HENRY A. WISE.

His excellency, ERNESTO FERREIRA FRANCA,
Minister and secretary of state, &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 26, 1845.

SIR: Mr. Gordon, the consul of the United States, communicated to me verbally the circumstances of the temporary seizure and detention of the brig Porpoise, of the United States, in this port. I immediately, on the 24th instant, had a personal interview with M. Franca, the secretary of state, &c., of Brazil; and on the same day visited the Porpoise and heard the oral statements of several of her crew, and Mr. Gordon has since proceeded to examine them under oath. From the information already obtained, and the proceedings yet to be had, I am induced to request—in case a demand shall be made of said vessel, or any of the persons on board the same, before Mr. Gordon can officially certify the evidence taken before him to me, and before I can obtain the answer of the department of state of Brazil thereupon—that you will not deliver up said vessel or persons; but excuse yourself upon the ground that the whole matter is still pending between the proper authorities of Brazil and the United States.

Very respectfully and truly, yours,

HENRY A. WISE.

To Commodore TURNER, &c., &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 28, 1845.

The undersigned, envoy extraordinary, &c., of the United States, has since his last personal interview with you, and since the withdrawal of his letter in relation to the brig Porpoise, been informed by the consul of the United States, Mr. Gordon, that he has taken the affidavits of sundry witnesses implicating the captain and crew of

said brig, and the captain and part of the crew of the American brig *Kentucky*, lately sold on the coast of Africa, who are now on board the *Porpoise*, and implicating also sundry persons, not citizens of the United States, now on board the said brig, the *Porpoise*, in the charge of violating the laws of the United States for the suppression of the foreign slave trade, and the offences under which in certain cases amount to piracy—the names of which persons are as yet not fully known to the undersigned. But by the evening of tomorrow the undersigned will, he hopes, be furnished by the United States consul with the names of all persons implicated in said offences, and with copies of the affidavits or depositions taken before him proving their guilt; and the undersigned will immediately furnish your excellency with those names and copies. And he now asks that your excellency will cause the proper authorities of Brazil to seize said brig, the *Porpoise*, and to arrest the said persons on board the same who may be implicated in the charge of felony and piracy against the laws of the United States, and to deliver the same into the custody of the officer in command of the naval forces of the United States on this station, in order that the vessel and persons may be sent to the United States—the former to be tried for a forfeiture, and the latter to be tried for the offence of felony or piracy under their laws.

The undersigned assures your excellency that there is every disposition to pay the most perfect and profound respect to the jurisdiction of Brazil, and, therefore, he asks the exertion of her authority to arrest these accused persons. In the meantime Commodore Turner, having detained them without violence, and with the consent of the guarda-mór, will do no act in violation of the jurisdiction of Brazil; and I beg that the police and other subordinate authorities will be restrained from attempting to seize said vessel or persons by force, and from taking them out of his present custody. It is expected merely to prevent their escape until your excellency decides.

The undersigned begs leave to renew the assurances of his most profound respect, and has the honor to be

Your obedient servant,

HENRY A. WISE.

To his excellency

ERNESTO FERREIRO FRANCA,
Minister of Foreign Affairs, &c., &c.

RIO DE JANEIRO,
January 28, 1845.

DEAR SIR: I write in great haste to say that the minister of foreign affairs has just called upon me in relation to the affair of the *Porpoise*. We have called on the minister of justice, and he has caused a message to be sent to the police withdrawing the Brazilian forces, if any, which have been sent to the *Porpoise*. This has been done with a view to an amicable and proper adjustment of the

question of jurisdiction by me with the minister of foreign affairs. In the meantime, I trust that you will avoid all occasion for the least violence on your part.

Yours, truly,

HENRY A. WISE.

Commodore D. TURNER,
Frigate Raritan.

UNITED STATES FRIGATE RARITAN,
Harbor of Rio de Janeiro,
January 28, 1845.

SIR: It is with great pleasure that I inform you that, when I arrived on board this frigate, this evening, about 8 o'clock, I found that Commodore Turner had, upon my suggestion contained in the note written during our personal interview, anticipated the object of my visit; which was, as you know, to request him to deliver up to the civil authorities of Brazil the passengers, foreigners to the United States, who were on board the brig Porpoise. He delivered them up to the civil authority between the hours of 6 o'clock and 7 o'clock, this evening. A list of their names is enclosed. From this ready manifestation of respect to the jurisdiction of Brazil and to your excellency's request, through me, he hopes he will now not be obstructed in his design to send the Porpoise, and the persons still remaining on board of her, home to the United States for trial and adjudication under their laws. The names of the persons accused of felony and piracy, the names of the witnesses, and the names of the two African boys to be liberated under the laws of the United States, will be furnished to your excellency in the course of to-morrow, together with three depositions already taken before the United States consul of witnesses who have volunteered their testimony.

With renewed assurances, &c., &c.,

HENRY A. WISE.

His excellency

ERNESTO FERREIRO FRANCA, &c., &c., &c.

A list of foreigners to the United States who were on board the "Porpoise" on the 28th of January, 1845, and who were delivered at the request of Mr. Wise, on the request of the civil authorities of Rio de Janeiro, by Commodore Turner, and were taken on shore by the officer bearing the request, between six and seven o'clock, p. m.:

Names.	Natives of	Age.	Joined the Porpoise at
Francisco Monteiro.....	Portugal.....	27	Rio de Janeiro, Feb. 12, 1844.
Francisco Alvas.....	Spain.....	23	" " " "
Antonio José Vieira Costa.....	Portugal.....	36	" " " "
Juan Antonio de Paulo Roderiguez	Rio de Janeiro.	30	" " " "
José Antonio Fernandez Polecarp..	Portugal.....	25	" " " "
Marquillo José de Compos.....	Pernambuco...	30	Quellimane, October 19, "
Bernardo José Coelho.....	Rio de Janeiro.	37	" " " 20, "
Francisco Antonio de Souza.....	Portugal.....	31	" " " "

UNITED STATES FRIGATE RARITAN,
Harbor of Rio de Janeiro, January 29, 1845.

SIR: At your request, I herewith furnish you a copy of the enclosed official report to me, in explanation of the second detention of certain passengers on board the Porpoise.

The officer, Lieutenant Shubrick, first in charge of that brig, permitted them to go on shore, in violation of my express orders, and they voluntarily returned on board the vessel, and were detained, as you see reported, by Acting Master Duer.

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

DANIEL TURNER,

Commanding U. S. squadron, Brazil station.

To his excellency HENRY A. WISE,

Minister plenipotentiary, &c., &c.,

at the court of Brazil.

BRIGANTINE PORPOISE,
Rio de Janeiro, January 29, 1845.

SIR: In obedience to your verbal order, I have the honor respectfully to communicate to you in what manner five of the passengers who arrived in this vessel from the coast of Africa, were detained on board by me on the 25th instant, after having been permitted to go on shore.

The first who came off to the vessel was Antonio José Vieira Costa, agent to Juan Antonio de Paulo Rodriguez. He asked permission to come on board, which was immediately granted. So soon as his foot was upon the deck, I caused him to be informed that he must remain on board until I could communicate with the captain of the United States frigate Raritan. I then ordered the

boat he came in to keep off at a distance from the vessel, and sent a letter to Captain Gregory, requesting him to inform me whether he wished all the passengers who had been permitted to go on shore, or only Juan Antonio de Paulo Rodriguez, the former supercargo of this brigantine, detained on board. His reply was an order to detain all of them. On receiving this answer, I informed Vieira that I had orders to keep him on board, and directed the crew of the boat in which he came not to remain within the vicinity of the brigantine. The next who came on board was Bernardo José Coelho, in company with an officer of customs. I likewise informed him that he must remain on board, and requested the custom-house officer to leave the vessel, which, after some hesitation, he did. Next came in one boat, also accompanied by an officer of customs, Juan Antonio de Paulo Rodriguez and Francisco Antonio de Souza. Signs were made to them by the Brazilians already on board, to keep off from the vessel or go ashore, which they did not seem to observe, but requested permission to come on board, which was granted. After having arrived at the gangway of the brigantine, and while the custom-house officer was coming over the side, with an order for the clothes of these two persons in his hand, they were made acquainted with what had transpired on board in relation to the other passengers, when the officer immediately returned to the boat, and they attempted to leave the vessel. A man belonging to the frigate Raritan got into the boat in which these persons came, and prevented her leaving the side of this brigantine, when the two passengers came on board. Lastly, José Antonio Fernandez Polecarp, a barber, who arrived alongside in a canoe, came on board, and was informed, as all the rest had been, that he must remain. The canoe was ordered off, and went on shore.

I take the liberty further to state, sir, that not one of the boats in which these people came off to the brigantine belonged to the government of this place, and but one of the officers of customs was in uniform.

I have the honor to be, &c.,

JOHN K. DUER,

Acting master, United States navy.

Commodore DANIEL TURNER, &c., &c., &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 29, 1845.

The undersigned has the honor to present to the imperial government a copy of the report to him of the United States consul, Mr. Gordon, of the affair of the Porpoise, with the list of names and copies of the depositions promised in his note of yesterday. And now, with sufficient of the case before him to judge of its own merits, and of the mode in which it has been conducted on the part of both Commodore Turner and of the authorities of Brazil; the undersigned most respectfully represents to your excellency that neither the vessel nor the persons now on board of her will be de-

livered up to any authority but that of the United States, with either his consent or approbation. It is still desired and urged that the consent of the imperial government shall be given to seize the vessel and her cargo and effects, and to arrest the persons remaining on board, and to send them out of this harbor to the United States for trial and adjudication. This is urged upon the grounds that the offences charged are of the highest grade against the United States; that they were committed partly within and partly without the jurisdiction of Brazil; that they were committed by the officers and crews of a vessel of the United States under their flag, which thereby became forfeited to the United States; that they are felonies under the laws of the United States, for which neither the vessel nor the persons can be tried in Brazil, and that the persons charged were caught flagrante delicto, and upon the ground that the general comity of nations, and particularly the amity stipulated by treaty perpetually to exist between Brazil and the United States and their citizens, requires that in such cases delivery shall be made to the proper authority demanding the same. If the peace and friendship perpetually binding on both the United States and Brazil does not mean this in part, it means nothing; and under the laws of the United States it is especially made the duty of the commanding officers of their armed vessels to seize and send home for trial vessels and their cargoes and their effects and of persons of a ship's company caught, as in this instance, in flagrant crimes of the character of that now denounced, *where-soever found*. If, therefore, the assent of the imperial government, which is again asked by the undersigned, because he is anxious to pay all due respect to the jurisdiction of Brazil, is refused in respect to the brig Porpoise, and to the ship's companies now remaining on board the same belonging to the flag of the United States, and in respect to the African boys who were two of the intended victims of the piracy charged in the case, the undersigned, regarding the refusal as an act highly offensive to the dignity and injurious to the interests of the United States, and wholly inconsistent with comity and perpetual peace and friendship, will not hesitate to counsel and advise Commodore Turner, under all the circumstances of the case, to detain the vessel and said persons, as he came into peaceable possession of them, and to send them home to the United States for trial and adjudication at all hazards. If force is to be exerted, it will not be first exerted by him, but must be exercised to deprive him of his peaceful custody. The circumstances which will fully justify this proceeding, without leaving it to be considered a doubtful trespass even of the United States against Brazil, are as follows:

For many years the merchant vessels of the United States have been openly and notoriously chartered and sold in the ports of Brazil, and particularly in this port, deliverable on the coast of Africa, for the uses and purposes of the foreign slave trade, in direct violation of the laws of the United States, which denounce that trade as felony and piracy, and in violation, too, of the laws of Brazil. This course of crime, perpetrated with impunity until

very lately, the United States have determined to arrest. One of the frequent frauds employed to introduce slaves from Africa into Brazil in vessels of the United States, is that of bringing them in as passengers, with pretended papers of emancipation from some Portuguese colonial authority. After this vessel, the Porpoise, arrived in this port, Commodore Turner, on Thursday, the 23d instant, early in the morning, seeing the flag of an American vessel, sent his ship's boat simply to hail the brig and to make the usual friendly inquiries. Whilst the boat was lying along side, and waiting for the visit of the guarda-mór of the harbor, a note, signed by three of the crew of the Porpoise, was dropped or thrown into it, directed to the commander of any United States vessel lying in port, and hastily warning him that the brig was a slaver, and had two slaves then on board just transported from Africa, who would, if not prevented, be smuggled on shore during the night. The commodore was duly informed of this, but abstained from any proceeding whatever, until he sent for the United States consul. When the consul arrived, he went, in company with a naval officer and boat's crew, to the Porpoise, and there met with the guarda-mór. That Brazilian officer, the guarda-mór, readily, at the request of the naval officer of the United States, through the consul, consented that a guard of United States marines might be placed on board the Porpoise until the proper authorities of Brazil should decide upon the application to deliver her up to the authorities of the United States. A guard, from on board the United States frigate Raritan, was accordingly, without the least violence, and with the consent of the only Brazilian officer present, and of the one in charge of the harbor, too, placed on board the vessel. This was necessarily done to prevent the immediate escape of the parties accused. On the evening of the same day, the consul of the United States made a verbal report of these proceedings to the undersigned, who, accompanied by his secretary of legation and the consul, called immediately at the house of your excellency. They called about 8 or 9 o'clock at night, on Thursday, the 23d instant, and your excellency was absent. The next morning at half past 8 o'clock, on Friday, the 24th instant, the undersigned, with his secretary and the United States consul, again called, and found your excellency at home. He then distinctly and fully informed your excellency of the occurrences on board the Porpoise; he told your excellency that Commodore Turner, with the consent of the guarda-mór, had placed a guard on board that vessel; that she was claimed as forfeited to the United States for violating their laws for the suppression of the slave trade; that two slaves were actually found on board, and that her officers and crew, and other persons on board, were accused of felony and piracy; and the undersigned earnestly requested your excellency to cause the proper authorities of Brazil to seize the said vessel and her cargo and effects, and all persons on board the same, and to deliver them up either to the United States consul or commodore, in order that they might send them to the United States for trial and adjudication. Your excellency replied that you could not at once decide,

but, if the undersigned would address you in writing, you would consider of the application.

The undersigned then distinctly submitted what should be done to detain the vessel and to prevent the escape of the accused persons in the meantime; and he understood your excellency to consent that the United States guard should remain in the vessel, or, at all events, that no objection would be made on your part to their remaining until your excellency should decide upon the application made for the exertion of the authority of Brazil. Thus understanding the facts of the interview, the undersigned so stated them in a letter which he immediately addressed to you on the same day. And on the same day, Friday the 24th instant, he visited the brig Porpoise. He had scarcely set his foot upon her deck before no less than some six or eight sailors belonging to the ship's companies of two United States vessels, the Porpoise and the Kentucky, came voluntarily forward and stated their anxious wish to make oath to the most atrocious guilt of several persons on board. Among these persons were several of the seven passengers released on yesterday. From their affidavits, as you will see in part from the depositions enclosed, the Porpoise, chartered by a certain Manoel Pinto Fonseca, of this city, with his agent on board in charge of her cargo and voyages, has from time to time for the last twelve or eighteen months been cruising from port to port in Africa, furnishing supplies of every description to slave factories established at different places in Africa at various times by this agent, a Mr. Paulo, by whom the two negroes on board the Porpoise were purchased in Africa, by whose order they were there branded as slaves, and who brought them in that vessel to this port. And it appears that in the course of the traffic of this vessel, not less than many hundreds of African negroes have been enslaved by this Paulo and transported to Brazil. This Paulo had with him a steward, named Francisco Monteiro, and a cook named Francisco Alvas, and a barber named José Antonio Fernandez Polecarp, and an agent named Antonio José Vieira Costa, all of whom joined the Porpoise at Rio de Janeiro on the 12th of February, 1844, and returned in her to this port. Besides these, the Porpoise brought in as passenger a person from Africa, named Bernardo José Coelho, who is alleged to have been the captain of a Brazilian slaver said to have been lately lost in the Mozambique channel, with about three hundred slaves on board, most of whom were drowned; and another person, named Francisco Antonio de Souza, a Portuguese, who is said to have commanded the brig Hope, formerly under the United States flag, and sold on the coast of Africa for the slave trade by an American captain named Driscoll, and which vessel brought one cargo of slaves into Brazil from Cabinda, and which, under the command of said Souza, on a second trip, was chased by a British man-of-war, and was lately run ashore and burnt on the east coast of Africa to avoid capture. Besides these foreigners to the United States, a Captain Douglass, a citizen of the United States, and a part of his crew, belonging to a brig named the Kentucky, under the flag of the United States, when she

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BLANK FRAME

was sold on the coast of Africa, for the uses and purposes of the slave trade; and the two African boys, named Pedro and Guillerme, who were purchased in Africa as slaves by said Paulo, came to this port on board the Porpoise. Finding this state of facts, the undersigned requested the consul of the United States to proceed forthwith to verify them by the voluntary affidavits of all persons on board who were willing to testify. On the morning of the 25th instant, the consul proceeded to the discharge of this duty. This had necessarily to be done in order to obtain the evidence in an authentic form upon which to base the application which the undersigned had already made to your excellency on the previous day.

On Saturday, the 25th, the secretary of legation of the United States, Mr. Walsh, addressed to the undersigned a note, saying your excellency had informed him that the undersigned had misunderstood you in the statement of his letter, that you had consented to the guard of United States marines remaining on board the Porpoise, and you had requested that the undersigned would withdraw that part of his letter; and saying that you had only made no objection to the guard. The undersigned immediately withdrew the whole letter, without admitting that there was any mistake, and notified your excellency that he did so, "*with a view to a more formal proceeding.*" That formal proceeding was to await the evidence taken and to be taken before the United States consul, and to base another written application upon that evidence when furnished, leaving the verbal notice of the application still pending. Thus stood the case until yesterday, Tuesday the 23th instant. During this whole time, no complaint was made, either to Commodore Turner or to the United States consul, or to the undersigned, of any alleged violation of the jurisdiction of Brazil. The marine guard of the United States had been placed on board peaceably and with the consent of the guarda-mór. Your excellency, the next morning, was notified by the undersigned of the fact, and certainly made no objection to it, and the undersigned understood you as assenting to it. And yet it seems, without notice of any kind to the undersigned, or to Commodore Turner, or to the United States consul, and without a request of the civil authority to either, an armed force was yesterday sent to take forcible possession of the Porpoise and of all the persons and effects on board of her. This course of proceeding is regarded both by Commodore Turner and by the undersigned as highly improper, and as wholly inconsistent with the pending of the application to the imperial government by the undersigned for the exercise of its authority to deliver persons accused of piracy, to a friendly power claiming the comity of nations and of a permanent friendship stipulated by treaty, and as not only not justified by, but not reconcilable with the previous proceedings in the case. The first notice of this force to the undersigned was late yesterday evening, when your excellency called upon him in person. You stated that this force had been ordered to remove the United States guard, and to release the Porpoise and all on board. The undersigned warned your excellency, that under

the circumstances of this case, and without a proper decision by your excellency of the application of the United States, and without a peaceful notice and request to Commodore Turner, he would resist force by force. The undersigned then accompanied your excellency, at your request, to the office of the minister of justice. After conversation with his excellency the minister of justice, and after he had caused an order to be sent to the police withdrawing the Brazilian force, the undersigned, at the request of your excellency, and in your presence, addressed the letter to Commodore Turner, a copy of which is enclosed. Lest a collision might occur, notwithstanding this note, the undersigned went in person on board the frigate Raritan, about 8 o'clock last night, with a view to request the Commodore to deliver up the Brazilian and other passengers, except the two African negroes and the captains and crews belonging to the United States, to a sub-delegado who was sent in company with the undersigned to take them into custody, under charge of violating the laws of Brazil. When the undersigned arrived on board the frigate, he found that his note to Commodore Turner had caused him previously to release those persons to the civil authority of the port, after the Brazilian officer had withdrawn all armed force. Of this the undersigned informed your excellency by his note last night, sent by the sub-delegado.

The undersigned will transmit to your excellency a third deposition in the case to-day or to-morrow, and the other proofs as soon as they are completed by the consul of the United States. He also sends an official report of the manner in which some of the persons released on yesterday were detained on board the Porpoise, after having been permitted once to go on shore by a subordinate officer, in disobedience of the express orders of his superior officers, and after coming back voluntarily on board of that vessel. As those persons are now released, and by the courtesy of Commodore Turner out of respect to the authority of Brazil, it is presumed that this explanation and their release will fully satisfy that part of the case. And as to the part of the case which involves the vessel and the persons remaining with her in the custody of Commodore Turner, the undersigned most respectfully submits that it shall remain where it is, in the position where it is placed by the letter of the undersigned to Commodore Turner, and by this communication. The undersigned, of course, no longer demands the arrest and delivery to the authorities of the United States of the persons who were released yesterday; but now insists only on being allowed to announce to Commodore Turner that he may, with the consent of the imperial government, send the Porpoise and all the persons still remaining with her to the United States, to be proceeded against under their laws.

The undersigned avails himself, &c., &c.,

HENRY A. WISE.

His excellency, ERNESTO FERREIRA FRANCA,
&c., &c., &c.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, January 28, 1845.

SIR: In the course of the night preceding the 23d instant, the American merchant brig Porpoise, Cyrus Libby, master, belonging to Brunswick, in the State of Maine, arrived at this port from Quellimane, on the east coast of Africa.

Early on the following morning, Commodore Turner sent to me at my residence a letter, addressed "to the commander of any vessel of the United States navy lying at the port of Rio de Janeiro," dated "Brig Porpoise," and stating that "there were two slaves on board that vessel," &c. A certified copy of this letter is enclosed herewith, marked A.

This letter was voluntarily communicated to Commodore Turner, and is signed by three of the crew of the Porpoise, and by one of the crew of the brig Kentucky, (formerly an American vessel,) who, with her master, were passengers on board the former vessel, the latter having recently been sold and delivered on the coast of Africa. These persons have since acknowledged the authenticity of the note.

On receipt of this information, I immediately went on board the frigate Raritan, previous to which, Commodore Turner had despatched a boat with an officer near where the Porpoise lay, and on my arrival he despatched another boat, with an officer and guard of marines, who, accompanied by me, proceeded near to the Porpoise, and there both boats awaited the arrival of the guard-mor.

On the arrival of that officer to visit the brig, by arrangement made by me with him, and with his consent, said officer and guard of marines entered on board of said vessel, to remain until she should have received her official visit from the officers of the custom-house, and until official communication could be had through your excellency with the proper authorities of Brazil.

On the evening of the same day I called upon you, and verbally communicated the foregoing information, and on the following morning accompanied you to the residence of his excellency, M. França, minister and secretary of state for foreign affairs of Brazil, when, as I understand, an arrangement was made with M. França that matters should be allowed to remain as they were until more formal and written communication should be had and decided upon between you and this government.

The visit was made to the Porpoise from the custom-house on the 24th instant; subsequently to which, and during that day, the Porpoise passed up, and was anchored near to the frigate Raritan, where she now lies in charge of the officer and guard aforesaid. On this same day, the 24th instant, a statement was handed to Captain Gregory, of the frigate Raritan, signed by the second mate and two of the crew of the Kentucky; a certified copy of which is herewith enclosed, marked B.

The ship's company of the Porpoise at the time she was thus boarded, consisted of Captain Cyrus Libby, his two mates, four

seamen, and a boy; and there were on board of her, also, Captain George N. Douglass, his two mates, and two seamen, late of the brig Kentucky, ten other persons, and the two colored persons represented to be slaves. Lists of all these persons are herewith enclosed, marked C, and D, and E.

During the forenoon of the 24th instant, seven of the persons named in the list marked E, to wit: Captain Paulo, Senor Vieira, Captain Bernardo, Captain Souza, Senor Coelho, Captain Laurens, and Senor Tavares, were permitted to go on shore by the officer in command of the guard, contrary to orders given him, it being the object of Commodore Turner, as I understood, that everything should remain on board the brig as when the guard went on board of her, until he should learn the wishes of this government through your excellency. On the 25th instant, five of the persons who went on shore, as I have stated, returned of their own accord to the brig, and being on board, were detained by the officer then in command of the guard. The two other persons, Captain Laurens and M. Tavares, remained on shore.

In addition to the foregoing statement of facts, I have the honor to place in your hands, herewith, certificate copies, under the seal of this consulate, of the depositions voluntarily made before me by John F. Paine and John Williams, two of the crew of the brig Porpoise, describing the entire voyage of that vessel, and giving many facts in regard to the brig Kentucky, showing that both vessels have been directly engaged in the slave trade on the coast of Africa, and that they were thus employed under charter to Senor Manoel Pinto da Fonseca of this city, and under the direction of his agents, Senors Paulo, Vieira and others.

I have also, in a brief and informal manner, examined most of the other Americans on board the Porpoise, and from them obtained information fully corroborating the testimony of these two witnesses. I shall forthwith proceed to examine more fully such of them as will voluntarily depose, and copies of their depositions, when obtained, shall be immediately communicated to you.

Upon these depositions, and other evidence, Commodore Turner proposed to seize this vessel, (the Porpoise,) her cargo and effects, and her officers and crew, also the American officers and crew of the brig Kentucky now on board the Porpoise, who are implicated in the charge of violating the laws of the United States for the suppression of the African slave trade, and to send the said vessel and the said persons home for trial in the courts of the United States; and through me, he submits to you to take the steps necessary in this case to pay all due respect to the jurisdiction of Brazil.

I have the honor to be, &c., &c.,
 GEORGE WM. GORDON,
Consul United States.

His Excellency H. A. WISE, &c., &c., &c.

A.

BRIG PORPOISE, *January.*

SIR: There is two slaves on board, and we expect they will be taken out at night and smuggled on shore, as their passports are false.

JOHN F. PAINE,
his
WILLIAM + PATTERSON,
mark.
MARK A. TANNER,
PETER P. JOHNSON.

To the COMMANDER
*of any vessel of the United States navy
lying at the port of Rio de Janeiro.*

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original.

[SEAL.] Given under my hand and seal of office, this 29th day of
January, 1845.

GEO. W. GORDON, *
Consul United States.

B.

*Proceedings of the brig Kentucky from Rio de Janeiro to the coast
of Africa, G. H. Douglass, commander.*

Commenced loading about the middle of March, such as filling water, &c.; on the 25th, 2 pipes of irons, 100 pipes of rum and water, with some other freight, for the purpose of carrying slaves. We tried to get news to the consul, but was not allowed. The 30th, being loaded, and the Portuguese passengers on board, 20 in number, we sailed, they being below until we was clear of the fort. These passengers were the captain, mate, and crew, for the purpose of bring the vessel back. The second day the despatches were opened, and orders were to go to Lorenzo Marks, east coast of Africa. The Portuguese crew was divided and set to work, the same as the rest of us—such as making sails, fitting rigging, &c.

We arrived at Imae, twenty miles, or about that, below Lorenzo Marks, after a passage of forty-eight days. Orders was given to report bound to Mozambique, but put in for wood and water. Another brig arrived the same day; it was the Brazilian brig Seventeenth of March, a slaver.

At Lorenzo Marks found the brig Porpoise waiting orders, the consignee being agent for the three. We sailed for the port of Inhambane in company with the Porpoise. In the river of Inhambane, some of the freight was taken on board the Porpoise—such as beef, pork, bales of cloth, boxes of guns, &c.—then went up to town. The twelfth of June, the brig was delivered up to the Portuguese, when all hands, except the mate, went on board the Porpoise—the captain with his papers, and we with our clothes—leaving the Portuguese in charge. On the 22d of June, Patterson, steward, and a seaman was taken on shore. The steward was reported a slave, taken to the fort, flogged with rattans, eighty-six lashes, then put in the fort and locked up with the seaman; he asked for something for his back, which was refused him.

On the 8th of July, a Portuguese gun brig came up, and the captain went on board the Kentucky to protect her with his papers and colors; he tried to hire us, but we refused to go. He hoisted the American ensign while the brig lay in port; at that time there was slaves on board. The captain tried to drive the seaman on shore two or three times; he said there was no provisions on board for him, until, at length, he went on board of the Kentucky, rather than go on shore, as he did not like to be a soldier—William Page by name.

The Kentucky sailed for Brazil, September 9, with five hundred and thirty slaves.

his
WILLIAM X PATTERSON,
mark.
HANS HANSEN, 2d Officer,
JOHN MULLER.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original.

[L. s.] Given under my hand and seal of office this twenty-ninth day of January, 1845.

GEORGE WM. GORDON,
Consul U. S. A.

C.

Officers and crew of brig Porpoise.

Names and grade.	Native of—	Age.	Joined the Porpoise at—
		Years.	
Cyrus Libby, captain	Scarboro', Maine	40	New York, Nov. 13, 1842.
John Ulrick, mate	Portland, Maine	25	Rio de Janeiro, Feb. 1, 1843.
Chas. Hendrick, seaman	Gottenburg	33	do Jan. 7, 1844.
John Williams, do	Hereensand, Sweden	23	do July 1, 1843.
John F. Paine, do	Providence, R. I.	25	do Feb. 4, 1844.
Mark Tanner, do	Bristol, R. I.	24	do July, 1843.
Peter P. Johnson, do	Kingston, N. Y.	30	do Jan. 20, '44.
Lazarus de Ramos, boy	Island St. Thomas	13	Island St. Thomas, Mar., '43.

D.

Late officers and crew of brig Kentucky.

Names and grade.	Native of—	Age.	Joined the Porpoise at—
		Years.	
George H. Douglass, captain	Richmond, Va.	38	Inhambane, Africa, June 12, 1844.
Thos. H. Boyie, mate	Boston, Mass.	23	Inhambane, Africa, Sept. 5, 1844.
John Muller, seaman	Hanover, Germany	23	Inhambane, Africa, June 12, 1844.
Hans Hansen, do	Copenhagen	24	do do
Wm. Patterson, do	Boston, Mass.	24	do do

E.

Other persons.

Names.	Native of—	Age.	Joined the Porpoise at—
		Years.	
Ioao Antonio de Paulo Rodriguez.	Rio de Janeiro	30	Rio de Janeiro, Feb. 12, 1844.
Antonio José Vieira Costa	Portugal	36	do do
Francisco Monteiro	do	27	do do
Francisco Alves	Spain	23	do do
Francisco Antonio de Souza	Portugal	31	Quellimane, October 20, 1844.
Bernardo José Coelho	Rio Grande	37	do do
Marquillo José de Campos	Pernambuco	30	Quellimane, October 19, 1844.
José Anto. Fernandez Polycarpo	Portugal	25	Rio de Janeiro, Feb. 12, 1844.
Captain Laurens			Coast of Africa.
Snr. Favares	Italy		do
Represented to be slaves.			
Pedro, (boy)	Inhambane		Lorenzo Marks, Dec. 8, 1844.
Guilherme, (boy)	Quellimane		Inhambane, October 4, 1844.

PALACE OF RIO DE JANEIRO,
28th of January, 1845.

The undersigned, of the council of his Majesty the Emperor, minister and secretary of state for foreign affairs, no sooner received the note directed to him under this date by Mr. Henry A. Wise, envoy, &c., &c., relative to the occurrences that had taken place in regard to the American merchant brigantine Porpoise, arrived from the coast of Africa, and the individuals found on board of her, than he communicated it forthwith to the minister of justice; and after his reply, he will have to address Mr. Wise anew. It is, however, the duty of the undersigned to declare at once to Mr. Wise that, it being incompatible with the sovereign rights of the country that acts of jurisdiction should be exercised within its territory by foreign authorities, the undersigned hopes the vessel and individuals will be released without delay from the illegal detention in which they are held, which could not, under any pretext, occur within this port without a manifest violation of the principles of international right.

The undersigned, feeling assured that Mr. Wise will not hesitate to interpose efficiently to satisfy a demand so just, and so conformable to the harmony which exists between the two countries, avails himself of the occasion to repeat to him the expressions of his perfect esteem and distinguished consideration.

ERNESTO FERREIRA FRANCA.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 29, 1845.

SIR: At 7 o'clock p. m., of this day, your excellency's note of the 28th instant, was received. I found it at my house after returning from on board the United States frigate Raritan, where I remained the night previous.

Your excellency's note, which must have been written immediately after I parted with you in person about the hour of 7 o'clock, p. m., on the 28th, informs me that the request of the United States for the extradition of the Porpoise and persons now remaining on board of her, is pending before the minister of justice; and yet your excellency in the mean time requires their release from a peaceable detention which alone can make extradition practicable in case it be granted.

In answer to an application from me, made immediately on the morning of the 24th, repeated on the 25th, and urged personally and in writing again on the 28th, for *Brazil to exercise her own jurisdiction within her own limits*, by seizing this vessel and arresting these persons, and delivering them up to justice and laws of the United States, to be tried for offences of the highest grade which are not triable in Brazil; your excellency is pleased to declare "that it is incompatible with the sovereign rights of the country that acts of jurisdiction should be exercised within the territory by *foreign authorities*." No authorities of the United States claim

to exercise "acts of jurisdiction" within the territory of Brazil; and they positively deny the fact of either attempting or actually doing any such thing. On the contrary, they are now calling upon the *Brazilian authorities* to exercise *their* undoubted, and undisputed, and exclusive power of seizure and arrest, in comity to a friendly nation, the ends of whose justice, it is freely admitted, cannot be reached without the aid of the sovereign power of the imperial government within its jurisdiction. The United States asks *Brazil to exercise her own jurisdiction*; the reply is, that "acts of jurisdiction" by *foreign authorities* within her territory "are incompatible with the sovereign rights of the country." The United States naval authorities obtain peaceable custody of an American vessel and American citizens, and other persons under the American flag, accused of felony and piracy under their country's laws, with evidence under oath and affidavit, sufficient for arrest in any country where it can be made, with the consent of the Brazilian officer of the port; and *they ask Brazil to make the seizure and arrest for them*, and to deliver the vessels and persons accused up to them to be sent home for trial and adjudication; and your excellency's reply is—not whether Brazil will or will not exercise of herself her own power to seize, arrest and deliver up, but that you "*hope the vessel and individuals also may, without delay, be released from the illegal detention in which they are held,*" and that the peaceable detention of the United States own vessel and own citizens, merely until your excellency will decide the true issue of extradition, "is a manifest violation of the principles of international right."!! I am constrained to say that I cannot interpose "to satisfy a demand" of this character. I admit neither its justice nor its consistency with a good understanding between the two countries. I protest that the United States naval forces shall not be forced into the false attitude, against their true intent and repeated disclaimers through me, of violating the jurisdiction of Brazil, whose sovereignty they are determined to respect, and whose peaceful independence they would be the last to invade. When your excellency has deliberately examined the application which I have made, and the consul's report and the evidence which I furnished in my letter of to-day, (without knowing that your excellency's note of the 28th instant was awaiting my arrival at my house;) and when you have decided the true issue involved in the case, the question of extradition, I will then determine how far and in what respect to interpose again with Commodore Turner. I have interposed once, at your excellency's request, and caused the release of seven persons, and, to say the least of it, I did not expect that my interposition would be followed so hastily by this "*demand*" for the release and escape of persons denounced to you by me as pirates. I leave it to your excellency to reconsider this demand. In the present posture, I shall leave Commodore Turner, over whom I have no official control, to discharge his duty to his country's laws, to maintain and defend the custody of this vessel and the persons on board of her, which he has peaceably and with the consent obtained. I cannot believe, until your excel-

lency so informs me, that the imperial government will refuse an act of national comity to the United States, and thereby shelter under its jurisdiction their vessels and citizens in its limits, accused in legal form under oath of piracy and other crimes of the highest grade, or that it will refuse to protect the naval forces of the United States in ports of Brazil in supporting the laws and the regulations of the friendly power to which they belong. In the worst aspect of the case, Commodore Turner would have committed but a slight trespass under the laws of nations if he had detained this vessel and the persons, flagrante delicto, without even the consent of the guarda-mór, merely to prevent their escape until the United States could make application for their extradition, and until it was decided upon. But coming into the peaceable custody of them by the consent of the guarda-mór of the port, he will hardly be held responsible for the slightest trespass at all, on account of this detention, if the imperial government insists upon demanding their release, whilst it refuses or fails to decide upon the question of their extradition. Your excellency does not propose to hold the vessel and these persons in the custody of the Brazilian police, even, until the question of their extradition be decided. But, without deciding, or before deciding that point, you unconditionally require their release. The release first obtained, the extradition then would be impossible, because the accused persons would then be non est inventus.

The demand of the release is, therefore, nothing less in effect than a demand for their escape from the laws of the United States. It would be a mockery of national comity and justice; first, to release these persons and to allow them to escape beyond the finding of the Brazilian police even, and then to decide that they should be delivered over to national justice after being placed where they can elude its grasp. No; the commander of the United States naval forces having them, without violence to Brazil, in his keeping for the present, chooses simply to take the responsibility to his own government of seeing *that they shall be found* when Brazil chooses to exert *her* sole and exclusive power in her own limits to arrest and deliver them up to the authorities of the United States. This detention is thus far fully justified by me. How much farther it may be carried, inasmuch as it was peaceable in its inception and of persons "flagrante delicto," in case Brazil shall refuse to do the act of comity asked for, it is not for me to say until she shall so refuse. I will not anticipate that she will refuse to obey the dictates of national law towards the power most friendly to her of any upon earth; and, in case she does arrest and deliver up this vessel and these persons in that spirit of good faith and good feeling which, I trust, will ever characterize her relations with the United States, and which it is so much the interest of both nations and of the world for them both to cherish, I will then most cheerfully do all in my power to make full and ample atonement, whether any be required or not, for the slightest trespass on her jurisdiction, or for any seeming disrespect to her acknowledged absolute sovereignty within her own territorial limits. Your excellency

may rest assured that the authorities of the United States will ever be the last to offer any intentional indignity or slight even to Brazil, and that they will be the first to repair any wrong to her, if any be done by them either from inadvertence, or from the unavoidable necessity of any case. The absolute necessity of preventing escape in this case justifies the conclusion to which I am compelled to come:—*not to advise Commodore Turner to release this vessel and these persons until I can be authorized to inform him that they will, immediately upon their release, be delivered up to him again by the authorities of Brazil.*

With renewed assurances of the highest consideration and esteem, I am, sir, your obedient servant,

HENRY A. WISE.

His Excellency ERNESTO FERREIRA FRANÇA,
&c., &c., &c.

[Translation.]

DEPARTMENT OF STATE,
January 30, 1845.

E. F. França presents his best compliments to Mr. H. A. Wise, envoy, &c., &c., and has the honor to inform him that the minister of justice being kept in the Senate this morning, the conference promised to Mr. Wise will take place this evening at 6 o'clock.

E. F. França avails himself of this occasion, &c., &c., &c.

RIO DE JANEIRO,
January 30, 1845.

MY DEAR SIR: I found a letter from M. França, dated the 28th, and written before he received mine of yesterday, last night about 7 o'clock. It informed me that he has not yet decided the question whether he will deliver the vessel, &c. It is still pending before the minister of justice; but in the meantime he demands of me to release her from detention until he does decide that question. This I have refused to do upon a full argument, a copy of which I will furnish to you. My reply was hardly finished before he visited me, between 9 and 10 o'clock last night, in person. He informed me that he had just received my letter of yesterday from on board the Raritan, and he was evidently alarmed. He begged to know whether you would attempt to send the vessel out of the harbor without a permit. I pledged that you would not by any means make such an attempt, and thought of no such thing in the present aspect of the case; that great wrong would have to be committed on the part of Brazil to drive you to that course. He then said that orders had been given not to allow her to clear the port without a permit. I told him they were unnecessary. After further

discussion he requested me to meet him at the minister's of justice at 1 p. m. to-day. I attended at 1 o'clock and he was still in the Senate, and he sent a message to meet him at 5 o'clock, p. m. I have written a proposition which will be my ultimatum. I will propose to him: "1st, That the imperial government will issue an order to its own civil police, without arms, to request Commodore Turner, in command, &c., to release to the custody of one of its own officers the U. S. merchant brig Porpoise, and all persons, &c., still remaining who came on board of her to this port from Africa; and that in the *same order*, the said officers of the civil police of Brazil shall be directed to deliver up *immediately* the said brig and the said persons to Commodore Turner, to be by him sent to the United States, to be dealt with according to their laws, and thereupon Commodore Turner shall first release, and the said police officer shall so, *immediately thereafter*, deliver up the said brig and the said persons.

"2d. The United States will make all proper reparation for any illegal detention, if any, of said brig and persons, by the United States authorities, in the port or harbor of Rio de Janeiro, up to the time of their release by Commodore Turner aforesaid."

Such are my propositions, and I will consent to nothing materially varying from them; and if the imperial government is disposed to do right they will readily accept them. But the slave traders have too much influence at this court to expect that these will be accepted. Manuel Pinto da Fonseca is said to be actually engaged to be married to a daughter of one of the ministers, and he is also the intimate friend of the most influential person in the government, a Mr. Paulo Barbosa. The determination not to allow these heartless slave dealers and pirates to wield the national sovereignty of Brazil over the laws of the United States, in respect to their own vessels and citizens, will nerve me to go the full extent of measures which your custody of this vessel &c., peaceably acquired, will justify. I have just received a note saying 6 o'clock, p. m., for the conference with M. França.

Very truly, your friend and servant,

HENRY A. WISE.

To Commodore TURNER,
&c., &c., &c.

At the interview of Mr. Wise with M. França, at the house of the minister of justice, at 6 o'clock, p. m., January 30th, 1845, by appointment—

1st. Mr. Wise proposes that the imperial government will issue an order to its own civil police, without arms, to request Commodore Turner, in command of the United States naval forces on this station, to release to the custody of one of its own officers the United States merchant brig Porpoise, and persons now remaining attached to the said brig who came on board of her to this port from the coast of Africa; and that, in the same order, the said offi-

cer of the civil police of Brazil shall be directed to deliver up immediately the said brig and the said persons to Commodore Turner, to be by him sent to the United States, there to be dealt with according to their laws. And, thereupon, Commodore Turner shall first release, and the said police officer shall so immediately thereafter deliver up, the said brig and the said persons.

2d. The United States will make all proper reparation for any illegal detention, if any, of said brig and persons by the United States authorities in the port or harbor of Rio de Janeiro, up to the time of their release by Commodore Turner as aforesaid.

Mr. Wise having made certain propositions for the adjustment of the affair of the Porpoise, last evening, which were declined, and being desirous to do everything on the part of the United States to manifest the most perfect respect to the sovereign rights of Brazil, again proposes:

1st. That, inasmuch as Commodore Turner placed a guard on board the Porpoise with the consent of the guarda-mór of the port, and the Commodore thought that he, the guarda-mór, had authority to give such consent—and inasmuch as he was informed that the full consent of the Brazilian authorities was given for the detention of that vessel, &c., by him until a then pending question of extradition should be decided by M. França—no complaint whatever shall be made of Commodore Turner for placing said vessel, &c., under guard, or for detaining the same.

2d. That, upon the information of M. França to Mr. Wise, that the guarda-mór had no authority so to consent, and that the information that the full consent of the Brazilian authorities had been obtained was a mistake, and upon the withdrawal by M. França of all consent given by the guarda-mór for the detention of that vessel, &c., by Commodore Turner, he, Commodore Turner, will deliver up said vessel, &c., to the civil authority of Brazil, upon a proper demand for the same being made to him through Mr. Wise by M. França.

3d. The persons accused of felony and piracy under the laws of the United States belonging to said vessel, and the vessel herself, shall be taken into the custody of the proper authorities of Brazil, and be held in custody, and not be released under any pretext whatever, until the imperial government shall decide upon the application by Mr. Wise for their extradition, and until such decision be made known to him. And, if the decision be in favor of their extradition, then they shall be delivered up immediately from the custody of Brazil to that of the United States authorities in this port.

4th. All the other persons, and especially the two African boys, and the United States citizens and other persons shipped under the flag of the United States, who are not accused of crime, or who are voluntary witnesses and informers, shall be allowed to go on board the United States vessels of war to go to the United States or elsewhere, as they please, after their release by Commodore Turner.

5th. The United States consul shall identify the persons, and specify their names, who are accused of crimes against the laws of

the United States, and who are to be held in the custody of Brazil until their extradition be decided as aforesaid; and shall name the persons who are not accused and who are to be set at liberty as aforesaid. And this shall be done before they are released from the detention by Commodore Turner.

NOTE.—This is offered as a projet of a proposition to be officially submitted as soon as M. França shall officially notify Mr. Wise of the facts under its second head.

[Translation.]

PALACE OF RIO DE JANEIRO,
February 1, 1845.

The undersigned, &c., &c., has the honor to transmit to Mr. Wise, &c., &c., the two documents enclosed, (copies,) received from the minister of justice; the first, containing the note addressed to the desembargador (chief of police) of the court by the visiting secretary, Amphiloquio Nunes Peres, relative to the American merchant brig schooner "Porpoise," arrived from Quellimane; and the second, the communication addressed to the said visiting secretary by the above mentioned desembargador, chief of police.

The undersigned deems it unnecessary to enter now upon an analysis of the whole proceeding of the American authorities, in relation to the brig schooner Porpoise and the persons on board of her; but calling the attention of Mr. Wise to the precise terms of the permission to which reference is made in the first document, and to which those authorities had recourse, to the incompetence of the person who granted it, to the reproof of the chief of police as soon as his subordinate had communicated it to him, and, above all, to the constant declaration of the imperial government that such permission was of no account or use, and was null from the beginning—the undersigned hopes that there will be no delay in satisfying the just and indispensable reclamation in the note which the undersigned has already had the honor of addressing to Mr. Wise upon this subject, under date of the 28th of last month.

The undersigned renews, &c., &c., &c.

ERNESTO FERREIRA FRANCA.

[Translation.]

"SECRETARIA" OF THE COURT POLICE,
January 24, 1845.

In reply to the note of the visiting secretary, which he addressed to me under date of the 23d instant, received after seven o'clock, in the evening, in which he informs me of the arrival of the American brig schooner Porpoise from Quellimane, and the arrangement

with the American consul by which an officer and five men of the frigate *Raritan* were allowed to remain on board of her, in order to prevent any one from escaping during the night, I have to declare to him that his conduct was irregular; because, the aforesaid American brig *Porpoise* having placed itself under the Brazilian batteries, it belongs to the Brazilian authorities to discharge the police duty of the port; and they do not need any foreign aid, the Brazilian nation being strong enough to execute its own police regulations, and give protection not only to its own citizens but to those of friendly countries. And when the American consul, who belongs to an enlightened nation, wishes any extraordinary interposition, he should have recourse to diplomatic channels.

I have this day communicated to the department of justice the note of the visiting secretary of the 23d instant, and I await the answer of that department.

JOAQUIM JOSE MOREIRA MAIA.

LISBOA, *Conforme*.

[Translation.]

VILLEGAGNON, *January 23, 1845.*

MOST ILLUSTRIOUS AND EXCELLENT SIR: An American brig schooner, named the *Porpoise*, having entered to-day from *Quellimane*, I sent for the sub-delegado of the first district of *St. Ritta*, in accordance with existing regulations, to take cognizance of the fact. Meanwhile the consul of that nation called on me, and intimated that he wished to take possession of the said vessel and her crew, in order to verify suspicions of criminality against her (of being engaged in the traffic of slaves) of which denunciation had been made to him. I replied to him that I could not comply with his wish, as the vessel was already in the hands of the police of the country and under its authority; but that, probably, in one or two days she would be free, and then he might take whatever steps he deemed requisite. He acknowledged, with the greatest urbanity and delicacy, the justness of what I said, and requested me to consent that in the interim he might keep an officer and four or five men of the frigate *Raritan* on board the *Porpoise*, to prevent any one from escaping during the night. Seeing no impropriety in this, and wishing to show him that we also are greatly interested in co-operating in the discovery of criminals, of whatever nation they may be, I promptly acceded to his request. In the meanwhile, I do not know that I did right, and in order that I may not err for the future, I beg your excellency to give me the necessary directions, and excuse me if I have already committed a mistake. God preserve your excellency.

AMPHILOQUIO NUNES PERES,

Secretario da Visita.

Ill. and Ex. Sr. DEXR. NICOLAO DA SIBRA LISBOA,
D. Chief of the Court Police.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 1, 1845.

The undersigned, envoy extraordinary and minister plenipotentiary, &c., of the United States, has the honor to enclose another deposition, sent to him by the United States consul, relating to the question of the extradition of the brig Porpoise and the persons now remaining on board of her, which, together with others yet to be furnished, he hopes will be duly considered by your excellency before deciding upon the case.

The undersigned will reply to your excellency's note of this date, enclosing certain papers communicated by his excellency, the minister of justice, in the course of to-morrow. And he trusts that his reply will be such as to adjust the affair of the Porpoise, so far as relates to her *detention* by Commodore Turner, in a way equally satisfactory to both the United States and Brazil.

With renewed assurances of the highest consideration, the undersigned has the honor to be, your excellency's obedient servant,
 HENRY A. WISE.

To his Excellency ERNESTO FERREIRO FRANCA,
Minister and Secretary of State, &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 1, 1845—5 o'clock, p. m.

SIR: In reply to your excellency's note of to-day I have to say, that I must insist upon the statement of facts as contained in my notes to your excellency of the 29th ultimo, in relation to the consent which was given to place a United States' guard on board of the Porpoise. And the minister, and consul, and commodore of the United States, in this instance, did all and omitted nothing, which ought to have been done or been omitted by officers of the most enlightened governments most friendly to Brazil. But, seeing that the papers which you enclose, admit at all events that consent in some form was given; and understanding from your excellency that consent in every form has been withdrawn, though given; and not wishing to involve this affair in any farther difficulty by an unnecessary discussion or dispute of facts pertaining to it, I have, after what has transpired in our several interviews, and after consulting with Commodore Turner, decided to submit to your excellency the enclosed proposition for an adjustment of the whole affair of the Porpoise, in a way which, I hope, will be accepted as satisfactory both to the United States and to Brazil.

The consul of the United States will proceed as speedily as possible to complete the voluntary depositions of witnesses on the question of extradition; and they will be transmitted to your excellency as soon as they are communicated to me by him.

With renewed assurances, &c., &c.,

HENRY A. WISE.

His excellency ERNESTO FERREIRA FRANCA, &c., &c., &c.

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Mr. Wise having made certain propositions for the adjustment of the affair of the Porpoise, which were declined, and being desirous to do every thing on the part of the United States to manifest the most perfect respect to the sovereign rights of Brazil, again proposes:

1. That inasmuch as Commodore Turner placed a guard on board the Porpoise with the consent of the guarda-mór of the port, and the commodore thought that he, the guarda-mór, had authority to give such consent; and inasmuch as he was informed that the full consent of the Brazilian authorities was given for the detention of that vessel, &c., by him until a then pending question of extradition should be decided by M. França; no complaint whatever shall be made of Commodore Turner for placing said vessel, &c. under guard, or for detaining the same.

2. That upon the information of M. França to Mr. Wise that the guarda-mór had no authority so to consent, and that the information that the full consent of the Brazilian authorities had been obtained, was a mistake, and upon the withdrawal by M. França of all consent given by the guarda-mór for the detention of the vessel, &c., by Commodore Turner, he, Commodore Turner, will deliver up said vessel, &c. to the civil authority of Brazil upon a proper demand for the same being made to him through Mr. Wise by Mr. França.

3. The persons accused of felony and piracy under the laws of the United States, belonging to said vessel, and the vessel herself, shall be taken into the custody of the proper authorities of Brazil, and be held in custody and not be released under any pretext whatever until the imperial government shall decide upon the application by Mr. Wise for their extradition, and until such decision be made known to him. And if the decision be in favor of their extradition, then they shall all be delivered up immediately from the custody of Brazil to that of the United States authorities in this port.

4. All the other persons, and especially the two African boys and the United States citizens and other persons shipped under the flag of the United States, who are not accused of crime, or who are voluntary witnesses, shall be allowed to go on board the United States vessels of war, to go to the United States, or elsewhere, as they please, after their release by Commodore Turner.

5. The United States consul shall identify the persons and specify their names, who are accused of crimes against the laws of the United States, and who are to be held in the custody of Brazil, until their extradition be decided upon as aforesaid; and shall name the persons who are not accused, and who are to be set at liberty as aforesaid, and this shall be done before they are released from their detention by Commodore Turner.

February 1, 1845.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 2, 1845.

The undersigned has the honor to acknowledge the receipt of the verbal message sent to him by your excellency, this morning, saying that the proposition of adjustment of the affair of the Porpoise made by him yesterday was accepted, and that the whole affair would be satisfactorily settled by your excellency, and that your excellency desired the undersigned to communicate the lists of the names of the accused persons, and of the witnesses who are to be left at liberty. Accordingly the lists are herein communicated. And congratulating your excellency upon the probable happy termination of this difficulty, which had only to be well understood to be well adjusted by friendly powers, the undersigned renews his best compliments of esteem and high consideration, and has the honor to be,

Your excellency's obedient servant,

HENRY A. WISE.

To his excellency ERNESTO FERREIRA FRANCA, &c., &c., &c.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, January 31, 1845.

List of citizens of the United States who came from Africa in the United States merchant brig Porpoise, still detained by Commodore Turner, who are accused of felony and piracy, and whose extradition is demanded by Mr. Wise.

Cyrus Libby, master of the Porpoise;
John Ulrick, mate of the same;
George H. Douglass, late master of the Kentucky;
Thomas H. Boyle, " mate " "

List of persons who came, as aforesaid, in said brig, and who are voluntary witnesses in the examination of said persons accused, as aforesaid, of felony and piracy, and who are desirous of being sent to the United States, and who elect to go on board the Raritan for that purpose, and who have not been detained except by their own consent.

John F. Paine, of the United States;
Mark Tanner, " "
Peter Johnson, " "
John Wilson, of Sweden;
Chas. Hendricks, "
George Williams, colored boy—all seamen belonging to the Porpoise;
William Patterson, of the United States;
John Muller, of Holland;

Hans Hanson, of Denmark—all seamen, late of the United States merchant ship Kentucky, sold on the coast of Africa, and who came as passengers in the Porpoise to this port;

Pedro and Guilherme—two negro boys, natives of Africa, who, it is alleged, were there captured and sold as slaves, and who were transported from Africa in the Porpoise to this port, in violation of the laws of the United States.

GEORGE W. GORDON,
Consul United States.

[Translation]

PALACE OF RIO DE JANEIRO,
February 2, 1845.

The undersigned, &c., &c., understanding by the note of yesterday of Mr. H. A. Wise, envoy, &c., &c., that he has arranged with Commodore Turner to release and give up to the Brazilian authorities the brigantine Porpoise, and the individuals on board of her, solicits, on this occasion, from the respective departments the necessary orders for the accomplishment of this surrender to the authorities of this port; the said vessel and the Americans, whose extradition is demanded by Mr. Wise, remaining in the custody of the said authorities until the decision of the imperial government in regard to their extradition is communicated to him.

The undersigned avails himself, &c., &c.,

ERNESTO FERREIRA FRANCA.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 3, 1845.

SIR: I received your excellency's note of yesterday late last evening. Having furnished to your excellency the required list of persons whose extradition to the United States is demanded, and understanding that your excellency fully accedes to the adjustment of the whole affair of the Porpoise as proposed by me on Saturday, the 1st instant, I will, as soon as your excellency signifies to me in writing that you have so acceded, address a letter of request to Commodore Turner, of which the enclosed is a copy. I trust that your excellency will so signify at once, in order that I may immediately despatch this letter to Commodore Turner.

With the highest consideration, &c., &c.,

HENRY A. WISE.

His excellency, ERNESTO FERREIRA FRANCA,
&c., &c., &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 3, 1845.

SIR: The affair of the detention of the Porpoise having been adjusted by me with the minister and secretary of state of Brazil; you will please, at the request of the authorities of this port, to deliver up to them the brigantine Porpoise, with her cargo, and effects, and all the persons whom you have detained with her. The vessel and her cargo and effects, and her captain and mate, and the captain of the Kentucky and his mate—*i. e.* Captain Libby and Mate Ulrick, Captain Douglass and Mate Boyle—will be held in custody of the Brazilian authorities until the decision of their extradition be communicated to me. The other persons will be at liberty to go where they please, and to return to your ship in a private boat, if they choose, after your guard is retired.

I have the honor to be, very respectfully, your obedient servant,
 HENRY A. WISE.

To Commodore TURNER,
*United States frigate Raritan,
 Harbor of Rio.*

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 3, 1845.

SIR: The names of the persons, whose extradition to the United States I demand, are as follows:

1. Cyrus Libby, master of the brig Porpoise;
2. John Ulrick, mate of the same;
3. George H. Douglass, late master of the United States merchant brig Kentucky;
4. Thos. H. Boyle, mate of the same.

These persons and the brig Porpoise and her cargo and effects, I demand to be delivered up by the imperial government to the United States by extradition.

With assurances of perfect esteem and high consideration, your obedient servant,

HENRY A. WISE.

To his Excellency ERNESTO FERREIRA FRANCA,
Minister, &c., &c.

UNITED STATES SHIP RARITAN,
Harbor of Rio de Janeiro, February 3, 1845.

SIR: This day, at 12 o'clock, p., an officer of this port's police presented to me an authority, of which the enclosed (A) is a copy. I immediately thereupon requested the said officer to sign the enclosed paper marked "B," which he did, and then, in obedience to your request of this date, I placed on board the brigantine Porpoise all the persons remaining attached to her, who came in her

from Africa, and who have been detained by me with the consent of the Brazilian authorities. And I delivered said brig and her cargo and effects, and four persons, to wit: Captain Libby and his mate Ulrick, and Captain Douglass and his mate Boyle, up to said officer, to be held in the custody of the Brazilian authorities until the decision of the question of their extradition to the United States to be made by the imperial government, and until it be communicated to you. The other persons were placed on board of said brig at liberty. The guard of the United States was then retired, and the vessel, &c., as aforesaid, delivered up to the said Brazilian officer. All, except the four accused persons, were then informed by him that they were at liberty to go where they pleased; and they called a shore-boat and came back voluntarily to this frigate, and claimed my protection to be sent back to the United States, and I have so taken them at their own election under my charge.

In concluding this note, I cannot refrain from adding that the officers of the Brazilian government, who have been engaged in this duty, have discharged it with the urbanity and proper delicacy of officers and gentlemen.

I have honor to be, &c., &c.,

DANIEL TURNER,

Commanding U. S. squadron, Brazil station.

His Excellency HENRY A. WISE, &c., &c., &c.

[Translation.]

PALACE, February 3, 1845.

In conformity with a requisition of the minister for foreign affairs, made under date of yesterday, you will present yourself to Commodore Turner, on board the frigate Raritan, in order that the American merchant brig Porpoise, with her crew and cargo, may be delivered up to the Brazilian authorities—you giving the necessary directions that the vessel may be held in deposit, and in custody four individuals, part of her crew, who will be pointed out to you by the said commodore, upon whose final destination a question is pending with the government of his imperial majesty. You will release all the other individuals who may be delivered to you on board the said vessel, that they may proceed whither they please.

Upon this mission you will be accompanied by the chief visiting officer of the custom-house, (guarda mór,) that the usual measures, as regards the cargo of the vessel, may be taken.

God preserve you.

ANTONIO FRANCISCO DE PAULO HOLLANDA

CAVALCANTI DE ALBUQUERQUE.

M. ANTONIO PEDRO DE CARVALHO.

UNITED STATES FRIGATE RARITAN.

The undersigned, an officer of the port police of Rio de Janeiro, acknowledges that, at his request, and upon the demand of the civil authorities of Brazil, Commodore Daniel Turner has placed on board of the United States merchant brigantine Porpoise all the persons detained by him with said vessel; and that he has delivered into his custody the said vessel and her cargo and effects, and four persons to wit: 1st, Cyrus Libby, master of the Porpoise; 2d, John Ulrich, mate of the same; 3d, George H. Douglass, late master of the United States merchant brig Kentucky; and 4th, Thomas Boyle, mate of the same—to be held in the custody of the Brazilian authorities until the question of their extradition to the United States authorities be decided by the imperial government, and said decision be communicated to the envoy, &c., of the United States at this court; and all the other persons besides these four named are placed on board said brig Porpoise, to be at liberty to remain, or to go where they please.

Witness my hand, this the 3d day of February, 1845.

ANTONIO PEDRO DE CARVALHO,

Capitão de mar e guerra,

Inspector de arsenal de mar.

LEGATION OF THE UNITED STATES,

Rio de Janeiro, February 4, 1845:

SIR: Commodore Turner informs me that on yesterday, the 3d instant, he placed the brig Porpoise and her cargo and effects and all persons on board of her, except the passengers who were formerly released from detention at the request of your excellency, in the same condition as when the guard of the United States was first placed in charge of that vessel; that the guard of the United States was then retired, and the vessel and her cargo and effects, and the four persons on board of her, accused of felony and piracy under the laws of the United States for the suppression of the foreign slave trade, were delivered up to an officer of the port police, to be held in custody under the authority of Brazil until the decision of the imperial government, as to their extradition to the United States, be communicated to me; that the other persons, besides these four, being at liberty to go where they pleased, and being so informed by the officer of Brazil, and the Porpoise and her captain and mate being in custody as aforesaid, they got on board a private boat alongside said vessel, and returned to the United States frigate Raritan, and voluntarily placed themselves under the protection of Commodore Turner, to be sent to the United States as witnesses and informers in the cases of the Porpoise and of the Kentucky; and that the officers of Brazil in charge of this duty performed it with all the urbanity and proper delicacy which became them as officers and gentlemen; and that the release and delivery up of this vessel and these persons from his detention was

conducted to the entire satisfaction of the respective authorities on both sides. Thus, then, this part of the case is happily disposed of; and I trust that the question of extradition, disembarassed now of all collateral issues, will have a termination equally favorable and satisfactory. I request that your excellency will not decide that question before the United States consul can furnish some other depositions, the completion of which he is urging as fast as possible, and not before I can address to your excellency an argument in extenso, which I will endeavor to prepare immediately, and which I could not prepare whilst occupied in considering and discussing the other matter of detention.

With renewed assurances of the highest esteem and consideration,

HENRY A. WISE.

His excellency ERNESTO FERREIRA FRANCA,
 Secy. &c., &c.

LEGATION OF THE UNITED STATES,
 Rio de Janeiro, February 4, 1845.

SIR: The question of extradition in the case of the Porpoise and the four men now in the custody of the Brazilian authorities is disembarassed of the collateral issue of detention by foreign authorities in the jurisdiction of Brazil. To their extradition alone do I now, therefore, address myself. I claim it on the ground:

1. That it is a right both of comity and *exhumanitate* which one friendly power may claim from another under the laws of nations. This doctrine, I know, has been disputed. But the later publicists of the highest authority maintain it both upon principle and precedent. I hesitate not to say that it is the doctrine of the best American, founded upon the best ancient authorities. I have one before me, which is a standard in both England and the United States and throughout the world wherever it is read and known. Chancellor Kent, in his commentaries on *American Law*, vol. 1, p. 36, &c. in Lecture II., under the head "of the rights and duties of nations in a state of peace," says: "It has sometimes been made a question, how far one government was bound by the law of nations, and independent of treaty, to surrender, upon demand, *fugitives from justice*, who, having committed crimes *in one country*, flee to another for shelter. It is declared by some of the most distinguished public jurists that every State is bound to deny an asylum to criminals, and upon application and due examination of the case, to surrender the fugitive to the foreign State where the crime was committed." He cites in favor of this doctrine, "Grotius, b. 2, c. 21, sec. 3, 4, 5, and Heineccius com. h. t. Burlamaque, vol. 2, part 4, c. 3, sec. 23, 25. Rutherford, b. 2, c. 9, vol. 2, page 496. Vattel, b. 2, c. 6, sec. 76, 77. See questions de Droit, tit. Etranger, par Merlin, for discussions on this subject in France, &c. The English decisions in support of the right and practice of surrender of fugitives charged with atrocious crimes, are, *Rex vs.*

Hutchinson, 3 Keble, 785. Case of Lundy, 2 Vent. 314. *Rex vs. Kimberly*, Str. 848. S. C. Barnard, K. B., vol. 1, 225. Fitzgib. 111. *East India Company vs. Campbell*, 1 Vezey, 246. Heath, J., in *Muse vs. Kay*, 4 Taunton, 34. *Eunomous*, Dialog. 3, sec. 67. Sergeant Hill's opinion (and his authority and learning as a lawyer were pre-eminent) given to government in 1792. See *Edin. Review*, No. 83, p. 129, 139, 141. The American decisions on the same side are, in the matter of Washburn, 4 Johns. Ch. Rep. 106. *Rex vs. Ball*, decided by Ch. J. Reid, at Montreal, and reported in *Amer. Jur.* 297. Mr. Justice Story cites the conflicting authorities, both foreign and domestic; but intimates no opinion. *Comm. on the Constitution*, vol. 3, p. 675, 676. *Comm. on the Conflict of Laws*, p. 520, 522." Chancellor Kent adds: "The language of these authorities is clear and explicit, and the law and usage of nations as declared by them rest on the plainest principles of justice. It is the duty of the government to surrender up fugitives upon demand, after the civil magistrate shall have ascertained the existence of reasonable grounds for the charge, and sufficient to put the accused upon his trial. The guilty party cannot be tried and punished by any other jurisdiction than the one whose laws have been violated, and, therefore, the duty of surrendering him applies as well to the case of the subjects of the State surrendering as to the case of subjects of the power demanding the fugitive." The learned commentator then examines the class of offences to which the usage of nations does, and to which it does not apply this doctrine. He shows that by statutes and treaties, &c., the offences to which it does apply are such as piracy, murder, forgery, larceny, or other crimes punishable with death or imprisonment in the State prison. He says that "the European nations, in early periods of modern history, made provision by treaty for the mutual surrender of criminals seeking refuge from justice," and cites a number of treaties; and adds: "Mr. Ward—*Hist. of the Law of Nations*, vol. 2, 318, 320—considers these treaties as evidence of the advancement of society in regularity and order." In two notes to this learned text of this commentator, in which he shows all the authorities pro and con, from which his text is drawn, he says: "In the spring of 1839, George Holmes, being charged with the crime of murder, committed in Lower Canada, fled into the State of Vermont, and his surrender was demanded by the governor general of Canada." The case came before the governor of Vermont. After hearing counsel, and giving the subject great consideration, Governor Jennison decided "that it was his duty to surrender the fugitive." Finally the case was brought up before the supreme court of Vermont by habeas corpus, in April, in 1840, and the question again solemnly argued, and the decision was that the State had no authority to surrender the prisoner." "It may be here properly observed that, according to the official opinion of the Attorney General of the United States, 1797, it was the duty of the United States to deliver up, on due demand, heinous offenders, being offenders from the dominion of Spain."

* * * At the end of this note the learned commentator adds:

“When it is declared as the settled rule, that the United States are not justified in the surrender of fugitives from justice, except in pursuance of a treaty stipulation, the United States are thus in effect declared by national and State authorities to be a safe asylum for all sorts of criminals, from all governments and territories near or distant.” In another note, p. 37, he adds: “The constitution of the United States has provided for the surrender of fugitives from justice as between the several States, in cases of ‘treason, felony, and other crime,’ but it has not designated the specific crimes for which a surrender is to be made, and this has led to difficulties between the States. Thus, for instance, in 1839, the governor of Virginia made application to the governor of New York for the surrender of three men, charged by affidavit as being fugitives from justice, in feloniously stealing and taking away from one Colley, in Virginia, a negro slave, Isaac, the property of Colley. The application was made under an act of Congress, &c., founded on the constitution, &c., as being a case of ‘treason, felony, or other crime,’ within the constitution and the law, and certified as the statute directed.” The governor of New York (that State being then a non-slaveholding State) “refused to surrender the supposed fugitives, on the ground that slavery and property in slaves did not exist in New York, and that the offence was not a crime known to the laws of New York, and consequently not a crime within the meaning of the constitution and the statute of the United States. But the legislature of New York, by concurrent resolutions of the 11th April, 1842, declared their opinion to be, that stealing a slave within the jurisdiction and against the laws of Virginia, was a crime within the meaning of the 2d section of the 4th article of the constitution of the United States. The executive and legislative authorities of Virginia also considered the case to be within the provisions of the constitution and the law, and that the refusal was a denial of right.”

The arguments are given, and the commentator adds: “This case and that of Holmes, mentioned in a preceding note, involve very grave considerations. I have read and considered every authority, document, and argument on the subject, that were within my command, and in my humble view of the questions, I cannot but be of opinion that the claim of the Canadian authorities in the one case, and of the governor of Virginia in the other case, were equally well founded and entitled to be recognized and enforced.” * * * He says: “The duty of surrendering, on due demand from the foreign government, and on due preliminary proof of the crime charged, is part of the common law of the land, founded on the law of nations as part of that law; and the State executive is to cause that law to be executed, and to be assisted by judicial process, if necessary.” * * * He further adds: “If there be no authority in this country, State or national, to surrender such a fugitive; (one accused of murder or other capital crime,) then it is idle to talk about the authority of the law of nations as part of the common law. Then public law, the personification, as it were, of natural justice, becomes a mere non-entity, the beautiful fig-

ments of philosophers, and destitute of all real influence on the fortunes of mankind.”

This is the clearest and highest authority on American law. Chancellor Kent is an ex-chancellor of the State of New York herself, and is himself a friend of emancipation; though in the case of stealing a slave, not a crime in New York, he thus incorporates the doctrine for which the United States is now contending, in his commentaries, which have become the very text-book in the schools upon American law. The fifth edition of his work, from which I am now quoting, was published in New York in the year 1844, and is the very latest authority.

The crimes charged in this case are the crimes of felony, punishable by confinement in the State prison, and the crime of piracy, punishable with death, under the laws of the United States. The charges are made under oath and affidavit, by competent witnesses, who voluntarily testify before the consul of the United States, who is authorized by both Brazil and the United States to take such voluntary affidavits, depositions, or declarations, and to certify the same to me, and who has certified the same to me, and I have communicated them in part, and will communicate them in whole, to your excellency. These affidavits would authorize arrest and seizure in the United States, and the commanders of our armed vessels are authorized to arrest and seize, upon such evidence.

In the case of the Creole, wherein a vessel bound from one port to another in the United States with slaves on board, who mutinied, and partly murdered, and partly maimed their masters and the officers of the vessel, and who, then, *vi et armis*, took her into the port of Nassau, the United States made a demand for the surrender of the criminals by the authorities of Great Britain. That demand is still pending and still insisted upon by the United States, who advance precisely the same doctrines of national law as those now advanced by me. I am aware, as Chancellor Kent says, “that all the authorities in Westminster hall, in that case, gave their opinions in the British House of Lords, in February, 1842, that the English law and international law did not authorize the surrender of fugitive criminals of any degree, and that the right to demand and surrender must be founded on treaty, or it does not exist.” But the American authorities, particularly Chancellor Kent, scout this opinion as one which would make any country, without treaty for surrender, a safe asylum for all sorts of criminals, from all governments and territories near or distant.” Besides, this opinion contradicts the best English authorities already cited. And if, in the case of the Creole, the question had been whether *slave traders* guilty of piracy under the laws of the United States instead of *slaves*, who had by mutiny, and mayhem, and murder achieved their personal liberty, should be surrendered, it may be more than doubted whether “all these high authorities in Westminster hall” would not have given the very opposite opinion, in conformity with the better English authorities themselves. By the English opinion, a slave may, when he can, free himself, and is justified in committing murder itself to regain his liberty, under

the natural law. And by the English law, a foreign slave is free the moment he sets his foot on British soil. And British policy is at this moment avowedly aiming at universal emancipation throughout the world. And when we consider that the law of surrender of criminals is founded upon the reason *ex humanitate*, and compare that reason with English sentiments, laws of freedom, and known policy, we need not wonder why Great Britain holds the doctrine she does in a case where a slave has freed himself by justifiable crime in her view—has fled to her jurisdiction for shelter, and where his surrender is demanded by a slave-holding country. But will the United States and Brazil ever sanction this British exception to the laws of nations? In a similar case to that of the *Creole*, would not Brazil make a similar demand to that of the United States, and insist upon it, too, to the last? Will Brazil not rather favor the American doctrines in such a case, which defend her own institutions, than side with the English doctrines which vitally attack them? Great Britain does not admit that slavery and property in slaves may rightfully exist; and holds that humanity requires universal emancipation; that natural law justifies the slave in committing heinous crimes to regain personal freedom, and, therefore, would decide against surrender in such cases, both *ex humanitate* and *in favorem libertatis*. The United States and Brazil hold that slavery, and property in slaves, do rightfully exist under their jurisdiction; that humanity does not require, but forbids, universal emancipation and the murder of lawful masters by their slaves; and, therefore, should allow surrender in such cases, on the ground both *ex humanitate* and in defence of their lawful institutions, long and now necessarily existing. But, agreeing with all civilized nations of the present day, that humanity does require that they should respectively forbid, by their laws, their own citizens to engage in any further traffic in African slaves, and both having enacted severe penalties against the further prosecution of the foreign slave trade by their own citizens or foreigners in their vessels, they are mutually bound to deliver up to each other, on proper demand, fortified by sufficient proof, the violators of those laws, who fly to the one from the justice of the other, on every principle of national law and policy, of comity, of humanity, of favor to human liberty, and of defence of those peculiar institutions at home and on the high seas which they are obliged to maintain and preserve inviolate from intrusion or invasion by all foreign powers. Such is the general law of nations. But,

2d. The United States claim extradition in this case, on the ground of the peculiarly strong obligations on both the United States and Brazil, by the parts of their treaty still existing between the two powers, in addition to their general duties to each other under the laws of nations. Not only does their treaty, of the 12th of December, 1828, declare in its first article that "There shall be a perfect, firm, and inviolable peace and friendship between the United States of America and their citizens, and his imperial majesty, his successors and subjects, throughout their possessions

and territories respectively, without distinction of persons or places," but this treaty, in the first point under the 33d article, provides that, "On the expiration of one year after such notice, &c., this treaty, in all the parts relating to commerce and navigation, shall altogether cease and determine, and in all those parts which relate to peace and friendship it shall be permanently and perpetually binding on both powers." Thus, then, not only is there a general peace and friendship, such as the obligations of which would rest upon both powers, even without treaty, under the laws of nations, but there is a special, and peculiarly strong and perpetually binding amity established, and permanently fixed by treaty, between them. And, though it is admitted that there is nothing specific in this treaty of peace touching extradition, or the surrender of criminals, strictly speaking; and, though it is admitted, further, that extradition, or surrender of criminals, is, ordinarily, without treaty, but an imperfect right under the laws of nations, the refusal of which would not justify hostilities, nor anything more than serious complaint of discourtesy; yet, so peculiarly comprehensive, so close and intimate are the relations of amity established "in all those parts" of this treaty "which relate to peace and friendship," so "perfect, firm, and inviolable" is the peace and friendship meant to be established, "without distinction of persons or places," that the United States and Brazil may well claim, each of the other, that rights of peace, which are but imperfect rights between powers without treaty, under the general law of nations, become perfect rights under this treaty. And, by this treaty, in addition to the laws of nations, I do claim for the United States, that the faith of this perpetual and permanent treaty of peace and amity is pledged to surrender these persons, accused of felony and piracy against the laws of the United States, found in this port, "without distinction of persons or places." The acknowledged relations and obligations of amity do, unquestionably, embrace the right on the one hand, and the duty on the other, of the surrender of criminals charged with atrocious crimes. But,

3d. I have been thus far arguing on the right to demand fugitives from one country, *where the crimes were committed*, to another country for shelter. The case of the Porpoise, like that of the Creole, is much stronger than in a case where the criminal, after the commission of the crime, has once been in the jurisdiction of the country whose laws have been offended. In such cases, the country upon whom the demand is made might with some reason reply: "Why, when within your own jurisdiction, did you not exert your own power of arrest and apprehension?" But in this case, except upon the deck of the Porpoise, which when upon the high seas is allowed to be under the sole jurisdiction of the United States as a part of the territory of the vessel's country, and then more than five thousand miles distant from the civil process and posse comitatus of the United States, this vessel and these persons were never within the reach of the civil arm of the country which demands their surrender. It is true, they eluded the naval forces of the United States on the high seas; but before they

landed in a harbor of Brazil they were discovered by those forces stationed here, and have been arrested by Brazil herself. The question is, will Brazil give them shelter because they were fortunate enough to escape the discovery of their crimes before they reached the limits of her sovereign and exclusive jurisdiction. The information was given in this port, and the offenders were caught here in the fact. No laches on the part of the United States, therefore, can be pleaded as a justification of refusal to surrender them. Without the aid of Brazil, after the first discovery of the crime, the United States never could have arrested and cannot now bring these persons at this vessel to trial and adjudication, and, if guilty, to condign punishment. They have especial claims, then, on this score, to have their authorities aided against these offenders.

4th. There is stronger obligation still on Brazil to surrender these persons and this vessel, on the ground—I speak this as truth necessary to be told, in sorrow, without meaning the least offence—that the imperial government has for years failed to arrest the African slave trade, though notoriously carried on for years in almost every port of the empire, and especially in the metropolitan port, against its own laws; and the United States vessels and flag have for years been allowed to be chartered and sold for the uses and purposes of this infamous trade with impunity. The African slave traders, Brazilian, English, American, Portuguese, all are well known, and their offences can, by the proper authority of Brazil, be easily proved; and yet many of them, wealthy and influential by their illicit gains, walk abroad in Rio Janeiro unwhipped of justice. Vessel after vessel under the United States flag sails out of the ports of Brazil, is sold on the coast of Africa, after taking out a cargo of English goods for a Brazilian charterer, and returns with a cargo of slaves to Brazil under the imperial flag. Since my arrival here on the 2d of August last, the Gannecliff, the Montevideo, the Agnes, the Garafilia, and the Kentucky, and several others, have committed this offence; and the Sea Eagle and the Porpoise, and others, have been their tenders to furnish cachaça and muskets, and fazendas, and water pipes, and to carry and bring crews, American and Brazilian, for the navigation of these vessels. Not less than from three to four thousand Africans have been landed in Brazil in American vessels since my arrival, as I can show; and it is said by the witnesses, that during the charter of this very vessel by Manoel Pinto da Fonseca, and during her employment on the coast of Africa by Paulo, his agent, no less than one thousand slaves were shipped by that agent to Brazil. She was sailed from factory to factory, furnished the supplies and purchase money for the slave trade, carried the agents and their servants over and brought them back with two African boys, captured in war, branded and bought by Paulo, who trained them to tell the falsehood that they were free, under threats of punishment upon his succeeding in landing them in Rio de Janeiro. Fonseca is at large in this city; Paulo and several of his accomplices were released from detention the other day; and now it is for Brazil to

say whether she will surrender to the United States their own vessel and flag, and four of their own citizens who have been *particeps criminis* in this nefarious voyage. If the imperial government refuses to grant this just demand, in what attitude will it stand before the civilized world? What reproaches will the refusal not justify on the part of its enemies, and what complaints will it not authorize on the part of its best friends? To say the least of it, the refusal to allow a friendly power to snatch its own flag from the stains of this traffic, will wear the appearance of violating national law and the faith of treaties, under the influence of domestic slave traders, to shelter foreign felons and pirates, their tools and accomplices, under the ægis of the inviolable national sovereignty of Brazil; and, when this becomes to be the opinion of the civilized world, how long will her sovereignty be allowed to remain inviolable? A power so justly jealous of her national reputation and of her national sovereignty as Brazil, should be slow to assume an attitude so questionable to all appearance as her refusal to surrender would be in this case.

5th. The fact that this is not *piracy* under the general law of nations only strengthens the demand for extradition. "A pirate," says Chancellor Kent, vol. ---, page 186, "who is one by the law of nations, may be tried and punished in any country where he may be found, for he is reputed to be out of the protection of all laws and privileges. The statute of any government may declare an offence committed on board its own vessels to be piracy, and such an offence *will be punishable exclusively by the nation which passes the statute*. But piracy, under the law of nations, is an offence against all nations, and punishable by all. In the case of the United States *v.* Palmer, 3 Wheaton, 10, it was held that the act of Congress of 1790 was intended to punish offences against the United States, and not offences against the human race; and that the crime of robbery, committed by a person who was not a citizen of the United States, on the high seas, on board of a ship belonging exclusively to subjects of a foreign State, was not piracy under the act, and was not punishable in the courts of the United States. The offence in such a case must therefore be left to be punished by the nation under whose flag the vessel sailed, and within whose particular jurisdiction all on board the vessel were. This decision was according to the law and practice of nations," &c.

He treats of the African slave trade, page 191, and says: "The African slave trade is an offence against the municipal laws of most nations in Europe, and it is declared to be piracy by the statute laws of England and the United States. Whether it is to be considered as an offence against the laws of nations, independent of compact, has been a grave question much litigated in the courts charged with the administration of public law." He then takes a review "of the progress and present state of the sense and practice of nations on this subject." He examines the history of slavery and the authority of Montesquieu; reviews the constitution and laws of the United States on the subject. He then reviews the British statutes and the history of European proceedings, until he

comes down to the case of the *Le Louis*, 2 Dodson's adm. rep., 210. This was the case of "a French vessel, owned and documented as a French vessel, which was captured by a British armed force on the coast of Africa, *after a resistance made to a demand to visit and search*. She was carried into Sierra Leone and condemned by a court of vice admiralty for being concerned in the slave trade, contrary to the French law. On appeal to the British high court of admiralty, the question respecting the legality of the capture and condemnation was argued, and it was judicially decided that the right of visitation and search on the high seas did not exist in time of peace." * * * * * "The slave trade, though unjust, and condemned by the statute law of England, *was not piracy*, nor was it a crime by the universal law of nations," &c. * * * * * "The condemnation of the French vessel at Sierra Leone was, therefore, reversed; and the penalties imposed by the French law (if any there were) *were left to be enforced, not in an English, but in a French court.*" This case was confirmed in the king's bench, in 1820, in the case of the *Madraso v. Willes*, 3 Barn. & Alderson, 353. "The final decision of the question in the United States has been the same as in the case of the *Le Louis*. In the case of the *La Jeune Eugenie*, 2 Mason's reports, 409, it was decided in the circuit court of the United States in Massachusetts, after a masterly discussion, that the slave trade was prohibited by universal law. But subsequently in the case of the *Antelope*, 10 Wheaton, 66, the supreme court of the United States declared that the slave trade, though contrary to the law of nature, had been sanctioned, in modern times, by the laws of all nations who possessed distant colonies; and a trade could not be considered as contrary to the law of nations which had been authorized and protected by the usages and laws of all commercial nations. It was not piracy, *except so far as it was made so by the treaties or statutes of the nation to which the party belonged.*" The commentator adds: "The doctrine in the case of the *Antelope*, and in the English cases therein referred to, is *that right of bringing in* for adjudication, in time of peace, *foreign vessels* engaged in the slave trade, and captured on the high seas for that cause, did not exist; and vessels so captured would be restored, unless the trade was also unlawful and prohibited by the country to which the vessel belonged," &c.

Thus, then, these authorities shew: 1st. That Brazil cannot try the vessels and persons in this case, on the charge of piracy, under the laws of the United States. 2d. That the doctrine that the slave trade is not piracy by the general law of nations applies to the question of the right of visit, and search, and seizure, and the right of trial, and not to the question of extradition, or the right and duty of surrender of criminals. Indeed, the authorities are direct to the point, both in England and in the United States, that, inasmuch as the slave trade by citizens of the United States and foreigners, in their vessels, is declared to be piracy by the statutes of the United States, and is not so by the laws of nations, Brazil cannot try them for the piracy under the United States statutes, but must leave them to be tried for this offence in the United

(States, by their courts, and under their laws. Hence the duty to surrender to the United States their vessel, and their citizens on board of her, in this case.

6th. If the surrender of this vessel in this case be refused, what, then, is to become of her? The United States consul will not deliver up her register, which he has in his possession, until the claim of the United States for forfeiture be settled. The vessel, then, cannot be sold or transferred to any person or persons sailing under any other flag than that of the United States. If she sails out of this harbor with claim upon her by the United States, they may seize her upon the high seas under this claim of forfeiture; and thus she never can lawfully sail at all, or never sail without being seized under any and every flag she may hoist. If the imperial government refuses to surrender her to the United States, it will of course release her. To whom? To the consignees? If they take her, they cannot sail her out of this port without her being seized on the high seas; they cannot sell her without her register; and they cannot send her home without sending her there for trial. If they refuse to take her, what then? Is she to remain derelict? If left without owner or consignee, the consul of the United States will be bound to take charge of her. Why not, then, deliver her up to the United States at once?

7th. The surrender in this case ought to be made upon the soundest principle of policy of both Brazil and the United States, to prevent any pretext of other powers for visiting, searching, and seizing their vessels upon the high seas. If Brazil will shelter such vessels in her ports under such circumstances, and if the United States do not by all means in their power enforce their surrender, with some reason may other civilized nations set up the pretension never to allow them to enter these ports. To protect themselves against all pretence, then, of visit and search, and to defend the freedom of their commerce upon the high seas, the United States are compelled to demand the surrender of this vessel and these persons, and to insist upon it most strenuously.

8th. *Cui bono*—for what end is it that Brazil will refuse this surrender? Her national sovereignty is fully vindicated, and the surrender will be but the exercise of her sovereignty and its grace at last. No possible injury, and much positive good, will result to her by this exercise of her sovereign power. She will detract nothing from herself, but simply yield up to the United States their own vessel and their own citizens, who happen to be found in her waters; and thereby she will give an earnest evidence to the world of a *bona fide* intent to aid in suppressing a most barbarous, demoralizing, and inhumane, as well as unlawful and infamous traffic—the most injurious to herself—and of a disposition not to countenance its crimes, not to shelter its felons and pirates within her jurisdiction, and not to be influenced to fail in a national duty by its pampered principal offenders, in sight of the very palace of her imperial power. Yes; I trust that Brazil will remember her high destiny and calling among the nations of the earth; that she will be true to the laws of nations; true to the faith of treaties; true

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to humanity and human liberty; true to her best friend, the United States; true to herself; and in this truth she will find her chief glory and chief good.

With renewed assurances of the highest esteem and consideration, I have the honor to be,

Your excellency's obedient servant,

HENRY A. WISE.

His excellency ERNESTO FERREIRA FRANCA, &c., &c., &c.

[Translation.]

PALACE OF RIO DE JANEIRO,

February 4, 1845.

The undersigned, &c., &c., has the honor to inform Mr. H. A. Wise, envoy, &c., &c., that the imperial government, after having heard the opinion of the desembargador, attorney general, (Procurador da Coroa, &c.) upon the request of Mr. Wise, for the extradition of the four Americans, Cyrus Libby, John Ulrick, George H. Douglass, and Thomas H. Boyle, arrived in the American merchant brigantine Porpoise, which voluntarily entered and anchored in this port, together with that of the same vessel, of which one of those Americans is said to be the master and another the mate, on the charge of having violated the laws of the United States against the traffic in African slaves; considering attentively all these circumstances, and reflecting that no stipulation exists between Brazil and the United States, which establishes and regulates extradition, has decided that it cannot comply with this request.

The undersigned, in transmitting to Mr. H. A. Wise this decision of the imperial government; avails himself of the opportunity, &c., &c.

ERNESTO FERREIRA FRANCA.

LEGATION OF THE UNITED STATES,

Rio de Janeiro, February 5, 1845.

SIR: Your note of yesterday, the 4th instant, was delivered to me by the bearer at 10 $\frac{1}{4}$ o'clock last night. I cannot say that it caused me any surprise, because for reasons and influences too obvious to be misunderstood, and too apparent to be mentioned, I apprehended beforehand that the decision it announces would be made, and that it would be announced in the manner it has been. The refusal of the demand for extradition, and the whole proceedings antecedent to it, and the manner of its annunciation, are alike offensive to the United States and their envoy extraordinary and minister plenipotentiary at this court. In the name and by the authority, therefore, of the United States, I solemnly protest against this decision of the imperial government, against all the

proceedings by which it was arrived at, and against the mode and tone in which it has been declared and communicated to me. This protest is made on the following grounds, and for these reasons:

1st. That a United States guard was, on the 23d January, placed on board the brig Porpoise, by and with the consent and authority of an officer of the port of Rio de Janeiro.

2d. That application was made by me in person to your excellency, as early as half past 8 o'clock, a. m., on the 24th January, for the extradition of said vessel, her cargo and effects, and all the persons on board of her; and for the said guard of the United States to remain on board, and to detain the said vessel and persons until your excellency should decide upon the application for their extradition; and that your excellency made no objection to the guard remaining nor to the detention, but assented to and acquiesced in the same.

3d. That this consent was not withdrawn, and no objection was made to this detention for *five days*, from the evening of the 23d to the evening of the 28th January.

4th. That then, on the 28th, without notice of objection or withdrawal of consent either to the minister, or to the consul, or to the commodore of the United States, an *armed force* was sent to take said vessel and persons from the custody and detention of the United States guard.

5th. That upon personal notice to your excellency, when you called to inform me of this, that this force would be resisted under the circumstances by force, an order was issued in my presence, at the house of the minister of justice, to withdraw it; and, thereupon, to show respect to the authorities of Brazil, I wrote a letter in your presence which caused Commodore Turner to release seven passengers, Brazilians and other foreigners, to the United States, which persons, by express understanding, were to be arrested and tried for violating the laws of Brazil, which has not been done.

6th. That then, on the 28th and thereafter, the attempt was made, by the refusal of your excellency to decide the application for extradition, to place the authorities of the United States in a false attitude, by compelling them to choose the alternative of releasing a vessel under the United States flag, claimed as forfeited, and allowing the persons on board of her, accused of felony and piracy, entirely to escape; or to commit a trespass against the jurisdiction of Brazil, which it was their desire to respect and to submit to.

7th. That the minister of the United States then declining to advise Commodore Turner to release the vessel and prisoners from detention until his application for their extradition should be decided upon by your excellency, you formally notified him that the *guarda-môr*, or secretary of the port, had no authority to give consent for the guard and detention, and urged informally that the consent or acquiescence on your excellency's own part was a mistake or misunderstanding; and withdrawing all consent for the guard and detention, and demanding the vessel and prisoners and

all persons on board to be released and to be delivered up to the authorities of Brazil, Commodore Turner did, at 12 o'clock, m., on the 3d instant, place the vessel and all persons on board of her, except the seven already released, in the same condition she was in when he was first allowed to guard her and them, and delivered her up to an officer of the port police, upon his showing his orders and signing an acknowledgment of delivery, upon the written condition that the vessel and her cargo and effects and four persons named, accused of felony and piracy under the laws of the United States, should be held in the custody of the Brazilian authorities until the question of their extradition to the United States should be decided upon by the imperial government, and until it should be communicated to me; and all the other persons, besides these four, were placed on board of the vessel at liberty to remain or go where they pleased.

8th. That as late as the morning of the 3d instant, only a few hours before this vessel and these persons were thus delivered up, and the question of their detention by Commodore Turner was settled, and at various times previously, your excellency was informed and notified by me that the consul of the United States had not completed the task of taking all the depositions in the case, upon which the application for extradition was founded; that he was proceeding to do so with all possible expedition, and that I desired to address to your excellency an argument in full upon the law and evidence of the whole case when completed; and I requested a postponement of your excellency's decision until all the evidence and the argument were laid before you; and yet, suddenly after the question of extradition was disembarassed of the question of detention, and almost immediately after the delivery up of the vessel and the persons charged to the custody of Brazil, and before the consul could complete and report the depositions, and just as I had prepared and sent to your excellency my reasons for the application, I was informed that the imperial government had resolved not to consent to the demand of the United States for the extradition of their four citizens accused of heinous offences against their laws.

9th. That this decision of the imperial government is against the laws of nations, and in violation of the spirit and faith of the first and last articles of the treaty of peace and friendship permanently and perpetually binding on both powers.

10th. That it is partial and imperfect in this, that it touches but one portion of the demand. The demand of the United States is for the surrender to them of 1st, the vessel, her cargo, and effects, under a claim of forfeiture; and 2dly, of the four persons on board of her under charges of felony and piracy. *The decision does not embrace the vessel and her cargo and effects, but the persons accused only.*

11th. That the decision in respect to the persons is based upon no reason, or upon but two assigned, which are both bad and untenable. The first is that these persons "entered and anchored in this port or harbor voluntarily!" Criminals who flee or escape

from the justice of their own country *always voluntarily* enter another foreign country; and extradition can apply only to such cases. The second is, that "there is *no stipulation* existing between Brazil and the United States which establishes and regulates *extradition*." Their treaty of peace and friendship, still existing, does comprehend the obligations of extradition as they exist between powers at peace under the laws of nations. And the laws of nations are binding without an express stipulation. And at this day, nations do not require a treaty stipulation to do acts demanded of them alike by public law, by humanity, by sound morality, and by national honor.

12th. That the decision is discourteous to a friendly power, and injurious to its best interests and policy.

13th. That it violates Brazil's own precedent, lately established in the case of the master, mates, and crew of the brig Montevideo, who, at the request of the consul of the United States, were delivered up to him to be sent home to the United States to be tried for the same offences as those charged in this case, and who were arrested on shore, at his office, by a Brazilian guard, and who have been sent to the United States for trial. This occurred long since I arrived at this court.

14th. That this decision confirms a course of proceeding on the part of the imperial government which cannot be submitted to and will not be tolerated by the United States, or by their authorities near this court. That the imperial government has for a long time and in repeated instances allowed its own citizens, citizens of the United States, and foreigners, in its ports to charter and purchase the merchant vessels and the flag of the United States to carry on the African slave trade, and to furnish its supplies, and to transport its agents and crews to and from the coast of Africa, in violation of its own laws and of the laws of the United States. That it has failed to arrest and punish its own citizens, openly and notoriously engaged in this traffic, from the port of Rio de Janeiro, in sight of its imperial palace; that it has in this instance refused to allow friendly authorities to detain them, temporarily even, merely to prevent escape, though under their flag; that it has released them from all foreign detention, though caused by consent, and has failed to arrest them under its own laws; that it has demanded and effected the release of a United States merchant vessel and four United States citizens, after being taken into its own custody, and has used its sovereign jurisdiction within its port to discharge and release from all custody not only its own felons, but atrocious pirates who belong to the United States, and who are liable to be tried only under their laws, and a vessel which is claimed as forfeited to them; and thus the exclusive jurisdiction of Brazil in this port has been perverted to encourage and protect the infamous African slave trade carried on by United States vessels and citizens, and foreigners, under their flag, which they are not allowed to snatch from its foul pollution within the limits of Brazil; and to afford the only plausible pretext to other powers to visit and search their vessels, and to arrest their citizens upon the high seas."

For these and others reasons, and upon every consideration legal, moral, and just, I have protested, and do protest, for and in behalf of the United States, against this decision. Regarding this case as involving the most important and serious question in the present relations of the United States and Brazil, I shall transmit a full statement of all its facts to the President of the United States, and await his instructions.

In the meantime, I request to be informed whether the four persons, whose surrender has been refused, have been set at liberty; and to be informed, also, what decision the imperial government has come to in respect to the surrender of the *brig Porpoise and her cargo and effects*? An early reply to this request is most respectfully asked.

With renewed assurances of the highest consideration, I am your excellency's obedient servant,

HENRY A. WISE.

His Excellency ERNESTO FERREIRA FRANCA, &c., &c., &c.

[Translation.]

PALACE OF RIO DE JANEIRO,
5th of February, 1845.

The undersigned, &c., &c., hastens to apprise Mr. Wise, envoy, &c., &c., that, when he received last evening his two notes, one dated yesterday, the 4th, and the other (evidently by mistake) the 5th of the present month, he had already had the honor of addressing Mr. Wise to inform him that the imperial government, after having heard the attorney general, (procurador, &c.,) had directed that it could not grant the extradition in question. At the same time, the undersigned had written to the minister of justice, in order that he might take the measures he should deem proper according to the laws of the country in regard to any violations which may have been committed of these same Brazilian laws. Meanwhile, it is a necessary consequence of that decision of the imperial government, that the detention, which had been ordered by this department, of the brigantine Porpoise, and of the four Americans whose extradition the government cannot grant, should cease.

The undersigned reiterates, &c., &c.,

ERNESTO FERREIRA FRANCA.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, February 6, 1845.

SIR: Your excellency's note of the 5th instant, received by me at two o'clock, p. m., yesterday, which acknowledges my two notes of the 4th, (one of them improperly dated the 5th,) says:

First. That your excellency had received my argument in the case of the brig Porpoise, *but had beforehand decided the case!*

Secondly. That your excellency had instituted inquiry as to any violation of the laws of Brazil in the case, *but had in the meantime released the piratical vessel and the prisoners accused!!*

This practically replies to my argument of the 4th, and to the interrogatories contained in my protest of the 5th, and leaves the United States to take such ulterior steps as they may deem proper.

With assurances, &c., &c.,

HENRY A. WISE.

His excellency ERNESTO FERREIRA FRANCA,
&c., &c., &c.

LEGATION OF THE UNITED STATES,
February 6, 1845.

SIR: The minister and secretary of state for foreign affairs has duly informed me that the imperial government has declined to surrender the United States merchant brig Porpoise, charged with being forfeited to the United States, and the four persons on board of her, charged with the crimes of felony and piracy against the laws of the United States for the suppression of the foreign slave trade by their citizens and others on board of their vessels; and that, in consequence of this decision, the said vessel and persons have been released from detention. Against this decision, for and in the name of the United States, I have officially protested. And this is to notify you that if you, as consul, have in your office the register or other papers of said vessel granted by the United States, you will continue to hold and not deliver up the same to any person or authority whatever until ordered so to do by the government of the United States, which still claims said vessel and her cargo and effects as forfeited to them.

I request you also officially to ascertain from Captain Libby, her late master, and from her consignees, if any there be, whether they or either of them claim to hold such vessel, &c., for themselves or any other person as owner or charterer, or otherwise; and, if so, for whom and in what character, whether as master, agent, or owner, or factor, or consignee, or charterer. And in case you find that she is not claimed by any person or persons whatever, but that, under protest or otherwise, she is abandoned by her master, agent, charterer, factor, or consignee, you will then, as consul, take the proper steps to take into your charge the said vessel, &c. for the benefit of her owner or owners, citizens of the United States, if she be *not* forfeited, and for the benefit of the United States, if *she be* forfeited under their laws. And in case you find that the attempt will be made by her master, consignee, charterer, or agent, &c., to sail or send away, or to sell and transfer said vessel, &c., without obtaining from you her true register, you will please give timely no-

tice thereof to Commodore Turner, or other officer in command of the United States naval forces at the time.

Very respectfully, &c., &c.,

HENRY A. WISE.

GEORGE W. GORDON, Esq.,
Consul of the United States.

[Translation.]

DEPARTMENT OF STATE,
February 6, 1845.

The minister and secretary of state for foreign affairs presents his best compliments to Mr. H. A. Wise, envoy, &c., &c., and begs him to do him the favor of coming to speak with him at this department of state to-morrow, the 7th instant, at six o'clock in the evening.

The same minister renews, &c., &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, 9 o'clock, a. m., February 7, 1845.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, returns the kind compliments of M. França, minister and secretary of state for foreign affairs, and regrets that he is obliged to decline his excellency's invitation to a personal interview at the office of state this evening at six o'clock.

The undersigned renews, &c., &c.,

HENRY A. WISE.

His excellency ERNESTO FERREIRA FRANCA,
&c., &c., &c.

[Private and confidential.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, 4 o'clock, p. m., February 8, 1845.

DEAR SIR: Reflecting upon the interview which your excellency did me the honor to hold with me at my house, on the evening of the 6th instant, I have concluded to address to M. França through you, and with your approbation, the enclosed note, marked private and unofficial. This, I trust, will manifest the sincere regard and esteem which I entertain for your excellency, on account of your friendly interest in me, and especially in my country. If this letter to M. França meets your approbation, will you please cause it

to be handed to him, and cause the letter or protest of mine to which it refers to be returned to me, as if it had never been written. This will leave no room for any unpleasant discussion whatever.

I have the honor to be, your excellency's friend,
HENRY A. WISE.

His Excellency SENOR CAVALCANTI, &c., &c., &c.

[Private and unofficial.]

LEGATION OF THE UNITED STATES.

Rio de Janeiro, 4 o'clock, p. m., February 8, 1845.

The undersigned, having been informed by his excellency the minister of marine that the brig Porpoise and the four accused persons belonging to that vessel are still held in the custody of his department; and he having interceded, as a friend to harmonious relations between the United States and Brazil, and as a friend of your excellency, the undersigned has, at his excellency's instance, determined, with your excellency's approbation, to withdraw the letter in form of a *protest* against the decision of the imperial government, upon the question of extradition, which he had the honor to address to your excellency of the 5th instant. Your excellency will please signify your resolve as to this request.

With renewed assurances of his perfect esteem and high consideration, the undersigned has the honor to remain

Your excellency's obedient servant,
HENRY A. WISE.

His excellency

ERNESTO FERREIRA FRANCA, &c., &c., &c.

[Translation]

[PRIVATE AND CONFIDENTIAL.]

Most excellent colleague, friend, and Senor Cavalcanti:

I received yesterday your letter, and did not answer it on the moment, being very much occupied in getting ready the despatches for Montevideo. I enclose here Mr. Wise's note, as also another one he had sent me immediately, which was a consequence of the 1st (protest) and which made reference to it. I shall always be ready to give every proof of the esteem and consideration which I hold for the United States, where I was so hospitably and friendly received, as well as my family; moreover, it is my true desire to strengthen and fortify as much as possible the bonds of sympathy and reciprocal interests which must blend both countries; and your

excellency may be assured that I desire most earnestly to see established between both, friendship and the best harmony.

I remain, with due esteem, your excellency's colleague and affectionate friend,

E. F. FRANCA.

PRAIADO FLAMENGO,

February 10, 1845.

This present translation from the original was performed by me by his excellency's order, to be transmitted to his excellency Mr. Wise confidentially.

LUIZ AUGUSTA MAY.

FEBRUARY 12, 1845.

Testimony of Peter Johnson, one of the crew of the brig Porpoise.

On board of the United States frigate "Raritan," in the harbor of Rio de Janeiro, on the thirtieth day of January, 1845, personally appeared before me the undersigned, consul of United States of America, Peter Johnson, a colored man, cook and steward of the brig "Porpoise," who being duly sworn upon the Holy Evangelists of Almighty God, deposed as follows:

That he was born in Kingston, in the State of New York; is 29 years of age; that he joined the brig "Porpoise," Cyrus Libby, master, at the port of Rio de Janeiro, on the 20th of January, 1844, in the capacity of cook and steward. When he agreed to be shipped, Captain Libby told him that the vessel was going to Africa, and that he would ship deponent for six months, and as much longer as they could agree, but that he was told at the consulate that the papers were filled up "for port or ports on the coast of Africa, back to Rio de Janeiro, and to port of discharge in the United States." The brig was consigned at Rio de Janeiro to Maxwell, Wright & Co. While on the coast of Africa, at a place called Inhambane, in the month of July, 1844, the most of the crew complained to the captain that the time for which they had shipped had expired, and demanded that the vessel should return to Rio de Janeiro, as they wanted their discharge. The captain told them that he would discharge them all there, if there was any consul there, but as there was not, he could not discharge them, and they must remain by the vessel; and that he could not then return to Rio de Janeiro, as the time of the charter had not expired. About this time, deponent being in the pantry, overheard a conversation between Captain Libby and his first mate, Mr. Ulrick, who were standing on the deck and within hearing; they were talking about being obliged to remain there, and Captain Libby told Ulrick that he could not help it, as he was entirely under the control of Mr. Paulo; deponent said that Paulo appeared to be both supercargo and agent of the vessel, and was at the head of everything. He furnished the provisions—gave orders about the water and the

ballast, which he sent off in boats manned with negroes from shore, in charge of one of his own men. Captain Libby complained of the terms of the charter party, and blamed his consignees at Rio de Janeiro for it; he said that he could not then return to Rio de Janeiro, as the charter party run for such a length of time, as much longer as the voyage might consist of, and said that if he returned then, he feared his consignees might lose a great deal of money by it. He said that Maxwell, Wright & Co. made the charter, that he, (Libby,) had nothing at all to do with it, and that there were some parts of it that he did not exactly understand. What those parts were, deponent did not understand. That Captain Libby said at the time that he knew the man that the cargo belonged to; that it was Manoel Pinto, of Rio, but that he was a stranger to Paulo when he came on board; that he heard Ulrick ask Captain Libby if he had not an English copy of the charter, but that he did not hear Captain Libby's answer. After this, the crew got hold of this, whether they were told it by Captain Libby or the mate, he, deponent, does not know, but they murmured about it, and said that it was strange that the captain should not know the terms of the charter party when he made it, and that it was not right that they should be obliged to remain there after their times were out, just as long as Mr. Paulo said, and that Captain Libby ought to take up his anchor and return to Rio de Janeiro. About this time, one of the crew, named Edward Blake, was discharged. Blake had been second mate, and had been broke by Captain Libby. When he was discharged, both the captain and Blake were glad of it, and Captain Libby said he was glad to get rid of him out of the vessel; he was paid off, and deponent saw his order for his money. It was shown to deponent by Blake, but he, deponent, was not allowed to read it. Blake, at this time, went on board the "Kentucky," then lying at this port. Blake received with the order also some money. About this time also a man named William Page, one of the crew of the "Kentucky," who with the master, Captain Douglass and his crew, had left the "Kentucky" and came on board the "Porpoise," was turned out of the "Porpoise" by Captain Douglass. Captain Douglass told Page that he was a foreigner, and that he had got his money, had been paid, and to get out of the vessel, as he did not want him there. Page told Captain Douglass that he was sick. Captain Douglass said he did not care, and that he should not remain on board the vessel, the "Porpoise." That about this time, Mr. Boyle, mate of the "Kentucky," and who had not then left that vessel, came on board the "Porpoise," and deponent heard Boyle tell Page that if he was going on board of the Kentucky, to go then, as they wanted him. At this time they were fitting the Kentucky, laying her deck and so forth, and getting her ready to receive her slaves on board. Upon this, Page told Boyle that he would get his things ready and go—and he did go that afternoon. And deponent further saith, that during the conversation that he overheard and has described, between Captain Libby and his mate, Mr. Ulrick, he heard Captain Libby ask Mr. Ulrick how many slaves Mr. Paulo had got; that

Mr. Ulrick replied that they had got a few, but not half enough for the Kentucky, or not half as many as the Kentucky wanted; Captain Douglass being present at this examination, here asked the deponent what was the reason that he, Douglass, would not have Page on board the vessel, and that if Page had not before stolen the boat and gone on shore, and staid all night? Deponent said that both Page and Patterson had taken a boat and gone on shore without leave, and that Captain Douglass had one of them, Patterson, thrashed, and the other, Page, was put in irons, and both of them were kept on bread and water for a number of days, being imprisoned in the fort at that place. That he did not see Patterson thrashed, but heard his cries, and saw the wounds on his back afterwards. Deponent further said that he, deponent, was at work on board the brig at Rio de Janeiro some days before he shipped. At the time he went to work on board the Porpoise, Mr. Ulrick was on board of her; Mr. Ulrick had come passenger on board of her from the coast of Africa, whence she had just arrived, and that Captain Driscoll's baggage was also on board, but Captain Driscoll was not; Captain Driscoll was also a passenger in the Porpoise from the coast of Africa; deponent also said that at that time, (the time he first went on board of her,) Mr. Libby, a brother of Captain Libby, was mate of the Porpoise, but that before leaving, he, the mate Libby, left the vessel, and Mr. Ulrick was shipped as first mate; and at that time, also, Edward Blake aforesaid was second officer, and acted as such until he was broke, as deponent has described.

After deponent joined the vessel she was hove down and coppered at Rio de Janeiro. A man by the name of Campos appeared to be the principal man in doing this business. He superintended and gave the principal directions under the inspection of the officers of the vessel. After the vessel was coppered, there was taken on board of her as cargo, pipes of aguardente, barrels of wine and porter—some other barrels headed up tight, of which he does not know their contents, but when rolled over on the deck they rattled as though they had hardware in them—barrels of hams, salted provisions and bread, crates of crockery, boxes and bales of dry goods, cloths, &c. Deponent saw some of these boxes and bales opened on board the vessel at Inhambane, and they contained printed cotton cloth, plaided handkerchiefs, white coarse muslin, shirtings, duck, and blue flannel; and deponent afterwards saw these articles on shore in Paulo's factory, upon shelves as in a dry goods store; these packages of goods were opened on board to be examined to find out if any thing had been taken out there, and some articles were found to be missing; saw also a barrel of beads, very coarse beads, on strings. This barrel was opened by Mr. Ulrick, or rather Mr. Ulrick gave orders for the hammer and chisel, but who actually opened it in the hold cannot say. Some of the beads were then carried into the cabin by the mate, Mr. Ulrick, himself. After they were taken into the cabin, they were taken on shore by a man named Theodoro, in a handkerchief; and the other beads in the barrel were taken on shore in the same way.

This man, Theodoro, was a Portuguese, who went over to the coast in the Kentucky, and was at the time on shore in the employ of Captain Paulo. And deponent further said, that there were a number of cases of muskets taken on board at Rio de Janeiro; also, provisions, rice, sugar, tea, &c., and the usual quantity of water for the vessel's use. There were, also, a number of kegs of powder taken on board after the vessel had dropped down the harbor. When the powder was taken on board Captain Libby was on shore, and Mr. Ulrick gave deponent orders to put the fires out, which he did; as to the quantity of different articles taken on board deponent cannot say, as he was cook, and had nothing to do with it. Deponent further said, that on the coast of Africa, at Lourenço Marques, a large portion of the cargo was smuggled on shore in the night; the custom-house officer was on board at the time, who was made drunk. The Portuguese steward told deponent that they were going to play a trick upon the custom-house officer. That he, deponent, asked him what it was. The steward said you will see it by and by. Deponent understands and can speak Portuguese imperfectly, but can understand common conversation. When the custom-house officer was at dinner, on deck, they gave him mixed liquor. When it was given to him, the officer, the Portuguese steward, who prepared it handed it to deponent, and he tasted it. When the custom-house officer said, "quer mais? quer mais?" "Take some more? take some more?" Deponent answered, "Nao, senhor, en fico lle muito obrigado;" "no, sir, I am much obliged to you." The liquor was in a large tumber, which was full, and was a mixture, as deponent thinks, of cachaça, wine and snuff; deponent knew there was in it cachaça from the smell, that there was wine from the color, and that there was snuff from the taste; the custom-house officer drunk it, and afterwards went to sleep in the long boat. It was not thought safe to leave him there, and he was taken, while thus asleep, down into the cabin, and laid down on the deck by the starboard side of the table, where he laid until quite late in the evening like a dead man laid out; he was asleep all night, and knew nothing till morning. When he woke up and came to his senses, he inquired where the cargo was that the day before was on deck, and was told that it had been taken below; others said, "you, a custom-house officer, and don't know what has become of the cargo!" He looked down the hold and said, there was more cargo than that; when one and another said, "I know nothing about it—I know nothing about it—don't talk to me;" he then sat down, asked for something to drink, and made himself very contented. During this night Captain Paulo's men were at work all the time smuggling the cargo on shore; the principal articles taken on shore were dry goods. Captain Libby did not witness this business, as he was in his berth sick. Mr. Ulrick did witness it, and had a good deal of difficulty in controlling the Portuguese crew, as some of them were drunk. The American crew had nothing to do with discharging cargo that night. Deponent further said, there came on board at Rio de Janeiro a white boy, named John Henry Edmunds; he went as cabin boy; and, also, a

mulatto boy, named George Williams, and was also cabin boy; and, also, as passengers, Captain Paulo, who was head man; Senhor Vieira, Paulo's assistant; Senhor Andrade, Paulo's clerk; Francisco, steward; Francisco, cook; a barber, name not known, as he was always called "mestre barbeiro;" two seamen, called Manoel and Antonio, all of whom went over to the coast in the vessel. The vessel sailed from Rio de Janeiro thus equipped, and with a cargo and passengers aforesaid, in the month of February, 1844, and arrived at Lourenço Marques, on the east coast of Africa, about the 1st of April. On arrival at this place, Captain Paulo and his company went on shore, made arrangements, hired a house, and set up a factory for trading; and the cargo that was taken on shore at this place was taken to that factory. The Portuguese cook went on shore and attended to his business as cook, and the steward as steward. The two seamen were employed in pulling Paulo's boat about, and the other passengers were occupied in assisting Mr. Paulo in his business. The boat that belonged to the Porpoise went on shore every morning for provisions. Mr. Ulrick, mate, and two seamen went in it; they got the provisions at the factory of Mr. Paulo. Has heard Mr. Ulrick call two seamen and say to them, "jump into the boat and go to the factory and see if they will give you something to eat." At this place Captain Libby lost eleven doubloons, and deponent was accused of stealing them, and was imprisoned in the fort at that place for three days. On the fourth day, deponent was taken out, and returned to duty on board the vessel. These doubloons were not recovered by Captain Libby until about three months afterwards, at Inhambane, when the money was given to the captain by Edward Blake; who said that the boy, John H. Edmunds, who died at Lourenço Marques, stole it, and gave it to him (Blake) to keep it. It was never known who stole the money. Deponent was on shore at Lourenço Marques but once, and that was when he was taken to prison in the fort. While at Lourenço Marques, Captain Douglass arrived at that place. He came in a boat manned by four of his crew of the brig Kentucky; and the Portuguese captain, who went over to the coast in the Kentucky, and afterwards was master of that vessel, when she took on board her cargo of slaves; came in the same boat with him; that both Captain Douglass and the Portuguese captain came on board of the Porpoise; were received by Captain Libby, and by his invitation went into the cabin and took some tea; when Captain Douglass informed Captain Libby that he had brought over, as master of her, the brig Kentucky, from Rio de Janeiro; that her former master, Captain Willis, did not wish to come over in the Kentucky, and he (Douglass) was made master of her, Captain Libby then said this arrival will be news to Captain Paulo; and then the three, Captains Libby, Douglass, and the Portuguese went together on shore, saying that they were going to see Captain Paulo. Captains Libby and Douglass came back that night, but the other remained on shore. On the next day another boat arrived at Lourenço Marques, that belonged to another vessel—a slaver—that had just arrived at Imy-

ack. The men in this boat, as they passed the Porpoise, spoke to the men in Captain Douglass's boat, and asked them if they were going back soon; and they replied that they were going on shore to carry the captain's cloak—that is, the Portuguese captain's cloak. Captain Douglass's boat returned to Imyack the next day, and Captain Douglass remained on board the Porpoise about two weeks. A few days after this, Captain Paulo went down to this last named vessel, which was under Brazilian colors, and by his directions she was taken to a river for safety. Deponent does not know when Captain Libby saw this Brazilian vessel, or that he was on board of her at all; but he heard him speak of her at this or some subsequent time, and say how badly she looked, and what a miserable condition she was in. Deponent thinks that Captain Libby must have been on board this vessel at some time, for he has heard him say a great deal about her. After this time the Porpoise got under way and went down to Imyack, taking on board Captain Paulo, his clerk, Andrade, cook, and steward, and leaving the concern at Lourenço Marques under charge of Senhor Vieira, with the two seamen and barber aforesaid. Captain Douglass and the master of the strange brig, and one or two gentlemen from shore also went down to Imyack in the Porpoise at this time. The Porpoise then proceeded to Inhambane, followed by the Kentucky, Captain Paulo giving directions to the Portuguese captain on board the Kentucky, how to sail not to proceed too fast; and blue lights were burnt on board the Porpoise as signals. Deponent does not know whether Captain Douglass or the Portuguese captain had charge of the Kentucky at this time, or not; but when Captain Paulo gave any directions he hailed the brig, saying, "O, Francisco!"—the name of the Portuguese master. Captain Libby also gave directions to Captain Douglass, and told him to keep close, or not to run away from him. The principal directions were given by Captain Paulo. Both vessels came to outside the bar at Inhambane. Captain Paulo then went up to the town in the Kentucky's boat, with the Portuguese captain of the Kentucky, and two or three days afterwards came back with a pilot in the pilot's boat. The Porpoise then got under way, and both the pilot and Captain Paulo gave directions to the Kentucky how to steer, and in that way both vessels proceeded up to town; sometimes near enough together for conversation to be held with ease between the two vessels; and sometimes so far apart as to make it necessary to speak very loud. Before passing the bar, both vessels came to anchor near each other, and part of the cargo in the Kentucky was taken out and put on board the Porpoise. It consisted mostly of provisions—beef, bread, butter, wine, and vinegar, &c. After this was done, both vessels proceeded together up to the town, and came to anchor under directions of the pilot. Captain Paulo was then sick, and was removed on shore that evening. Some of the cargo, after Mr. Paulo had recovered and made arrangements on shore, was discharged, and a factory was set up there, the same as had been done at Lourenço-Marques. The cargo was discharged under the directions of Francisco, the steward. Barrels of wine,

vinegar, bread, bales of goods, and kegs of butter were discharged, and the aguardente was drawn off on board into demijons, and taken to the factory; and the boat was every day sent to the factory on shore, as at Lourenço Marques, for provisions, &c.; and a short time after arrival, Captain Douglass, with his American crew, left the Kentucky and came on board the Porpoise, leaving his mate, Mr. Boyle, and the Portuguese crew on board, and in charge of the Kentucky. Deponent was at the factory only once; and in the afternoon of that day, deponent went to the factory and bought some clothes. The dry goods were arranged in the factory as they are in the United States in dry goods stores. The muskets were arranged to view in a handsome manner, the boxes of cigars were piled one on top of the others, regularly, in the back part of the factory, and the covers of the boxes of other goods were off, or loose, and the goods exposed to view.

A very short distance from this building was another for the slaves, near to which, in the yard, was a cooking apparatus; the cooking was done by the slaves, who were chained two together, and where one went the other must go. Some of the Portuguese crew of the Kentucky were then at the factory, keeping them together with canes or sticks in their hands, and acting otherwise under directions of Captain Paulo. When deponent was at the factory some of the slaves were walking about and some sitting down; others were standing up around the cooking establishment engaged in cooking. The males were chained together, a man and a boy, by the legs, sometimes two boys together; the women with chains around their necks. Deponent asked one of the Portuguese crew about a large good looking woman, and he said that she was one that Paulo had just bought. She was chained by the neck; her chain led to another one sitting beside her; this latter negro had some cloth around her, and deponent could not tell whether the chain was actually around her neck or not, but it hung down upon her bosom like a ladies' watch chain, only it was not quite so ornamental. All the negroes that deponent saw in this yard had been branded, either upon the breast or the back of the shoulder, and the brand wounds were then raw. Deponent was told by a man belonging to the brig Kentucky (of her Portuguese crew) who could speak both English and Portuguese, that they had rising two hundred, but not enough to supply the brig Kentucky; was told also by the same man that some negroes were brought to the factory that morning for sale that did not suit Captain Paulo; some were too old, others not large enough, and some were sickly; that Captain Paulo did not appear to be in a hurry for buying slaves, and that he thought it would be some time before he would get a complement for the Kentucky. When deponent went to the factory he went with Paine, Blake and Hans; and deponent asked them to show him where the negroes were, as they were on shore almost daily, and they showed deponent into the yard. In the evening deponent passed by the factory again, and saw them in the lower part of the building through a large iron door. They were then chained; some were lying down and others were walking about.

One of the keepers was then with deponent. About the hour of ten o'clock deponent and his comrades separated and went different ways, as their inclinations led them. At an early hour the next morning they again met together, and went down and hailed the vessel for a boat, and deponent went on board and returned to duty as usual. This was the only time deponent was on shore at Inhambane. While on shore deponent saw Blake, who was there, and one of the Brazilian crew, bargaining for a negro boy, for which the Moor wanted the price of twenty dollars, but Blake would not buy him, as he was broken out over the body with a disease called the *craw-craws*, somewhat like the itch. The negro boy was shipped to be examined. This was at the house of a Moor at which deponent and Mark Turner called to get a doubloon changed. The negroes that deponent saw branded at the factory were branded with hot irons; the marks of a majority of them was "P;" others were marked "J," and some with other marks. While at Inhambane, a Portuguese man-of-war brig came into that port with the governor general of the colonies on board, who was visiting the different colonies on that coast. He was received in due form; guns were fired, colors hoisted, and a boat sent to bring him on shore. At this time both the Porpoise and the Kentucky hoisted American colors. At the time the brig of war was first seen coming in, the Portuguese captain of the Kentucky, Fonseca, came along side of the Porpoise, with a tin trunk about two feet long, secured with a padlock, which trunk was taken into the cabin of the Porpoise; and deponent, out of curiosity, lifted the trunk to ascertain if it contained treasures, but it was light. Deponent was at the time told by the steward of Captain Douglass, William Patterson, that said trunk was the one in which the papers of the captain of the Kentucky, Fonseca, were kept. At this time, or soon after, Captain Douglass left the Porpoise and went on board of the Kentucky. Deponent is not certain whether Captain Douglass went on board of the Kentucky in the boat of the Kentucky or the Porpoise, but thinks in the boat of the Kentucky; and the American colors were hoisted on board the Kentucky as soon as Captain Douglass got on board of her. After this, Captain Douglass came back on board of the Porpoise, and wanted the American crew of the Kentucky, then on board the Porpoise, to go on board the Kentucky to protect that vessel; the crew declined to go. Captain Douglass asked them what they would go for, and the crew named one hundred dollars each. Captain Douglass told them that that sum was out of the question and reason, and they would not get it; but if they would name fifty dollars, or something like it, they might get it. But the crew would not go, and Captain Douglass went off without them.

At one time, either Captain Libby or Mr. Ulrich said something to Captain Douglass about hoisting the American colors on board of a contraband vessel. At this time, Captain Douglass got quite vexed, stamped upon the deck, and said that "he would hoist his colors where he damned pleased, and he would not ask any body when he should hoist them." Before this occurrence, the Portu-

guese man-of-war had sailed, and the conversation referred to was about *what had been done*. On one occasion after this, Mr. Ulrick took the boat of the "Porpoise," and went sailing, and went alongside the "Kentucky," and also on board of her; and, while in the cabin or some other part of that vessel, a negro boy, one of the slaves that they had on board of the "Kentucky," got into his, Ulrick's, boat, and floated away from the vessel, and getting into the tide, and not knowing how to manage a boat, got on to a sand bank, or something of the kind—(here Captain Douglass, being present at the examination, said, "you know it was a sand bank, and that it unshipped the rudder and could not get off")—and when, soon after, Mr. Ulrick came on the deck of the "Kentucky," he cried out, with an oath, look at that negro there in our boat. At this time, the boat of the "Kentucky" was on shore, and the Portuguese brig, called the "Laguna," which was then lying in that port, was hailed and sent her boat alongside of the "Kentucky," and two men and the Brazilian mate of the "Kentucky" got into it, and went after and got the boat with the negro boy. At this time Mr. Boyle was on board the "Kentucky." Deponent further said, that all the time that the Portuguese man-of-war brig was in port, Captain Douglass remained during the day time on board the "Kentucky," sleeping at night on board of the "Porpoise." Shortly after the occurrence with the boat as aforesaid, Mr. Boyle left the "Kentucky" and came on board the "Porpoise;" and when he came on board the "Porpoise," he said that they were preparing to take the slaves on board the "Kentucky," and he did not wish to stay there any longer. Deponent was once on board the "Kentucky," while Mr. Boyle and Blake were on board of her, and saw the boy aforesaid on board of that vessel, and should think, from his appearance, that he was a slave. He asked the Portuguese steward who that boy was, and if they had got a new cabin boy? He replied, "No, he is a boy we have got." Deponent asked if he was going to Rio? and he said "Yes."

Deponent further said, that, when the Portuguese man-of-war arrived, the "Porpoise" was boarded from her by a lieutenant, with an interpreter. He inquired what cargo was on board, and where the brig was from, and was told; and was then told by Captain Libby, if he wanted to know anything more, he must go on shore and ask Captain Paulo. Captain Libby asked if he knew of the new regulations, that all vessels coming to trade on the coast must go to Mozambique and get a license from the governor to thus trade. Captain told him no, that he had not; and after examining the vessel somewhat, the lieutenant and his company left the vessel. On the following day, Mr. Ulrick, who had been on shore, came on board, and Captain Libby asked him how things went on on shore, and if he went to the yard to see the negroes; and he, Mr. Ulrick, replied that he did not, but told Captain Libby that Captain Paulo appeared to be very much alarmed about the safety of the brig "Kentucky," but that about the "Porpoise" he had no fear at all. While at Inhambane, deponent understood that the governor-general received \$1,500 from Mr. Paulo, some said

as a fine, others that it was a bribe, to permit him to trade there for slaves.

Deponent further said, that about a month after the governor-general left, the "Kentucky" took on board her cargo of slaves. The "Porpoise" and "Kentucky" at this time laid within speaking distance, without trumpet, from each other, and deponent saw some of the slaves go on board of the "Kentucky." He was near enough to see them distinctly. After a part of the slaves were on board of her, she dropped down to the bar, and then the balance of the slaves were sent on board in launches. And while there, Mr. Ulrick and Mr. Boyle went down to visit that vessel; and, from conversation heard between them after their return, he learned that they were on board of the "Kentucky" at this time. Soon after the "Kentucky" sailed as aforesaid, the "Porpoise" got ready for sea, and Capt. Paulo and his company came on board of her with their things. When he came on board, he brought with him a negro boy called Guilherme, who acted as a sort of steward to Captain Paulo; but deponent knows nothing about how Paulo got this boy. The pilot then put this vessel outside the bar and left, and the brig went to Quellimane, further to the north; at Quellimane, lay but a few days. On arrival here, Captain Paulo reported the vessel from Lourenço Marques, to prevent its being known there that she had been at Quellimane. At this place there came on board several passengers—Captain Souza, a Portuguese, who lost his vessel on the coast; Captain Bernardo, (thinks he is a Brazilian,) who also lost his vessel there; and a person named Campos, who had a brother who died at Quellimane. He said that the English seized his brother's property, and burnt his factory. This Mr. Campos was very poor, having hardly a change of shirts; and a merchant named Tavares, or rather who was trading in slaves, the same as Paulo had been. There was, at this time, a great many slaves on hand, the owners of which were waiting for vessels to take them away. After leaving this place, the "Porpoise" went to Lourenço Marques, where M. Paulo had left M. Vieira, and when the "Porpoise" arrived there, found at the factory Captain Laurens, who commanded the brig that arrived at Imyack at the time the "Kentucky" did, upon whom his crew had risen, taken from him his vessel, turned him out of it, and put his mate in charge. That vessel was afterwards taken by the British, and either destroyed or taken to the Cape of Good Hope as a prize. A portion of the crew of this vessel were seen at Quellimane, but Captain Paulo would not take them on board the "Porpoise" in consequence of their conduct and treatment of Captain Laurens.

Captain Laurens came on board the "Porpoise" at Lourenço Marques, with Captain Paulo, Mr. Vieira and a negro boy named Pedro, and also another negro boy who went in the "Porpoise" to Imyack, and there was sent on board a vessel called the "Garafilia," then lying in a river hid for fear of the English; this boy was brother to Pedro, and looked much like him, and both boys cried a great deal when they parted. The "Garafilia" was one of Paulo's vessels, and was formerly an American vessel. On arrival

at Imyack, Captain Paulo, and a black pilot that came down from Lourenço Marques, and on the next day the "Garafilia" came down from the river, and on the arrival of the "Garafilia," she sent a boat on board the "Porpoise" with her mate, and inquired for Captain Paulo, and was told that he was on shore, and the boat then went on shore, and on the same afternoon they commenced sending the negroes on board the "Garafilia," and on the following day the boy who is brother to Pedro, was sent on board of that vessel as aforesaid, and on this day both vessels went to sea together, and after that day deponent saw no more of the "Garafilia." The two vessels left the port nearly together; they both beat out, the "Garafilia" being to windward. They went to sea in the forenoon, and were in sight of each other during the day, but in the night got separated. The "Garafilia" kept in shore, near the land, and the "Porpoise" further out to sea. At this time deponent heard a conversation among the Portuguese passengers, particularly Captain Paulo's cook and steward, that the "Porpoise" was to keep further out to sea, so if they fell in with a man-of-war that the "Porpoise" being an American vessel and a good sailer, she would lead the man-of-war off in chase, while the "Garafilia" should make her escape. Nothing else particular took place that deponent thinks important to describe until arrival at Rio de Janeiro on the 23d instant, when the brig "Porpoise" was taken charge of by the American authorities; deponent heard no particular conversation on the passage back to Rio de Janeiro, between Captains Libby and Douglass, and Paulo; but Captain Libby and Captain Paulo frequently had private conversations in the cabin, with Mr. Ulrick as interpreter; but these conversations deponent never overheard. There was an impression on board among the crew of the "Porpoise," after their time of shipping had expired as aforesaid, arising from the entire control that Captain Paulo seemed to exercise over the vessel, that the "Porpoise" actually belonged to Manoel Pinto, of Rio de Janeiro. Further deponent said not.

PETER JOHNSON.

Sworn at Rio de Janeiro, on this, the thirtieth day of January, 1845.

Before me,

GEO. W. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro.

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original on record at this consulate.

[L. s.] Given under my hand and seal of office, on this, the 5th day of February, 1845.

GEO. W. GORDON,
Consul of the United States.

Mr. Wise to Mr. Buchanan.

[Extract.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 1, 1845.

* * * * *
The affair of the Porpoise has eventually resulted far more satisfactorily than I anticipated. But still the question of right to extradition in the case is laid open, and it is left to the President to approve or disapprove of the position which I assumed, that the *United States would not submit to have their vessels and their citizens, who had violated their laws for the suppression of the foreign slave trade, who had abused their flag in its employment and uses, to be sheltered and protected under the jurisdiction of Brazil, in cases where the imperial government had flagrantly countenanced and connived at the inception of the crimes within its limits*; that, in fact, the power which knowingly fails to prevent the inception of piracy, whether municipal or under the general law, in its limits, and gives shelter to the pirates after the perpetration of their crimes on the high seas, and deliberately refuses to grant by comity the demand properly made for extradition, places itself in the category of subjection to the general laws against "*hostes humani generis*," puts itself out of the pale of the international code which secures sovereign territorial jurisdiction, and lays its waters wide open to the seizure of the pirates within them.

* * * * *
One of the crew, an Englishman named Page, shipped here on board the Kentucky as an American seaman, was, as he alleges, forced in Africa to return on board the Kentucky with the slaves. He arrived here before the Porpoise. During the examination of the case of the latter, fearing to fall into the hands of the British authorities, he, Page, sought the protection of Commodore Turner, and voluntarily informed the American consul, Mr. Gordon, under oath, of the history of the whole voyage. The details of his deposition are shocking. The slaves mutinied at sea. Some eight or ten of them were shot, with small shot, in the hold of the brig before they could be subdued. Some thirty or forty of them were then brought on deck, and two and two in irons were hung up at the yard-arm, shot, their bodies let down, and then their arms and legs chopped off to get the iron off the corpses; and one woman was thrown into the sea before life was extinct. Douglass, the American captain, had, after the safe and delivery of the vessel in Africa, himself hoisted over her the United States flag to protect the cargo of slaves after they were actually shipped. He, Douglass, and Boyle, his mate, returned as passengers in the Porpoise.

* * * * *
The Porpoise, with Libby and Ulrick, her master and mate, and Douglass and Boyle, the master and mate of the Kentucky, on board of her as prisoners, were delivered into the custody of the Brazilian authorities to await my demand for extradition, as described in my

last despatches. That demand was refused. Still the imperial government held them in custody for examination and trial under its own laws. Of this I was verbally and unofficially informed by M. Cavalcanti, the minister of marine, but no official notice of it was given to me until the 26th of February, when I received from the minister and secretary of state for foreign affairs the enclosed note, marked A. The department cannot fail to see how vague and indefinite it is. I replied in the note, marked B. On the 3d of March I received the answer C, enclosing the parts of the acts under which the "*four individuals*," not named as yet, were to be prosecuted. In the first place, after refusing to allow these four persons—for there was no doubt who were meant—to be tried under the laws of the United States, their authorities here were called on to aid in the trial of these American citizens under the laws of Brazil. And when the laws of Brazil were cited, I could not fail to see that such articles were selected as exactly reversed the crimes for which the accused should have been prosecuted, and as allowed them to escape with the lightest penalties. It was in all its parts a very remarkable case. The very first excuse and the last, and that now offered by Libby, for transporting the two African boys, was, and is, that they were free persons, and had free papers regularly made out by the Portuguese colonial authorities in Africa. To the charge of importing slaves from Africa into Brazil, he actually pleaded in defence that he had brought in only two *freed men*, and of course pleaded guilty to the charge by confession, under the 8th article of the law cited to me. I was fully informed that no ruse was more common than to procure these free papers for slaves introduced as passengers in vessels bound from Africa into Brazil, and I was preparing in due season to produce the evidence of the fraud in this case. But still the answer C, had not replied to my interrogatories, and I judged it prudent to be fully and specifically informed before I took a step. Accordingly I addressed in reply to the minister the enclosed note, marked D. My intention was, as soon as I received a satisfactory reply to my interrogatories, to inform the minister that the police had taken the very converse of the true charge against the parties accused; and inform him that instead of accusing these parties of simply disembarking *freed men* in Brazil, their crime was the importation of slaves, and the aiding and abetting the shooting, hanging and drowning of human beings on the high seas.

* * * * *

No answer was received to my note D, except a blank envelope, enclosing the law of Brazil, containing the 7th and 8th articles already referred to, imposing simply a fine of 100||000 rs. (about \$50) for landing freed men, and subjecting the captain, master and contre-master of the vessels to the cost of re-exportations, and to the payment of 30||000 rs. to each informer. The entire law is enclosed, marked F. Thus the case stood, when I was informed by a private gentleman that Libby, Ulrick, Douglass and Boyle were the persons in custody at the fortress Villegaignon, and that they had

all been released. In the course of a day or two I saw three of these persons at liberty; and as my last note had not been answered, I addressed another, the enclosed, marked G, to the minister and secretary of state; to this I have not received an answer up to this moment. But Libby, Douglass, Ulrick and Boyle have appeared before the United States consul, and have formally made protests, and have procured certified copies of the proceedings against them, and of their final acquittal by the authorities of Brazil; that is, they were accused under the laws of the United States of bringing in slaves from Africa; they pleaded in defence against that charge that they had imported only two freed men. They were then accused, under the Brazilian laws, of bringing in *freed men*; and, notwithstanding they confessed to the fact under the charge for importing slaves, they were found not guilty of importing freed men, and were fully acquitted and set at liberty! And since their acquittal, they have obtained, or pretended to obtain, authentication of the alleged free papers as genuine.

I have been thus particular, in order that the prosecuting attorney of the United States may know, on their trial at home, what their plea of *autre fois acquit* in Brazil, or what the presumptive evidence of their acquittal here, is worth. The owners of the Porpoise may sue Commodore Turner, too, and these facts should be known also for his defence. As soon as I was certain of the final release of these persons, I advised the consul, Mr. Gordon, to demand the delivery of the brig Porpoise to him as consul, for the master, owner, or the United States under a claim of forfeiture, as the case might be. The consignees, Maxwell & Wright, had declined to have anything to do with the vessel, and the master, Libby, had formally abandoned her. Mr. Gordon made the demand to the minister of marine, and he delivered her up to him. Commodore Turner, then, being liable to the party aggrieved in case of any wrong, and the vessel having been taken from his custody by the sovereign authority after a seizure in its waters by its consent, was advised by me to demand from the consul the delivery of the vessel to him. He did so; and the brig, accordingly, was duly delivered to him by the consul, in right of his first seizure, and under claim of forfeiture to the United States and the captors as a prize. Libby has consented to return home in her; and Page and the other witnesses, with the three African boys who came in her from "the coast," will be sent home in her for examination and trial as soon as she can be prepared for sea. The slave trade still goes on, although my action here, and the message of the President to Congress communicating my despatches, which has just been received, have produced undoubtedly a great and good effect. The British consul, Mr. Hesketh, has issued a most effective circular, enclosed, marked "H," and Mr. Hamilton's response to my letter about Page, marked "I," manifests his decided co-operation in my course.

* * * * *

The entire average cost of the negro landed in Brazil is judged not to exceed 80||000 or 90||000 rs., and they are sold at from 500||000 to 800||000 rs. each. One of the boys who will be sent home in the

Porpoise, was valued by the Brazilian sworn interpreter, when recording the examination before Mr. Gordon, at 800,000 rs. The profit of the slave trade, then, may be put down safely at from 600 to 1,200 per cent. This accounts for the enormous prices they pay for vessels and their charters to "the coast," and for the risks which they can afford to dare in the traffic. The worst of it is, too, that they import so few females in comparison with the number of males, that the annual increase by propagation in Brazil is not likely, for a long period, to diminish the necessity for additional slaves. * * * * *

In connexion with this subject, I transmit the enclosed copies of a correspondence with Consul Tyler, at Bahia, through the consul here, in respect to the case of the brig Sooy, marked "K," and numbered 1, 2, 3.

This correspondence speaks for itself. I recommend the immediate removal of Mr. Tyler from office. The papers heretofore transmitted, as those found by the English cruiser Racer on board the Sooy, will unravel the whole case of his treatment of the man Suiters, and show, in connexion with Mr. Tyler's own letters, on which side of the slave trade his sympathies lie. I submit his removal to the President on his own defence of his conduct. * * * * *

A.

[Translation.]

PALACE OF RIO DE JANEIRO,
February 26, 1845.

The undersigned, of the council of his Majesty the emperor, minister and secretary of state for foreign affairs, has the honor to address the Hon. H. A. Wise, envoy extraordinary and minister plenipotentiary of the United States, in order to request that he would be pleased to take such measures as he may judge necessary, to the effect that the two delegated officers and the individuals mentioned in the annexed statement, who came in the American brig Porpoise, all of whom are said to be on board of the American frigate Raritan, should appear at the fortress of Villegaignon, on the 28th instant, at ten in the morning, where the delegate of the police and his notary and interpreter will be present, to serve as witnesses, in the prosecution carried on before that delegate; the said witnesses being at liberty to return immediately after giving their depositions.

The undersigned repeats, &c.,

ERNESTO FERREIRA FRANCA.

To the Hon. H. A. WISE, &c.

RIO DE JANEIRO, *February 21, 1845.*

The witnesses in the case of the brig Porpoise, are—Mark Turner, one of the crew of the brig, John Williams, do. do., John F. Baine, do. do.

The plaintiffs are the four signers of the letter A. John F. Baine, William (X) Patterson, Mark A. Turner, and Peter P. Johnson.

JOAQUIN JOSE MOREIRA MAIA.

B.

LEGATION OF THE UNITED STATES,
February 27, 1845.

The undersigned has the honor to acknowledge the receipt of the note of his excellency the minister and secretary of state for foreign affairs, dated the 26th instant, requesting him to "take the measures which he may deem necessary, in order to the two liberated Africans and the individuals named in the accompanying list, who came in the American brig Porpoise, and who are, it is stated, on board the American frigate Raritan, appearing at the fort of Villegaignon, on the 28th instant, at 10 o'clock, a. m., where the delegate of police, with his clerk and interpreter will be, for the purpose of the said individuals serving as witnesses in the process which is being instituted by that delegate, &c."

His excellency not having described the *process* which is "being instituted" by the delegate of police, the undersigned must ask an explanation of its *character and purpose*, in order that he may precisely comprehend the request of his excellency for him "to take the measures which he may deem necessary in the case." The measures which the undersigned *may deem it necessary to take*, in reference to this request of his excellency, must depend, of course, upon the explanation now sought. He, therefore, most respectfully inquires of his excellency, *what process it is, and what is it for*, which is now "being instituted" by the delegate of police, in which the appearance of those persons as witnesses is requested? Against *what persons* is this process instituted? If upon *any*, upon *what description* of criminal charges? And under what law and jurisdiction?

As soon as the undersigned is informed upon these points by his excellency, he will most promptly respond to his excellency's request.

The undersigned is happy to avail himself of this occasion, &c.

HENRY A. WISE.

To his Excellency E. F. FRANCA,
&c., &c., &c.

C.

PALACE OF RIO DE JANEIRO,
March 3, 1845.

The undersigned, &c., having received the note of the 27th of February last, from the Hon. H. A. Wise, &c., requesting some explanations as to the subject of that which the undersigned addressed to him on the 26th of the same month, conceives that he will satisfy the wishes of Mr. Wise, by sending to him the annexed documents of the requisition made by the department of justice.

The undersigned prays Mr. Wise to be so kind as to return those documents when he has made the necessary use of them, and has the honor to repeat, &c.

ERNESTO F. FRANCA.

To the Hon. H. A. WISE.

DEPARTMENT OF POLICE OF THE CAPITAL,
February 21, 1845.

I have the honor to send to your excellency a copy of the despatch which I have received from the second delegate of the police, J. P. de Campos, and I, in consequence of what is therein contained, pray your excellency to issue orders for the appearance at the fortress of Villegaignon, at 10 in the morning of the 28th instant, of the two liberated Africans who came as passengers in the American brig Porpoise, and the witnesses named in the enclosed list who, as well as the Africans, are said in the annexed despatch, to be on board of the American frigate Raritan; and from the interview which I had with the second delegate Campos, he will expect the appearance, without fail, of the two Africans and the other witnesses required at the place named, where he will be with his notary and interpreter, in order to conclude the trial of the case in question, with which he is charged.

NICOLAO DA SILVA LISBOA,
Chief of the police of the capital.

To the most excellent Sr. GALVAO,
Minister of Justice.

RIO DE JANEIRO,
February 20, 1845.

I have just come from the fortress of Villegaignon where I went to begin the trial of the four persons there imprisoned, respecting the brig Porpoise, and supposing that I should there find the captain and pilot and the two liberated Africans named in the despatch of your excellency of the 7th of this month; I, however, found only the two Africans first mentioned, and two other Americans who came as passengers in the same brig, and having inquired for the

liberated Africans, I was informed that they were on board of the American frigate Raritan. For this reason only the four persons here mentioned as present were interrogated. I have the honor to report this for your excellency's information, that you may take the proper measures for having the said liberated Africans interrogated if you should consider it proper.

God preserve you, sir,

J. P. DE CAMPOS.

To the most illustrious CHIEF OF THE POLICE.

The witnesses in the case of the brig Porpoise are:

Mark Turner, one of the crew of the brig.

John Williams, do. do.

John F. Baine, do. do.

The plaintiffs are the four persons named in document A.

John F. Baine.

his

William + Patterson.

mark

Mark A. Turner.

Peter P. Johnson.

RIO DE JANEIRO, *February 21, 1845.*

Extract from the law of November 7, 1831.

ART. 7. No freed man, not a Brazilian, shall be allowed to land in the ports of Brazil, on any ground whatever. Any one thus landing shall be immediately re-shipped.

ART. 8. The commanders, masters, and mates of vessels in which such persons may be brought, shall be subjected to a fine of one hundred milreis for each person, besides incurring the expenses of the re-shipment. The informer shall receive from the public treasury the sum of thirty milreis on each person.

D.

LEGATION UNITED STATES, *March 8, 1845.*

The undersigned, envoy, &c., of the United States, on the 6th instant, received the note of your excellency dated the 3d instant, with its accompanying documents; and he is referred to the latter for answers to the interrogatories contained in his note of the 27th ultimo.

On an attentive perusal of these documents the undersigned is still left to infer only:

1st. That "*four individuals*" are in custody of the authorities of

Brazil, at the Fortress Villegaignon, "in regard to the brig Porpoise."

2d. That they are in custody under some process begun by the officers of the Brazilian police.

3d. That this process is instituted to recover a fine of one hundred milreis, and other small penalties imposed by the 7th and 8th articles of an act of the imperial government, dated 7th November, 1831, for the misdemeanor of importing and landing in the port of Brazil any "freed man."

4th. That the "freed man" alleged to have been imported, or landed, or disembarked contrary to this act, are "the two freed Africans" who came to this port on the 22d of January last, on board the United States merchant brig Porpoise, and whose names are Guilherme and Pedro.

5th. That the witnesses, whose appearance is required on a given day, and at a given place, in this case, are these two supposed "freed Africans," named Guilherme and Pedro, and certain other persons, to wit: Mark Turner, John Williams, John F. Paine, Wm. Patterson, and Peter P. Johnson, who are all alleged to be on board the United States frigate Raritan.

6th. That the undersigned is requested to take the steps which he may deem necessary and proper to cause the appearance of these named witnesses and informers, from on board the United States frigate Raritan, at the Fortress Villegaignon before the second delegate of police, on some day to be appointed, in the trial of the "four individuals who are there in custody in regard to the brig Porpoise."

The undersigned most respectfully submits to your excellency that this information thus conveyed by these documents is entirely too vague and uncertain for any action whatever to be taken upon it on his part. He regrets to be obliged to trouble your excellency with answers, if your excellency pleases, to the further inquiries:

1st. Who are "the four individuals" who are in custody at the Fortress Villegaignon, "in regard to the brig Porpoise?" What are their names? Are they the following named persons, to wit: Cynis Libby, master, and John Ulrich, mate of the said brig Porpoise, and George H. Douglass, late master, and Thomas H. Boyle, late mate of the brig Kentucky, formerly a merchant brig of the United States, and lately sold and delivered on the coast of Africa, and who all came to this port in the said brig Porpoise on the 22d of January last?

2d. Are they on trial or under examination for any other alleged offences against the laws of Brazil, than for violating the 7th and 8th articles of the said act of the 7th of November, 1831?

3d. Are the two Africans who came on board the Porpoise, and who are now on board the United States frigate Raritan, named Guilherme and Pedro, the persons who are alleged to have been brought into this port as *freed men*, and disembarked contrary to the said articles of said act of 1831?

4th. Are there any other persons besides the "four individuals

who are in custody" at the Fortress Villegaignon, arrested, or arraigned, or under examination, or on trial for violating said act of November, 1831, or any other act or parts of acts of the empire of Brazil, "in regard to the said brig *Porpoise*, or to the said brig *Kentucky*," and their alleged late trade and traffic in the African slave trade on the coast of Africa, or on the high seas, or on the coast and in the waters of Brazil, under the flag either of Brazil, or of the United States?

The undersigned trusts that your Excellency will see the necessity and propriety of these additional inquiries, and that your excellency will specifically respond to them. He assures your excellency that "the two Africans" supposed to be Guilherme and Pedro, and the other persons named as witnesses and informers, are all on board the frigate *Raritan*, and that when he obtains from your excellency the information desired, he will then decide whether it will be proper for him to interpose with the commodore of the United States naval forces on this station to cause their appearance as requested.

The undersigned would also most respectfully inquire further, whether the said brig *Porpoise* herself is detained by the authority of the imperial government, and, if so, under what pretext, or for what cause?

The undersigned has the honor, &c., &c.,

HENRY A. WISE.

His excellency E. F. FRANÇA,
&c., &c., &c.

F.

Law of the Regency prohibiting the importation of slaves into Brazil.—Rio de Janeiro, November 7, 1831.

[Translation]

The regency, in the name of the emperor Don Pedro II., make known to all the subjects of the empire, that the general assembly has decreed, and that they have sanctioned the following law:

ART. I. All slaves entering the territory or the ports of Brazil, coming from abroad, are free, with the exception of:

1st. Those who are enrolled in the service of vessels belonging to a country where slavery is allowed, so long as they are employed in the service of those vessels.

2dly. Those who may have escaped from the territory or vessel of a foreign country, in which case they shall be delivered up to their masters, who claim them, and be re-exported from Brazil.

With respect to cases of the first exception, a list shall be made of the number of the slaves on board, at the time of visiting or entering the port, together with the necessary declaration to identify them; and an investigation shall take place at the time of leav-

ing, to see that the vessel conveys away the same slaves that she brought in.

The slaves that may be found after the departure of the vessel, shall be taken into custody and detained till they be re-exported.

II. The importers of slaves into Brazil shall incur the corporeal punishment awarded by article 179 of the criminal code, to those who may reduce free persons to slavery, together with a fine of 200,000 reis for each imported slave, beside the payment of the expenses of re-exporting them to some part of Africa; which re-exportation the government shall carry into execution as promptly as possible, after having contracted with the African authorities for an asylum for them.

Those who shall infringe the said article shall be answerable for themselves as well as for all the others concerned.

III. The following shall be considered as importers:

1st. The commander, master, or mate.

2d. Whoever shall wittingly give or receive value or be otherwise concerned in a vessel destined for the slave trade.

3d. All persons who may be interested in the adventure, and all who shall wittingly have advanced funds, or have any way favored it, or assisted in disembarking such slaves, or have admitted them upon their premises.

4th. Those who may have wittingly purchased as slaves the negroes declared free by article 1. Such persons, however, are liable only secondarily, to the expense of re-exporting them, being, nevertheless, subject to the other penalties.

IV. If a vessel be captured by the national forces without the ports of Brazil, in the act of trading in slaves, it shall be proceeded against according to articles 2 and 3, as if the capture had been made within the empire.

V. Whoever shall give information of, and furnish the means of apprehending any number of persons imported as slaves, or shall, without a previous denouncing, or a judicial mandate, have apprehended any of the same, or shall have given notice of the disembarkation of free persons as slaves to a justice of the peace or other local authority, in such manner as shall lead to their apprehension, shall receive from the public treasury the sum of 30,000 reis for each captured person.

VI. The commander, officers, and seamen, belonging to the vessel, which shall make the capture mentioned in article 4, shall be entitled to the proceeds of the fine, which shall be distributed amongst them according to the naval regulations respecting prizes.

VII. No freed man, not being a Brazilian, shall be allowed to land slaves in the ports of Brazil, under any circumstances. Those who may be disembarked shall be immediately re-exported.

VIII. The commander, master, and mate, who shall bring the persons mentioned in the preceding article, shall incur a fine of 100,000 reis for each person, and defray the expenses of their re-exportation.

The informer shall receive from the public treasury the sum of 30,000 reis per head.

IX. The proceeds of the fines imposed by virtue of this law, after deducting the rewards granted in articles 5 and 8; and the other expenses incurred by the public treasury, shall be applied to the foundling hospitals of the respective provinces, or if no such establishments exist, to hospitals for the relief of the sick.

All the authorities, therefore, to whom the knowledge and the execution of the above law belong, are enjoined to fulfil and cause to be fulfilled the same, and strictly to observe all its enactments. The secretary of state for the affairs of justice shall cause it to be printed, published, and circulated.

Palace of Rio de Janeiro, November 7th; 1831, 10th of independence and of the empire.

FRANCISCO DE LIMA E SILVA.
JOSE DA COSTA CAVALHO.
JOAO BRANLIO MONIZ.

G.

LEGATION OF THE UNITED STATES,
April 4, 1845.

The undersigned, envoy, &c., of the United States, has the honor to remind his excellency the minister and secretary of state for foreign affairs, that on the 27th of February last, he replied to a note of his excellency of the 26th of the same month, concerning the appearance of certain witnesses and informers, as they were denominated, at the fort of Villegaignon, in a process being then instituted by a delegate of police. That the undersigned requested answers to certain interrogatories before he could decide on the request of his excellency. That his excellency on the 3d of March last replied, but not fully to the interrogatories of the undersigned; and the undersigned was compelled, on the 8th ultimo, to repeat to his excellency the inquiries:

1st. Who are the "four individuals" who are in custody at the fortress Villegaignon, "in regard to the brig Porpoise?"

2d. What are their names?

3d. Are they the following named persons, to wit: Cyrus Libby, master, and John Ulrick, mate of the said brig Porpoise, and George H. Douglass, late master, and Thomas H. Boyle, late mate of the brig Kentucky, &c.?

4th. Are they on trial or under examination for any other alleged offences against the laws of Brazil, than for violating the 7th and 8th articles of the act of the 7th of November, 1831?

5th. Are the two Africans who came on board the Porpoise, and who are now on board the United States frigate Raritan, named Guilherme and Pedro, the persons who are alleged to have been brought into this port as freed men, and disembarked contrary to the said articles of said act of 1831?

6th. Are there any other persons besides "the four individuals"

who are in custody at the fortress Villegaignon, arrested or arraigned, or under examination, or on trial for violating said act of November, 1831, or any other act or parts of acts of the empire of Brazil, in regard to the said brig *Porpoise* or the said brig *Kentucky*, and their alledged late traffic in the African slave trade on the coast of Africa, or on the high seas, or on the coast and in the waters of Brazil, under the flag either of Brazil or of the United States?

7th. Whether the said brig *Porpoise* herself is detained by the authority of the imperial government; and if so, under what pretext, or for what cause?

To these interrogatories of the 8th ultimo, his excellency has never replied. The undersigned was awaiting answers to them, and expecting that he would have received them on the request of his excellency, concerning the appearance of said brig under the process instituted by the delegate of police, up to the 29th ultimo, when he was informed in a private and unofficial way, that Cyrus Libby, John Ulrick, George H. Douglass, and Thomas H. Boyle, were the "four individuals" who were in custody of the authorities of the imperial government at the fortress Villegaignon, against whom the process was instituted by the delegate of police; and that on the 28th ultimo they were discharged and released from all detention and custody whatever. And since then, the undersigned has himself seen three of these individuals named at liberty on the streets of Rio de Janeiro. He therefore most respectfully inquires of his excellency again, whether these persons named were the "four individuals" referred to in his request; and if so, whether they have been finally discharged from custody; and whether the brig *Porpoise* is released from detention; and if so, to whom she is delivered up? And if said brig is not released or delivered up to any one, whether any person or persons are demanding or claiming her release or delivery to them?

The undersigned has the honor, &c., &c.,

HENRY A. WISE.

His excellency E. F. FRANCA, &c., &c.

H.

BRITISH CONSULATE, *Rio de Janeiro*.

Whereas, it is notorious that ships and vessels in this port of Rio de Janeiro, and in other places of the empire of Brazil, are openly and undisguisedly prepared, loaded, equipped, and otherwise supplied, for voyages undertaken and destined for carrying on the African slave trade; and it being desirable to prevent and enjoin all *British* subjects residing within the limits of this consulate from participating or being concerned either directly or indirectly in any such disgraceful purposes or engagements, and to warn all such subjects that they do abstain from all such illegal

practices; or from aiding, abetting, or assisting any person or persons engaged therein, and to make known the penalties which are denounced by law against all *British subjects*, wheresoever residing, who shall infringe the provisions of the slave abolition acts of Great Britain, her Majesty's consul deems it his duty to publish the following

- *Caution.*

Whereas, there has been exhibited at this consulate, by order of her Majesty's government, a recent act of parliament entitled "An act for the more effectual suppression of the slave trade," wherein it is declared that all the several matters and things prohibited by the several slave trade acts, and by the said last mentioned act, shall be deemed to be committed with and punished according to the several provisions of the said act, and of the British statute entitled "An act to amend and consolidate the laws relating to the abolition of the slave trade," passed in the fifth year of the reign of King George IV., and that all British subjects, wheresoever residing, should be made cognizant that such interdicted proceedings are highly penal by the above-mentioned enactments. The annexed seven sections of the said statute (5 Geo. IV., cap. 113) are hereby republished for general information, and the careful attention thereto of all whom it may concern is earnestly solicited; and likewise to the perusal of the statutes mentioned, copies of which may be seen at this consulate during the usual hours of public business.

ROBERT WESLUTH,
H. B. M. Consul.

RIO DE JANEIRO, *January 23, 1845.*

K 1.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, January 31, 1845.

SIR: I have the honor herewith to enclose a copy of the answer of Alexander H. Tyler, esq., consul of the United States at Bahia, to my letter to him of the 26th October last, transmitting a copy of your letter to me, dated the 25th October, 1844, in regard to the brig Sooy, of Newport, New Jersey; also copies of the documents accompanying the same.

I have the honor to be, sir, with great respect, your obedient servant,

GEORGE WM. GORDON,
Consul of the United States.

His excellency HENRY A. WISE,
*Envoy Extraordinary and Minister Plenipotentiary
of the U. States near the court of Brazil.*

CONSULATE OF THE UNITED STATES,
Bahia, December 11, 1844.

SIR: I have to acknowledge receipt on the 23d ultimo of your letter of the 26th October last, enclosing copy of one from the Hon. Henry A. Wise, minister for the United States near the court of Brazil, strongly animadverting upon my letter to you of 12th of same month, in answer to yours of 27th of September last, and desiring you to inform me that my letter appears to him very vague and unsatisfactory—much more so than should have been expected from a faithful and vigilant consul at his post, &c., &c.

Now, sir, in justification of myself, I must state that the interpretation put by me on your letter of 27th September was, not that you were desirous of investigating the conduct of the master and crew of the former brig Sooy, of Newport, whether and how far they or any of them had aided and abetted in the slave trade, or committed other breaches of the laws of the United States, (which appears to be the interpretation of Mr. Wise,) but simply to obtain information of the nationality and ownership of the vessel, and what connexion a certain William J. Tyler may have had with her, in order that you might know whether she should be claimed as American property or not, which, from the general tone of your letter, you strongly suspected her to be; indeed, that letter concludes in the following words: "The object for obtaining this information is to ascertain what steps, if any, it is necessary and proper to take in the absence of any personal claimant, in view of the fact that the British flag is waving in this port over a vessel evidently of American construction, and with the name of an American port still upon her stern."

To this interpretation, therefore, I confined my answer, and gave you as full and ample information as I possessed, and I cannot perceive in what the vagueness consists with which I am charged by Mr. Wise.

I now proceed to reply to the interrogatories put to me in the very able letter of Mr. Wise, in as full and ample a manner as I can, and trust that I shall not incur his censure a second time, as it is my sincere wish to give any information and assistance in my power at all times to our minister or other public officers, and particularly on the subject of slavery and the slave trade; but Mr. Wise must bear in mind that we are not all gifted alike, and should my answer appear to him vague, he must attribute it to inability to explain myself, and not want of will.

To the first interrogatory. The brig Sooy, of Newport, New Jersey, arrived on the 25th of April, 1842, from Lisbon, with a cargo of salt, wine, and onions, having been chartered at that port to bring the same to this. The vessel and cargo were consigned to a Mr. Isaac Amzalack, a very respectable British merchant of this city. After discharging the cargo, the vessel was posted in the exchange of this place for freight or charter, but remained idle, unable to obtain either, until about the 3d day of June of that year, when her consignee obtained a charter for her to Africa from

Wm. Pailhet, a partner in the house of Gautor & Pailhet, ship chandlers of this city; and she loaded with a cargo of rum, tobacco, and bales and boxes of dry goods, and sailed for the coast of Africa as an American vessel, her register and other papers being regular and entitling her to that flag. I do not believe that she was fitted in any respect for the slave trade, or in any manner different from other lawful traders of the class of vessels to which she belonged, or that the master had the slightest intention of engaging in the slave trade. Indeed so far was he from it that, when ready for sea, and about to sail, being suspicious that he might have illegal cargo on board despatched as lawful, he applied to this consulate and registered a protest against the charterer, copy of which was sent by me to the government of the province, who ordered an examination of the cargo on board, which was found correct. She returned under the American flag from Africa on the 1st November, bringing a small cargo, consisting of palm oil, guano, calabashes, coast cloths, pepper, mats, calabash seeds, pejericum, colla, &c., all of which was entered and landed at the custom-house of this city; she was consigned by the master on his return to Mr. Isaac Amazalack; her crew consisted of Mark H. Leeds, master, George W. Topham, first mate, Richard Endicott, second mate, John Martick, Minot Knight, Ezekiel Canover, and Joseph H. Henderson, American seamen, and William Conway and John Johnson, foreign seamen. She cleared for the coast of Africa generally, as is customary at this port, but her destination was to that port, between Cape Palmas and Onim or Lagos, the ports to be decided by the supercargo on board; she was owned, as mentioned in my former letter, by Nicholas Sooy, of Burlington county, and N. S. Thompson, of Atlantic county, State of New Jersey, as declared in the register of the vessel.

To the second. The Sooy was lying idle in port from the 1st November, 1843, after discharging her cargo, to the 25th day of March, 1844, when the master obtained a charter for her to the coast of Africa, from the same person who chartered her the former voyage, viz: Wm. Pailhet. The master, I believe, endeavoring, during this time, through his consignee Mr. Amazalack, to obtain a freight or charter, who obtained one if not two offers to charter the vessel for Africa; but the master, not liking the sums, would not accept them, and finally took the consignment of this vessel from Amazalack and consigned her afterwards to Messrs. Gautor and Pailhet. She sailed on the 26th April, 1844, under the American flag, with the same papers as on the first voyage; to the best of my knowledge and belief her cargo consisted of rum and tobacco principally. I send herewith a copy of the manifest deposited in this consulate by the master, upon sailing on this latter voyage. I do not believe she was fitted in any respect for the slave trade. Both voyages to Africa she was consigned in Onim to a Mr. Sala, I believe the agent of the charterer; her crew consisted of Mark H. Leeds, master, George W. Topham, mate, Joseph Suitors, second mate, Joseph H. Henderson, apprentice, John Martick, John G. White, and George S. Foy, seamen, all Americans, and Lewis

Sully, John Newland, and John Dos Santos, foreign seamen. She took, besides these two supercargoes, João Ramos de Souza and M. Robin, and a black man named Fellippe, as cooper; the first of these came back in her, but I have not been able to find out whether either of the others came. I am inclined to think they did not.

The Messrs. Gautor & Pailhet are well known to be slave traders; but at the same time it would be nearly impossible to prove them so. Of my own knowledge, I can say nothing further than they are reputed to be the owners, either in whole or in part, of several slaving vessels which are well known to have brought cargoes of slaves to this coast, and, in my own opinion, it is their principal business. Who Captain William Tyler may be, I know not; nor did I ever hear of such a man, to my recollection, until receipt of your letter of 27th September.

To the third. The arrangement that I suspected was that the master had sold his vessel here, deliverable on the coast of Africa, after discharging her cargo there. My reasons for this suspicion were that the sale of the Sooy was known here long before her arrival on this coast in August and seizure by the Racer, together with the fact of a letter having been addressed to the mate, who went from this, directing him to look out, as a British cruiser was in port; which letter is said to be from Messrs. Gautor & Pailhet. I have not seen this letter, but doubt not from what I have heard that such a one was found on board. Connecting these with the facts of her having arrived with slaves and a part of the crew which she took hence on board, led me to suppose that the sale had been arranged previous to her departure. I did not suspect this either before or when she sailed, but, on the contrary, never supposed the Sooy a vessel to suit slavers, as they require fast clipper built vessels, and the Sooy never had the reputation of a fast vessel, to my knowledge. This suspicion I now unreservedly withdraw, as I feel fully convinced no such arrangement was made, and that the master upon sailing from here had no intention to sell her; for, from the investigations I have since had, I find that letters were received here from Onim, by vessels sailing thence just previous to the Sooy, which letters gave information to parties here of the sale of the Sooy, and that a mate and part of the crew were to come in her. I am not aware of any arrangement of this or any other kind ever having been made with American vessels, or others from this port, nor did I ever hear of any such; therefore am unable to give any information how arrangements are generally, say usually, made, if any such are. It is generally in the power of the consul at Bahia, from his knowledge of the parties, of the cargo, outfit and charter, and appearance of the vessel, to judge when she is bound on a slaving voyage to Africa. Vessels going for slaves carry little or no cargo beyond provision and water, and boards for the false deck. Cargoes are generally sent in other vessels, freighted as in the case of the Sooy. The carrying of slaves is confined mostly to fore and aft schooners or brigs, very sharp and fast sailing; of these it is in the power of consuls to judge; indeed,

these vessels are fitted out openly here, and are very different in appearance and rig from other vessels. Large and duller sailing vessels are used to carry cargoes, which are doubtless used for the purchase of slaves. Indeed, although I believe the master perfectly innocent of any intention to aid or abet the slave trade; yet, were I asked conscientiously whether I believed the cargo of the Sooy was intended to buy slaves, I should unhesitatingly answer yes—that I am confident not only that, but most, if not *all*, the cargoes from this port are for the purchase of slaves and maintenance of the slave trade. Vessels going for slaves do not generally clear for Africa, but for other ports of the world, and sometimes for other ports in Brazil; on returning with cargoes, they land them up and down the coast, just off this port, and enter the harbor in ballast, giving entry in the custom-house frequently as being obliged to put back in distress; the slaves are afterwards brought by their respective owners to the city, or carried into the interior; these vessels are all under the Brazilian flag. I do not know, nor have I ever heard, of a single instance where vessels or the flag of the United States were ever employed in carrying on this trade, either at this port or others in Brazil. The only connexion that Americans have, to my knowledge, with the trade is that American vessels, as well as those of other nations, are frequently chartered and freighted here, as well as in Rio de Janeiro and Pernambuco, to convey cargoes of rum, tobacco and all other lawful merchandise to Africa, as above mentioned; some of these vessels at times meet with purchasers on the coast of Africa, (as in the case of the Sooy,) and are sold and bring cargoes of slaves away with them. And again, for the carrying of cargoes of slaves, sharp clipper built schooners and brigs, which sail fast, are required; and, as the Americans have the deserved reputation of building the fastest and handsomest vessels of this description, their vessels are sought after and bought. Many of this description of vessels are sold here; but in all cases the flag is changed and papers cancelled by me, after paying off the crews. And thus, because they sell their vessels, which are afterwards caught with slaves on board—although without vestige of proof of their being American property, other than the mere hull—and because their vessels convey lawful merchandise (for such I consider it) to Africa, Americans are to be branded with the name of slave traders.

With respect to the sale of vessels, I think there should be some action of Congress pointing out the mode in which vessels shall be transferred when sold; what that mode should be I am unable to suggest. This, however, I will suggest, viz: that American citizens should not, under any circumstances, be allowed to sell and transfer a vessel on the coast of Africa, or any other place where there is no American consul or other authority to cancel their papers, and that they should be obliged to have their papers cancelled and the transfer made before the consul, when in a foreign country; immediately on sale of a vessel; and it should be the duty of the consul to find out the character of the person buying, and the probable manner in which the vessel would be used, and with-

hold or give his consent according to the circumstances of the case.

To the fourth. I knew of the Sooy's arrival on the coast of Brazil, near this port, in the month of August last; I heard by a rumor through the city that an hermophradite brig, supposed to be the Sooy, had been taken while aground off this port, she having been previously chased by boats from the British brig of war Racer; but having previously heard she was sold to foreigners, I did not deem her American property, and took no steps to claim her. I did not know, until some time after she had left this for Rio in charge of the Racer, that any of her former crew had come in her; but immediately on hearing this I endeavored to find them out, but could not for a long time obtain any intelligence; until, finally, Joseph Suiters, the second mate, came before me, upon my promise not to imprison him. I examined him touching the sale of the vessel, her present charterer, and all he knew respecting the voyage; his depositions will be found herewith. The Brazilian master's name is Domingos da Costa Lage, as I have been informed; the names of the five who were part of her former crew are Joseph Suiters, former second mate, George L. Foy, Americans; John Newland, an Englishman; Lewis Sully, a Hamburguese; and John Dos Santos, a Portuguese black. Foy went to Philadelphia in the brig Joseph Cowperthwaite before I was aware he was here. John Newland and Lewis Sully also left for Europe before I was aware of their being here. John Dos Santos has gone again to Africa, I believe, as I cannot find him; Suiters is here, well watched by my orders, until he can be sent home, either for trial or as a witness, as the minister shall direct. But I must state here that I know him to be a worthless fellow, and to his testimony I give no credit whatever, as it is evident to me he wishes to take all the blame from himself and throw it upon others; and I believe him to be guilty of perjury in the present case. I have endeavored to send him home in the brig Draco, which sailed for Boston on the 25th November last, but the master refused to take him as a prisoner. Upon the arrival of any United States vessel of war, I shall apply for his apprehension and deliver him to the commander of any such who will take him; but upon this subject I shall await the minister's orders or instructions, as I do not think I am empowered to force any merchant vessel to take prisoners. It was my intention to have arrested the master, Mark H. Leeds, the mate and the remainder of the crew upon their arrival here, to examine into this case, and, if necessary, to send them to the United States for trial, as intimated in my former letter to you; but, upon arrival, they voluntarily appeared before me and gave their testimony freely in regard to the sale of the vessel and everything connected with her transfer, &c., from which I could find nothing to authorize me to apprehend them, unless it be on the testimony of Joseph Suiters, in which, as I have before stated, I put no faith. I therefore allowed them to proceed home in the brig Draco, bound to Boston, in which vessel Mark H. Leeds, master; George W. Topham, mate; John Martick and Joseph H. Henderson, seamen, took passage and sailed on the

25th November last. Martick belongs to New York, and the others to Newport, New Jersey. Not having been able to make copies of depositions taken by me in time for that vessel, I determined, upon receipt of your letter, to forward them on to the minister, in order that he might be in possession of the whole case, and forward them with those documents touching it which he mentions in his letter as intending to forward to the Department of State.

To the fifth. I knew, from general report, that the Sooy brought about 600 slaves and landed them on the coast of Brazil. This was a rumor that was current through the city for some days after the seizure of the vessel—a rumor not contradicted by any one, but believed by all. And Suiters in his deposition says that there were 612 taken on board, and 15 died on the passage; and on his re-examination, he says there were 630 taken on board, and 610 landed. As to whom and by whom they were consigned, it is impossible to find out; but I feel certain they were consigned to Gautor & Pailhet by their agent in Africa, whoever he may be. Whether they all or any part belonged to those people, or whether they were only receivers of the freight from Africa here, I cannot say. In this trade it is frequently the case that there are from twenty to fifty owners of one cargo alone, and these are only known to those interested in the particular case, or to old traders, some particular person or firm, already known to the world as engaged in the trade, appearing as husband of the vessel, and delivering over to each his or her share of the cargo, (for women are engaged in it,) upon receipt of the freight; the names of all concerned are kept strictly secret. Joseph Suiters and John Dos Santos were the two men who stated to me that the crew were paid off at Onim, and that they were persuaded by the master to come in her. The deposition of the first, as before stated, I have taken; the latter is a Portuguese black. He, a few days after the date of my first letter, appeared at my house on a Sunday, and declared that he had told a lie; that Suiters had frightened him, and told him to say Captain Leeds did not want any of them to come in the vessel. I have not taken his deposition, as he is a negro; and upon this I did not think it would be right to do so. Should Mr. Wise, however, desire it, I have no doubt I shall be able to obtain his deposition upon his return from Africa, where it is reported he has gone. I shall, however, wait his views on the subject. Who the party is that told me the papers were getting ready to send on to Rio de Janeiro to claim the Sooy, I decline telling, as it was never expected by the party that I would make the name known as coming from him. The foreigners who own her are Messrs. Gautor & Pailhet, who bought her by their agent in Africa, but they do not claim her in their own name; the claim will be made in the name of some Brazilian citizen, who may own a small portion of her. The master has shown me a power of attorney, or writing, purporting to be from the owners, empowering him to sell or otherwise dispose of her, as he might think proper. No particular place was specified in it. This power of attorney was not executed

before any authority, but simply signed by the parties in the presence of a witness. I did not know of this power of attorney, nor was I ever informed of it, until I examined the master touching it upon his arrival this time from Africa; but masters of American vessels most generally have authority from the owners to sell their vessels. The steps taken by me to find out whether the master, mate or crew of the Sooy, either or all of them, have or not subjected themselves to the accusation of aiding and abetting the slave trade in the manner of selling her, or otherwise, have been to call before me, not only them, but the master and crew of the brig Albert, of Boston, and thoroughly examine them concerning the manner of selling and mode of transferring the Sooy to foreigners in Onim, and by indirect means to find out from those who trade to that port, whether they aided or abetted the slave trade in any way; but all I have learned on the subject tends to exculpate them, with the exception of Suiters's testimony, upon which I have before said I put no faith. Yet, for the testing of which, I would suggest to Mr. Wise, whether it may not be well that the commander of the naval forces of the United States on the coast of Africa should be requested by him to take the depositions of the officers who boarded the Sooy in Onim, from the United States ship Decatur, a few days previous to her being transferred, touching the condition in which they found her, and whether she was fitted in any manner for the slave trade, &c., &c. The master, Mark H. Leeds, is a professor of religion, belonging to the methodist church. He appears a pious and exemplary man, and, from my knowledge of his character and conduct since he has been sailing to and from this port, I believe he would not knowingly engage in or abet the slave trade, or commit any other offence against the laws of this country or his God; and, therefore, I am exceedingly unwilling to injure the reputation and character of such a man only upon the evidence of so consummate a blackguard as I know this Suiters to be.

I have thus, sir, answered, as far as I am able, the interrogatories put to me by Mr. Wise, and given all the information I possess respecting the case of the Sooy in this letter, and the accompanying documents numbered from 1 to 5, from all which my opinion of the affair is, that the brig Sooy sailed from this on a legal voyage, freighted to Africa, and to return to this port; but whilst in Africa, the master obtained an offer for his vessel, and consulted the interest of his owners and sold her without the slightest intention of aiding or abetting the slave trade, or committing any breach of the United States laws; that he may not have been particular in finding out how the vessel was to be used, I admit; but I submit to your consideration, how far he is bound to do so. The case, indeed, would come under Mr. Wise's moral code, (with which I perfectly agree;) but, as I am here not to see executed the moral law, but the law of the land, I would say of the United States I see not in what other manner I could have acted in the present case; for I do not think I should be borne out in

law for arresting these men, merely from the fact of the vessel having been found after sale engaged in the slave trade, joined with the evidence of only one man, whose character I knew to be so despicable. For myself, I have as great a detestation of the slave trade as Mr. Wise or any other person can have; and shall always use my best exertions to keep American citizens from engaging in it. It is nothing new for me to hear of insinuations from British authorities and British subjects against United States authorities, the United States government, its citizens, and every thing belonging to the United States; these insinuations have as little effect on me as on Mr. Wise; and if the suspicions, which, from the tone of his letter, I think Mr. Wise entertains of my aiding or being blind to the slave trade, originate from the insinuations of British authorities in this case of the Sooy, I submit whether it was not their duty, (if they supposed the vessel to be American property engaged in the slave trade,) to have surrendered her at this consulate, and then judge whether American authorities were blind or not. This they did not, but, on the contrary, the vessel was kept out of sight and never entered this port, although the commander of the cruiser was several times on shore at the British consulate, and it would have been a fine opportunity for him to test the aspersions, in a measure, so freely issued by his countrymen.

I am much obliged to Mr. Wise for his tender of a vessel of war, and should certainly avail of our naval force, were there any necessity for so doing; but I have always found myself well treated by the government and authorities of this province, and every application from this consulate has been punctually attended to, and every facility afforded me by them in the discharge of my duties. I trust that he will not think, for a moment, that I am trammelled with fear of any molestation or hindrance on the part of the authorities here, or others, in the execution of my duty; but Mr. Wise has formed an erroneous opinion in supposing that Americans, or the American flag, are engaged in the slave trade here; they are not interested in any way further than heretofore explained by me, viz: in being engaged in the carrying trade of Brazil produce hence to Africa.

I trust that Mr. Wise will reconsider his opinion of my former letter, and that to any comments relating to the scenes here, and my conduct of the case of the Sooy, which he may forward the department, this letter, with the accompanying information, may be added; for I cannot see in what I am guilty of vagueness in our former correspondence, nor anything to warrant the idea of my being blind to my duties, or in any way remiss. Your letter asked for certain information; I gave all in my power at the time, and stated I was endeavoring to find out in what manner the master and crew had conducted themselves on the coast of Africa. I have now given all the information of the case in my power to give, and trust that both Mr. Wise and yourself will agree with me that the vessel is no longer American property, and that she never was engaged in the slave trade whilst entitled to wear the

United States flag; and, also, that my conduct in regard to the master and crew will meet your approbation.

I am, sir, most respectfully and truly, your obedient servant,
ALEXANDER H. TYLER, *Consul*.

GEORGE WM. GORDON, Esq.,
Consul of the United States, Rio de Janeiro.

K 2.

CONSULATE OF THE UNITED STATES OF AMERICA:

These are to certify that that the within are true copies of all the depositions taken by me at this consulate on investigation into the conduct of Mark H. Leeds, master, and the crew of the brig Sooy, of Newport, New Jersey, in the sale of that vessel at Onim, upon the coast of Africa.

[L. s.] Given under my hand and seal of my consulate at Bahia,
this 11th day of December, in the year 1844.

ALEXANDER H. TYLER, *Consul*.

No. 1.

CONSULATE OF THE UNITED STATES OF AMERICA:

On this twenty-sixth day of June, in the year one thousand eight hundred and forty-three, before me, Alexander H. Tyler, esq., consul for the United States of America for the province of Bahia and its dependencies, personally came and appeared M. H. Leeds, master of the brig called the "Sooy," of the burthen of one hundred and ninety-seven tons or thereabouts, belonging to the port of Newport, in the State of New Jersey, and declares that he has chartered his vessel, as aforesaid, called the "Sooy," to Wm. Pailhet, esq., merchant of this city, to take and convey a cargo of lawful merchandise from this port of Bahia to port or ports on the coast of Africa, and in accordance with the said charter he has taken on board and loaded his vessel with such cargo as the aforesaid Wm. Pailhet, has sent him despatched from the export office or consulado of this port, consisting of pipes, half pipes, barrels, rolls of tobacco, bales and boxes, and is now ready to be despatched for sea; but having been informed that there is now in this port a vessel loading for the same place, for which unlawful merchandise has been despatched under a different name, which has been seized by the custom-house here, and fearing the same may have been done to the cargo of his said brig, (the contents of which is unknown to him) he notes this his protest, reserving the right to extend the same at times and places most convenient, against the said Wil-

liam Pailhet, charterer aforesaid, declaring himself innocent of any illegal traffic or fraudulent purposes.

MARK H. LEEDS.

Affirmed to, and executed by Mark H. Leeds, master of the brig Sooy, of Newport, before me at this consulate.

ALEXANDER H. TYLER, *Consul.*

No. 2.

CONSULATE OF THE UNITED STATES OF AMERICA:

In the matter of the sale of the brig Sooy, of Newport, Mark H. Leeds, master, Joseph Suiters, second mate of the brig Sooy, being sworn to declare all he knows respecting the same, declares:

That he, together with four others, composing the crew of that vessel were induced by the master, Mark H. Leeds, to come in said vessel to this port, he having sold her to slavers, and she actually having about 350 slaves on board at the time she was delivered up by the master and mate, who went on board the French brig *Lisbonnaise*; two men went to the brig *Albert*; that they, the five men, came on this coast with a cargo of 612 slaves, of which 15 died on the passage. The vessel was afterwards chased by a boat from an English man-of-war, when she was run on shore and abandoned by captain and crew, and was taken prisoner of by the boat. He received a letter directed to Mr. Topham, or any other seaman in his absence, with the names of Gautor & Pailhet signed to it, telling them to take care of themselves, as the English brig-of-war *Racer* was in port. The five men who came, were John, a Portuguese black, Lewis, a Dutchman, George, an American, who went in the *Cowperthwaite* from this port to Philadelphia, William, shipped in the *Rosendale*, and himself. He declares that he and the others all refused to come in the vessel, and the captain advised and persuaded them to go in her, and they finally consented; that the United States sloop *Decatur* came into the port of Onim, but the vessel had been sold, and the five men had been discharged, and signed receipts for orders received for the amount of wages due each, which were given them by Captain Leeds, and have since been paid here by Messrs. Gautor & Pailhet; that they were offered rs.250|000 each to come in her, by a Mr. Sala, the man who bought the vessel, but declares he refused to receive it, and only came in order to obtain a passage from the coast, which he could not otherwise get; that the Dutchman, George, and William, who have sailed, did receive rs.300|000.

JOSEPH SUITERS.

George W. Topham, mate, being duly sworn, deposes and says, that the brig Sooy, of Newport, was sold at Onim, in Africa, by Captain Mark H. Leeds, to foreigners. The men were all, with the exception of J. Holmes Henderson and himself, paid off, and

all were offered passages either in the French brig *Lisbonnaise* or the American brig *Albert*, both of which vessels were in port; and Captain Leeds had engaged passages for all, as he would not consent to their going in the *Sooy* after he found they were going to make a slaver of her. Five of the men refused the passages provided for them, but himself and J. H. Henderson accepted and came in the brig *Albert* to this port. There were no slaves on board when the vessel was given up, but two or three days after she commenced taking them in; does not know whether Captain Leeds knew, at the time of selling, that she was to be used as a slaver; expressly denies that the captain induced any of the men to go passage in the *Sooy*, or to ship in her, but persuaded them to go in the other vessels, where he could pay their passages; that Joseph Suiters, John Dos Santos, George Foy, William Nowland, and Lewis Sully refused, and shipped in the *Sooy*, at rs.300||000 each, for the run, well knowing that the vessel was to take in slaves.

GEORGE W. TOPHAM.

John Martick, seaman, and Joseph H. Henderson, boy, swear to the truth of the foregoing statement of the mate, and expressly declare that all the crew were offered passages by Captain Leeds in the brigs *Albert* or *Lisbonnaise*, and that he endeavored to persuade them to accept his offer.

Mark H. Leeds being affirmed, and desired to give a full account of his conduct in the sale of the brig *Sooy*, answers as follows, to wit:

That he arrived at the port of Onim on the 12th June, 1844, after having touched at Awey, a port to the windward, for fresh provisions, with a cargo consisting principally of tobacco, rum, and cotton goods, consigned to two persons on board, whose names he does not recollect, but will get them; commenced discharging on the 14th June, and finished on the 13th July; that, previous to finishing, he was ashore, and was asked by his agent, Mr. Sala, if he would sell his vessel, as a Mr. Francisco José de Campos, a Brazilian, then present, wanted to buy her. He said he would sell if they gave him his price; but they not offering it, no sale took place at that time, and he made provision for his returning. But on the 13th of July they came up to his price, and she was sold, (declines saying for how much he sold her,) and delivered her to the master and seamen sent to take charge of her, when he left, with his mate and John G. White, John Martick, and Joseph H. Henderson, the part of his crew who accepted his offer to pay their passages to Bahia; the other five composing the crew, viz: Joseph Suiters, George L. Foy, Lewis Sully, John Newland, and John Dos Santos refused to go with him, notwithstanding his advice to them not to stop in her; declares that he never persuaded any of the men to remain in the vessel, but offered to pay their passages to Bahia, and endeavored all in his power to get them with him; but, from their conduct, he felt persuaded that they had

been engaged to go in her during his absence on shore. He considered himself entitled, by the laws of the United States, to sell there, particularly as other vessels had been previously sold there; that he did not know how his vessel was to be employed. He believes she loaded with slaves, but could not speak positively of it. When he left he took away all his papers with him, and kept them in his possession; that he did not rub out the name from the stern of the brig, because he did not think it requisite, and declares that it was never mentioned by any one at the time of his selling, nor does he think the purchaser cared whether it was rubbed out or not; declares she was fitted in no way whatever for the slave trade, but in the way she had always been kept by him, with the exception of the gaff topsail, which had been changed to a square topsail, as he found the gaff topsail was not sufficient sail aft, and the vessel fell off from the wind. This alteration was made in Bahia, in consequence of the gaff and other sails having been worn out, and were to be replaced. It was long before he accepted a freight to Africa; declares he never thought of selling his vessel at the time of sailing from this, nor did he entertain the thought until spoken to, as mentioned, at Onim; that he was unwilling to sell, as it would throw him out of business; but, finding the interests of the owners demanded it, he did so, and is not aware of having done wrong, or broken any law of his country. He had full powers from his owners to sell here or elsewhere. The Sooy sailed from Onim in two days after delivery to foreigners.

MARK H. LEEDS.

Jacob T. Woodberry, master of the brig Albert, of Boston, being sworn, and requested to give any information he may have respecting the sale and transfer of the Sooy, of Newport, answers and says: That he arrived at Onim, in the brig Albert, under his command, on the 9th day of July last, and found the brig Sooy, of Newport, Mark H. Leeds, master, at anchor, and was informed by the mate that the captain was on shore, and that the vessel was to be sold. Some time after he was ashore, and was requested by a Mr. Sala, who appeared to be the agent, to take on board three of the men of the vessel, and bring them to Bahia; he had been previously spoken to by Captain Leeds to take his men, and had agreed to take them; two men, John G. White and John Martick, came on board his vessel the day before the Sooy sailed from Onim; the day previous, he thinks Captain Leeds, his mate, and a boy took their clothes on board the French brig Lisbonnaise, which was in port; understood the vessel was sold previous to her leaving Onim; feel certain she sailed with slaves in her, but did not see them; was on board the Sooy the day the master came from shore, which was the day after his arrival; she had some dry goods and pipes of rum; does not think she had slaves on board then; feels positive she had not; did not see any water or provisions go to the vessel until after mid-day of the day she sailed; did not see any-

thing to warrant his believing they were aiding and abetting in the slave trade; does not believe that Captain Leeds, his mate, or crew, aided in getting the vessel ready for slaves; her maintopmast, foretopgallant, and foreroyal yards were down when he arrived in port, and remained down until two or three hours before dark of the night she sailed from Onim, when he saw them going up; the last he saw of the vessel, her maintopmast was still down. Some time after this, Captain Leeds made arrangements with him, and came with George W. Topham; mate, and Joseph H. Henderson, boy, on board his vessel to take passages for Bahia. When the vessel was sold, Captain Leeds spoke to him for passages for himself and men, telling him he had sold his vessel, and Mr. Sala had agreed to pay their passages to Bahia; does not know who the vessel was sold to positively, but heard that Mr. Sala had one-third part of her, and the remainder to the agent of a Mr. Domingos; this he was told by Captain Leeds; has heard of other vessels having been sold there, and that they have invariably brought away slaves; there are other cargoes brought away, but never heard of a vessel being bought to bring them away. At the time Captain Leeds spoke for passages, he advised him to go on board the Lisbonnaise, as that vessel was bound for Bahia, and would probably sail before the Albert, which advice Captain Leeds took at the time, but afterwards arranged with him and came as above stated to the Albert from the Lisbonnaise. He was on board the Sooy many times whilst she was loading in Bahia, but never saw that she was fitted in any different way from any other legal trader, nor does he believe she was either then or when sold, fitted in any other manner; does not believe she was fitted in any manner for slave trade until after sale; does not know the day the Sooy sailed, but it was about five or six days after his arrival in Onim.

JACOB T. WOODBERRY.

Being asked who Sr. Lala was, whether he was or not a notorious slave dealer or agent for slave dealers, answers he was a dealer in slaves; he thinks him well known to be such. Being asked who Mr. Domingos was, and whether he is a notorious slave dealer or not, answers that he does not know him, but thinks him generally known as a slave dealer.

JACOB T. WOODBERRY.

Stark Munson, John Turner, Thomas Brown, Charles Berg, and Thomas Rubie, composing the crew of the brig Albert, of Boston, being duly sworn, were severally interrogated and declared they knew nothing of the sale or particulars regarding the Sooy, except that they saw her in port, a part of her crew and captain came on board the Albert, and the Sooy sailed at night without them; they heard she was sold to foreigners.

Joseph Suiters, second mate, being again sworn on re-examination, and desired to give all information respecting the sale and delivery of the vessel on the coast of Africa, answers and says: That Mr. Topham, the mate, went on shore with the captain and returned the same day, and told him the vessel was sold for \$9,000 to Mr. Sala, and he was going in her, and wanted us to go along with him; that he, George, Bill, Lewis and John said they would go along with him; that two days after, Captain Leeds came aft and called all hands into the cabin, and said the brig was sold and wanted them to go in her, and that there would be no danger; four of us said we would go; he asked for how much money—that Mr. Sala would give 200|000 rs.; he, deponent, told the captain he would go for 300|000 rs.; does not know what day this was, nor the month, nor does he know when the vessel was delivered up, but he believes it was in August last; that the captain, mate, and some of the men took away their clothes a day or two before the slaves came on board; but neither the captain, mate, or any of the men had left the ship when about twenty or thirty slaves came on board, and five or six canoes filled with them were towing astern of the vessel; that water, farinha and beans came along side; some came before the cargo was out, and some immediately after; that he came in the Sooy for 300|000 rs.; that they sailed from Onim with 630 slaves as cargo, and landed 610, the remainder having died on the passage; that she was commanded by a Spaniard—his name he never heard. Ramos, a Brazilian, who went out supercargo of the Sooy, came back as contra master of her; they had a flag-captain who was a Brazilian; don't know his name; five passengers, Brazilians, who went from this in the Joseph Cowperthwaite, the Rosa & Lisbonnaise, an American and French brig, and Sardinian barque, came back in the Sooy; four negroes were shipped as part of the crew on the coast before Captain Leeds left her, but were shipped by the other captain; seventy pipes of water, a great many sacks of farinha, corn and beans, a cask of palm oil, and three barrels of jerked beef were taken in on the coast, and all before the vessel was delivered up by Captain Leeds; that the Decatur came in and sent on board two officers, who went on board and went into the cabin, and afterwards looked down the hatches and saw cargo on board; thinks this was a week before they sailed.

JOSEPH SUITERS.

True copy. Attest:

ALEXANDER H. TYLER, *Consul.*

K 3.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, April 9, 1845.

SIR: Yours of the 8th instant, enclosing an extract from a letter of Consul Tyler, at Bahia, dated 3d instant, communicating the

information that he has imprisoned an American citizen, Joseph Suiters, former second mate of the brig Sooy, and that "he has now been a long time in prison, and has become sick from the confinement, and that he is anxiously awaiting my decision respecting him," compels me, in humanity to the prisoner, immediately to reply to the letter of Mr. Tyler to you of the 11th December, 1844, a copy of which you, on the 31st January, 1845, enclosed to me. This extract gives me the first information of the imprisonment of this man; the letter of M. Tyler, of the 11th December, on the contrary, states that Suiters appeared before him to give information touching the Sooy, "on a promise not to imprison him;" and you know, sir, the immense volume of other business which has engrossed my attention, since the receipt of that letter, to be a sufficient apology for not noticing it before this time.

After a thorough and deliberate examination of Mr. Tyler's course, I regret to be constrained to say it is far from being clear and satisfactory. You wrote to him for information in the case of the Sooy, which involved questions both of supposed English aggression on our commerce and of violation of our laws for the suppression of the African slave trade. He replied in a way which to me seemed vague and unsatisfactory. I candidly gave him the opportunity of answering fully and fairly. His reply shows as his excuse, that he stuck to the *letter* rather than to the spirit of your inquiries; and that at the time of his first reply to you, he had much information beyond the specific inquiries put by you, which he did not communicate until specially interrogated by me. And the whole case, as stated by himself, seems now to stand thus:

The Sooy, Leeds, master, arrived in Bahia, consigned to Amazalack. She remained there some time, and was chartered, through the consignee, to Pailhet, a partner of the firm of Gautor & Pailhet, a notorious firm of slave dealers. The captain became suspicious of her first cargo even, and protested. She was sent to Onim, a supercargo on board, to the agent of the charterers, Sala, himself a generally known slave dealer. The captain thus had every opportunity of becoming acquainted with the known character of the charterers, and their agent in Africa. He returned to Bahia. He waited there some length of time—long enough to become further acquainted with Gautor & Pailhet, and the course of trade with Africa. After waiting in vain for his consignee to negotiate another charter for him, (and it does not seem clear why he did not,) he withdrew the consignment from Amazalack, and chartered his vessel himself to Gautor & Pailhet for a second trip to "the coast." He again contracted to take two supercargoes, Brazilian. Arrived in Africa; sold his vessel. A part, five of his crew, and the Brazilian supercargo, returned in the Sooy, bringing to the coast of Brazil several hundreds of slaves, say about six hundred. Leeds states in his deposition that he treated of the sale with Sala for Campos. The captain of the Albert says, that he, Leeds, told him that Sala was purchaser of one-third, and other part of the vessel was sold to a certain Domingos. The consul says, Gautor & Pailhet, the charterers, were the purchasers, through their agent in

Africa, without saying how he came by this information. The Sooy was chased on shore near Bahia, and the vessel captured by an English man-of-war's boat. On board of her were found sundry papers, among others a letter signed Gautor & Pailhet, directed to *Mr. Topham*, or any other seaman in his absence, and this letter was in English, showing that the charterers expected that *Mr. Topham*, the American mate, and some American seamen, speaking the English language, would return from Africa in the Sooy. The vessel was brought to the port of Rio de Janeiro; copies of all the papers found on board of her were furnished to the United States minister here. The American consul here, *Mr. Gordon*, wrote his first letter to *Mr. Tyler*, United States consul at Bahia, for information. His reply was such as I have described, and he was further interrogated. ~ What now does he say? He evidently shows that, notwithstanding his professed willingness to disclose all he knows, he has information which he does not disclose. He admits Gautor & Pailhet to be "*well known*" slave dealers; that they are in fact reported to be the owners in whole or in part of several slaving vessels which are well known to have brought cargoes of slaves to this coast, and the slave trade is in his opinion their principal business. He speaks of his suspicions of the sale of the Sooy before her departure, which suspicions he unreservedly withdraws on the ground of letters which he found, on investigation, were received from *Onim*, at Bahia, before her return; he does not say *from* whom or by whom, or what were their contents; and he had much other information, particularly of the letter of Gautor & Pailhet to *Topham*, the mate; an account of which, and of whom derived, he does not give. This shows that he had the means of full, accurate, and confidential information. He believed the cargo of the Sooy was for the slave trade; "confident not only *that* was, but most, if not *all*, the cargoes from Bahia, for the coast, were for the purchase of slaves and maintenance of the slave trade." One of the crew of the Sooy, *Suiters*, voluntarily gave him information on a promise not to imprison him. Every material fact deposed to by that witness, no matter whether his character be good or bad, is corroborated by the papers found on board the Sooy, and by the admitted evidence on the part of *Leeds*, *Topham*, and all, except that the captain persuaded the men to ship in the Sooy, and that slaves were put on board before the vessel was delivered up. The consul (*Mr. Tyler*) himself felt confident the slaves were consigned to Gautor & Pailhet, the charterers, by *Sala*, the consignee and agent in Africa, with whom the sale was negotiated. The consul, however, declines telling who informed him that "papers were getting ready to send on to Rio de Janeiro," &c.—it was told to him in confidence. He states that Gautor & Pailhet bought the vessel in Africa by their agent there, but does not say how he came by this certain information; *Leeds* had an indefinite power to sell the vessel; the consul's eulogy upon *Leeds's* character for righteousness and piety; his report that American vessels are not interested in any way in the slave trade, further than in being engaged in the carrying trade of Brazil

produce here—knowing that their price is enhanced by the protection their flag gives to their own sale and delivery to the trade on the coast, as in this very case of the *Sooy*; that the *vessels* of the United States, as well as their cargoes, are delivered to that trade on the coast, and that they carry and bring *crews*, as well as cargoes, for the navigation of slavers. The deposition of Suiters, that he returned in the *Sooy* to the coast of Brazil with slaves; that slaves were on board of her when she was delivered up; that Topham told him that the vessel was sold for the extraordinary price of \$9,000 to Sala, and that he was going in her; that Leeds persuaded him to go in her; the deposition of Topham, that the vessel was sold by Leeds, without saying to whom or for what price; that the men were paid off at Onim, without saying in what manner, but impliedly corroborating Suiters's deposition, and saying that Suiters shipped knowing that the *Sooy* was to take slaves; the short-hand deposition of Martick and Henderson; the deposition of Leeds himself, admitting that Sala was the agent of Gautor and Pailhet; that on the 13th of July, *some one*, without saying who, came to his price—declining to say *what*, obviously because the price itself would show that the slave trade alone could afford to pay so great a price for such a vessel; that he advised the men not to ship in the *Sooy*, obviously because, if so, he knew or had reason to suppose that she was to carry a cargo of slaves; that he believes now she was loaded with slaves; the deposition of Woodberry, captain of another vessel, as compared with Leeds's evidence; the fact that he was informed as early as the 9th of July the *Sooy* was to be sold, when she was sold, as said by Leeds, not until the 13th of July; that Sala afterwards requested him to take three of the men; that two of them came on board the *Albert* the day before the *Sooy* sailed from Onim; that he felt certain the *Sooy* sailed with slaves; the fact that Leeds told him of two different purchasers from Campos, first named in Leeds's deposition; that he had heard of *other* vessels sold there, and *they* had invariably brought away slaves; that there were *other* cargoes brought away, but had never heard of a vessel's being *bought* to bring them away; that Sala and Domingos are both generally known slave dealers. Every circumstance, in a word, showed that it was a proper and clear case for arrest of Leeds, Topham, and all hands, on a charge of violating the laws of the United States for the suppression of the African slave trade. It was not for the consul to decide upon the guilt or innocence of the accused. Suiters was the accuser, and the courts of jurisdiction in the United States were the proper tribunals to decide upon the law and evidence touching guilt or innocence of all the parties implicated. Yet, what did Consul Tyler do? By his own statement, it seems that he took the testimony of one witness, at least, corroborated by every known fact in the case, and released them from all imputation of guilt, and allowed them to go home in the *Draco*, and detained the first informer alone, and has finally *imprisoned* him until he is *sick by the confinement*, anxiously awaiting my advice concerning him! I cannot conceal the fact that this whole course of conduct is re-

probated by my warmest indignation. If Suiters is guilty, why does he want my advice? Does he not know what is his duty? Does he wish to punish that man by imprisonment for becoming informer during the delay of waiting for my advice? If Suiters is guilty, how can Leeds be clearly innocent? If not guilty, and if the man is to be used as a witness, why imprison him, after a promise, confessed, that he should not be imprisoned, implying that he should be used as a witness? No; Mr. Tyler's suppression of information; his looseness in taking the depositions, without precision as to names of persons and as to dates, and without proper cross-examination in all respects; his allowing Leeds and Topham, the master and first mate, to go freely home, and his imprisonment of this offender in the third degree, not without liability to the suspicion that it is *because he was informer*; and the tone and temper of his report to you, and other facts known officially to me, all strip him of any title or claim to my counsel and advice, and I shall leave him, accordingly, to his own responsibility to the government of the United States. If he had been appointed by this legation, I should not hesitate, as in the case of —, at Victoria, to cause his exequatur to be revoked instantly. As he was appointed by the President, and I judge that he must be removed by the President, I shall simply lay the whole correspondence with him before the Department of State, and recommend his immediate removal from office.

Very respectfully, your obedient servant,

H. A. WISE.

GEORGE WILLIAM GORDON, Esq.,
Consul of the United States, Rio de Janeiro.

Mr. Wise to Mr. Buchanan.

[Extract.]

MAY 8, 1845.

P. S.—Since writing the above, I received yesterday morning the letter from Consul Tyler, at Bahia, of which the enclosed is a copy. The Driscoll mentioned in it is the same man whose trial for piracy is now pending in New York.

* * * * *

Our laws need to be much amended and extended; but no statutes will be of any avail unless they be enforced by a stern moral power, and a *systematic policy of suppression* be adopted. What is the use for ministers and naval commanders and consuls to send persons home charged with violations of our laws, with full evidence, too, if such cases as this of Driscoll be allowed to disgrace the mode of granting and procuring bail in the United States courts? You may rest assured that the officers stationed here must seem, at all events, to have the confidence of the President. I will do all in my power to give to the United States, during his administration of public affairs, the honor of doing very much to sup-

press, if not of entirely suppressing, the African slave trade, as carried on by our flag and citizens between "the coast" and Brazil. All I ask in turn is his countenance, approbation, and encouragement. I am confident that if I am backed by the department and by its attention to my recommendations, I can command success here on this subject. I have no fears that the President and department will not sustain me if they understand the true condition of things in Brazil, and my action in reference to it. The Bainbridge will sail for Bahia to-morrow morning, with directions to seize Driscoll, at all events, upon the ground that he is evidently eluding his appearance under his bail-piece in the case of the Hope, and to seize the vessel, too, in which he sails, if there be sufficient probable grounds.

* * * * *

CONSULATE OF THE UNITED STATES,
Bahia, April 25, 1845.

SIR: I have to request that you will have sent to this port immediately a United States vessel of war, and as quietly as possible, as I shall most probably require assistance to enable me to prevent the ship Calhoun, of Baltimore, Ebenezer C. Fales, master and owner, and C. F. Driscoll, supercargo, from engaging in the slave trade, or some other equally illicit commerce. This vessel arrived here on Sunday the 20th instant from Rio Grande with a foreign crew, and I have strong grounds for believing she is now fitting out for the slave trade, by building boilers and other arrangements requisite for that trade on board. She pretended to put into this port in distress, having, as alleged, sprung her mizzen mast, which I believe untrue; and there is, I am given to understand, a cargo of rum and tobacco now ready for her; and I believe she has been either bought or chartered in Rio de Janeiro through the agency of C. F. Driscoll for that trade, who joined her from your port at Rio Grande.

These, and many other suspicious circumstances, which the early sailing of the present conveyance, a Brazilian brig of war, does not allow me time to give you, in my opinion sufficiently warrant my calling for assistance from our naval force on this coast, which I now do through you, and by the enclosed letter to Commodore Turner, whom I refer to you for particulars of the case.

In order to prevent this breach of the laws of the United States, and punish the offenders, it will be necessary to keep secret for the time, both in this port and Rio de Janeiro, any steps it may be requisite to take; otherwise every evidence of the intent will be immediately suppressed by these men, who, I understand, bear very bad characters; therefore, I request you will endeavor to have the departure of any vessel of war which may be despatched for this sent with as little notoriety as possible, and that no officer

but the commander shall be made acquainted with any hint of this business.

I am, &c.,
ALEXANDER H. TYLER,
Consul.

His excellency H. A. WISE, &c., &c., &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 8, 1845.

SIR: Lieutenant Turner delivered your message this morning, that the Bainbridge will sail for Bahia to-morrow. The man Driscoll indicted in the case of the Hope, came here from the United States with bail, and a commission to take depositions. He boasted that his bail was "straw bail," and I am told said he could get any person charged with offences in the slave trade off in New York for one thousand dollars. I was informed in a way I could not doubt, that he did not intend to return home and stand his trial. He left the business of taking his depositions, departed from Rio de Janeiro, as was universally reported, to join the ship Calhoun at Rio Grande, and thence in her to make a voyage to the coast of Africa. The letter of Consul Tyler confirms this report, and these acts clearly manifest his intention to elude his bail-piece and escape trial in the case of the Hope. I request, therefore, that you will instruct the commander of the Bainbridge, in case he finds the Calhoun and Driscoll in the port of Bahia, to cause the arrest of Driscoll, through the United States consul there, and his delivery to his custody. If this cannot be done, or fails, to follow the Calhoun out, and to take Driscoll from on board of her at sea, upon the ground of sending him back to New York to be tried for the offence for which he already stands there indicted. As to going further, in seizing the vessel and others on board of her besides Driscoll, he will have to be governed by a sound discretion in judging of the probable grounds to be furnished him by our consul at Bahia. Let him not attempt to seize the vessel in the waters of Brazil, nor within her jurisdiction to seize any person without arrests duly made by the Brazilian authorities on the request of our consul. At sea, on good probable grounds, he may seize or arrest according to the circumstances of the case. He should by all means detain the vessel, if he finds her at sea, to arrest Driscoll, if he does not deem himself justifiable in seizing the vessel, &c. As to what the Bainbridge shall do in case the Calhoun be not at Bahia, you are the best judge. If, on arrival there she has just departed, I recommend a fresh pursuit. But if the pursuit appear vain, the Bainbridge, unless new matters arise there, had better, perhaps, after learning all she can about "the coast" trade at that place return to this station.

I am, sir, &c., &c.,
HENRY A. WISE.

To Commodore D. TURNER, &c., &c., &c.

[Extract.]

*Mr. Wise to Mr. Buchanan.*LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 19, 1845.

SIR: The Porpoise has been necessarily delayed beyond my expectations. She will not sail before Wednesday; her captain, Libby, it seems, had sailed with Mr. Gordon's knowledge, in another vessel, and the consul informs me that he had taken steps to cause him to be arrested in Boston. Had I known of his departure, I would have caused the Raritan, if possible, to take him out of the vessel at sea. It seems that since Commodore Turner sent out the Bainbridge, in response to the notice from Consul Tyler; the latter, according to a letter to Mr. Gordon, has caused some vessels and their masters and crews to be seized at Bahia. We shall soon learn the particulars. Consul Tyler also called on me to send to him a *frigate*. That was impossible, as the brig had already gone to his assistance, and the Raritan is compelled to sail in a few days to the river Platte to take provisions to the Boston. Another sloop of war and another brig, if possible, are very much needed on this station. Captain Turner remains as he has been for quite a month now, confined to his bed with chronic rheumatism or gout, erysipelas always supervening. He desires to be relieved from his command, and though he is among the most excellent of men and best of captains, and we will all regret to part with him, yet he deserves to be allowed to return to the comforts of his family, very much needed in his present situation, as soon as the convenience of the service will admit.

*Mr. Wise to Mr. Buchanan.*LEGATION OF THE UNITED STATES,
Rio de Janeiro, June 26, 1845.

SIR: By despatch No. 16, of May 1, I informed you fully of my correspondence with Consul Tyler, at Bahia, in respect to the case of the Sooy; and I then recommended his immediate removal from office. In a postscript, dated May 8, to my despatch No. 17, of the 2d of May, I forwarded copies of my correspondence with him touching the case of the Calhoun and Captain Driscoll. The brig of war Bainbridge sailed for Bahia the next day, May 9. After she sailed, Mr. Gordon informed me that he had received information from Mr. Tyler that the latter had seized the Albert, of Boston, and had arrested certain persons for violating the laws of the United States for the suppression of the foreign slave trade, and showed me an extract of a letter, dated May 10, from Mr. Tyler to him, which on the 27th of May last he communicated to me in the note of which the enclosed, marked A, is a copy. On the 3d of June I received from Mr. Tyler the letter and accompanying papers, of which the enclosed, marked B, is a copy. On the 4th in-

stant I addressed to Mr. Gordon the letter of which the enclosed, marked C, is a copy. On the 6th instant Mr. Gordon replied by letter, of which the enclosed, marked D, is a copy. On the 7th instant I addressed to Mr. Tyler the letter of which the enclosed, marked E, is a copy. On the same day, June 7, I wrote to the department as I had promised Mr. Tyler in my note E; but it being impossible to complete the necessary copies in time to accompany the despatch, it was not sent; and I have been so busily employed ever since that I have not been able, until this period of time, to redeem my promise to withdraw my recommendation of his removal from office.

To the reasons for so doing, contained in my note to him, I add that a consul is needed at Bahia; that almost every man of influence and capital in business there is engaged, more or less, in the African slave trade; that no better man than Mr. Tyler could probably be found at the place; and the fees of the office are too small to induce a man of superior qualifications to leave the United States for that post, or to make the consul there more independent than Mr. Tyler is in the discharge of his official duty. And Mr. Tyler, it seems, is no longer the clerk and protégé of Mr. John S. Gillmer, who was reported to me, officially, by Mr. Gordon as having sold an American vessel to slavers.

He, therefore, had better be retained in office; and I shall do all in my power to sustain him in the proceedings he has already instituted, or may hereafter institute, for the suppression of the slave trade. Lately I received from him the letter and accompanying papers, of which the enclosed, marked F, is a copy; and I replied to him by letter of this day's date, of which the enclosed, marked G, is a copy.

I enclose, also, a copy of my letter to Commodore Turner, marked H, when the Bainbridge was about to sail for Bahia, the suggestions of which were adopted in part by him in his instructions to Captain Pennington.

With the highest respect, &c.,

HENRY A. WISE.

Hon. JAMES BUCHANAN.

A.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, May 24, 1845.

SIR: Herewith I have the honor to transmit an extract from a letter addressed to me and received a few days ago from Mr. Consul Tyler, at Bahia, dated 10th of the current month.

I have the honor, &c.,

GEORGE WILLIAM GORDON,

Consul of the United States.

His excellency H. A. WISE,

&c., &c., &c.,

Rio de Janeiro.

Extract from a letter from Mr. Alexander H. Tyler, United States consul at Bahia, dated 10th May, 1845.

"Time does not permit me to write to the minister by this conveyance; therefore, pray request of him from me, to have the goodness to send immediately to this port a frigate, as the public service most urgently requires it, in my opinion.

"I have this moment received a paper signed by several American citizens, which I have not yet read; time scarce allowing me to finish this despatch. It is against me, by the names attached to it; it is directed to no one. Should it be to Mr. Wise, I trust in his sense of justice to allow me to have time for a defence; and should it have gone to the Department of State, hope he will request the same for me, as at present I cannot address that department, being much occupied."

B.

CONSULATE OF THE UNITED STATES,
Bahia, May 12, 1845.

I enclose a copy of a correspondence which has taken place from and with this consulate, regarding the brig *Albert*, of Boston, her master, officers, crew, and passengers, lately arrived from Africa in ballast, bringing the master, mate, and crew of the former brig *Washington's Barge*, of Philadelphia, which had been sold on the coast of Africa by the master, *Thomas Duling*.

On the 26th of same month, the master, *Thomas Duling*, presented me the crew of the vessel he had taken from here, who had, as alleged by him, come with him in the *Albert* from Africa; desiring to pay them off, presenting his accounts and depositing the money due them in the consulate, together with three months' extra wages for such as were entitled to it. Upon which I proceeded to pay off the crew agreeably to law and my official instructions, and endorsed his papers to that effect, they having been previously deposited with me; and, at his request, I divided his register in two parts, and passed a certificate to that effect, as has always been the custom of this consulate upon the sale of a vessel, there being no complaint lodged against such vessel. The master thereupon applied for, through his agent, *John S. Gillmer*, by his clerk, and obtained the requisite certificate from me to take out his passport from the authorities of this place for the United States via *Pernambuco*, together with *William Vaughn* his cook, which passports were granted them. Let me here remark, the papers of the vessel still remained in my hands, and yet are.

On Sunday, the 4th of May, there arrived a despatch from the consul at *Rio de Janeiro*, accusing this master and his mate, *Knight*, of a breach of the laws of the United States for the suppression of the foreign slave trade. Also *Jacob T. Woodberry*, master of the "*Albert*," was charged in the same despatch with having implicated himself and his vessel in said *Duling's* arrangements and

acts; and as having aided and abetted, if not of having been directly engaged in the African slave trade.

Upon this despatch from the consul, after due reflection upon the subject in all its branches, I judged it my duty to act in the most effective manner in my power for the apprehension of all belonging in any way to these vessels, and having them secured at my disposition, in order fully to investigate the case, and take the necessary depositions for sending the accused for trial to the United States. The enclosed correspondence will place you in possession of my whole action on the subject, with the exception of my having personally applied to the officers charged by the government with this arrest, namely, the chief and sub-delegate of police, to have these individuals as well treated as the case would permit, in order that no unnecessary hardship might be felt by them consistent with their security; and whilst at the office of the latter, I was told by *Eserivaô*, or notary, that they did not know where the two masters were. I informed him that I had just left them, and was asked to point them out, which I did to the inspector, who carried with him the sergeant of the dock-yard prison, and arrested them.

Also I enclose copies of all protests made up to this date by Jacob T. Woodberry and Thomas Duling, and have to inform you that I had at first doubts how far I could receive protests of such a nature in this case; however, they have finally been received, as you will see.

I further enclose a copy of a paper received at this consulate at twenty minutes past two o'clock on Saturday afternoon, when I was much occupied and could not read it, purporting to be copy of a representation made against my conduct in this arrest, and to be signed by five American citizens, as their act and deed.

Upon this paper I shall for the present only remark, that it is a most garbled and unjust statement of facts; that it is the act alone of John S. Gillmer, consignee of the *Albert*, and former consignee of the *Washington's Barge*, now agent for Thomas Duling, and that entirely through his influence and the agency of his brother-in-law, Joseph Ray, who is a young man, clerk in his office, has it been got up and signed; indeed, on Friday last, I was told by W. T. Harris, who purports to be one of the signers, and who has more at stake within the limits of this consulate than all the others put together, after Gillmer, that a petition was about being got up against me, as he had been told by Ray, who told him he must sign it; and said Harris further told me that he was afraid if he did not sign it he should create strong enemies to himself. From the copy of this representation, sent to this consulate, I know not to whom it is made, but take it for granted it is either to yourself or the Department of State, and went either by the steamer to you on the 10th instant, or to the department by the barque *Cadmus*, which sailed yesterday for Sag harbor. These men were pledged or offered to pledge themselves to place themselves at my disposition, if it should be necessary. It is true, Woodberry, knowing that orders had been given by the authorities here for the apprehension of the crew, did ask to have their depositions taken; and Duling we find endeavoring

to escape, although against my expostulation not only to himself, but his agent and adviser, Gillmer. But I do not wish to bring charges against these men, although I find them and their agents and abettors endeavoring by every means in their power to crush and thwart me. Indeed, upon this paper I should not have said at present so much, were it not backed (should it have gone to the department and not to you) by your strong animadversion and promised representation against me in a former case; and, therefore, both taken together, compel me to lay before you the situation in which I am placed, and the state of this consulate, by the following facts in regard to the income or emoluments of the office since I have been in charge of it, and my own personal affairs so far as they bear upon the case, and to request your immediate action or advice upon them, and that you will lay the same before the department, by forwarding to it so much of this despatch as in your judgment shall be deemed fit, requesting for myself only time and opportunity to confute all charges which may be made against me either to yourself or the department, as I feel I have done my duty to the best of my judgment and ability both in this and the former case of the Sooy, and at great personal sacrifice in this last of the Albert.

I took charge of this consulate in May, 1840, having at that time a good clerkship, which gave me more for the first two years than the whole emoluments rendered from the consulate; the consulate renders an emolument, and has done so since I have had it, of from three hundred and fifty to five hundred dollars annually; out of which are to be paid all the expenses of the office, such as stationery, and all incidental expenses, furniture for the office, &c.; and I have been obliged to pay for all flags and flag-staffs—the government never having furnished me with them—until of late, I received, in answer to a representation made to it by me, notice that they would allow a reasonable expense of a flag staff, upon which I have not as yet acted, the situation of my house not permitting a good one to be erected. On the arrival, some time since, of Commodore Turner, he kindly gave me a flag from his vessel for an old one of mine, and had the arms of the United States painted on board for me. Previous to these, I was obliged to pay for these articles out of my income, as they are absolutely necessary to a consulate in this port. And now, sir, as I could not well live on the emoluments of my office, I was obliged to have other occupation, and have continued a clerk. Not having been educated in a mercantile line of business, and never in a counting-house until my arrival in this place, and being poor, I have no capital to commence as merchant, nor are my friends in the mercantile line. With all these disadvantages, I have hitherto endeavored, and I believe satisfactorily, to keep up the honor and respectability of my consulate, and perform my duties therein as well as health would permit; but now, upon my action in the case of the Albert, I am obliged to give up my clerkship with Gillmer, with whom I was at the time employed, as I considered, upon Mr. Gordon's letter, and the former correspondence with yourself, him

and this consulate, duty imperatively called on me to act as I have done; and I have answered the call with great personal sacrifice; in fact, starvation almost staring me in the face; for these emoluments are only received in small parcels, and frequently at long intervals; besides which, I owe some debts here, and have, in addition, to combat against the influence of Gillmer, backed by the slave trade interest of the place, which you know to be strong, in my official duties, together with your expressed indignation against my official act in a former case.

I have thus, sir, given you in part a portion of the difficulties under which I am acting, even though I make myself liable by it to the imputation of proving one of the charges in the representation against me, namely: "That I have acted in this case for the sake of notoriety;" and I have only done it from an imperative sense of duty.

And now, sir, with respect to my conduct in the case of the man Suiters and the brig Sooy, for which I am much blamed by you, I acted to the best of my judgment and ability in the case, and I believe you will think with me, upon re-perusal of the correspondence with yourself, Mr. Gordon and myself, together with the fact that Suiters was not the accuser, neither did I break my promise with him; I got this man before me with a promise that he should come and be at liberty to go away without molestation. I did this for the purpose of gleaning what information I could as a guide towards the investigation which I intended to make upon arrival of the master, mate, and the rest of the crew, which I informed Mr. Gordon in my first letter I intended to make, and not that I could put all faith in this man's evidence. Upon his first coming before me, I interrogated him respecting the business, and afterwards I got his promise that, if I would not molest him and allow him to go about openly here, he would remain until the others came, in order to have a full and fair investigation. But what did he do? Why twice attempted to escape, and was, by my means, taken out of the vessels and warned each time against further attempting it. Upon the arrival of the master and mate, I could not get, according to my judgment, evidence sufficient to warrant my arrest of them, and therefore permitted them to return home, referring the case to your decision, thinking you might obtain testimony in the investigation which was being carried on regarding the vessel at Rio de Janeiro; and pending your answer, Suiters again attempted to escape, and was taken from on board the vessel to prison until I could hear from you, as I considered myself bound to have this man forthcoming in case you should wish him. I made known to Commodore Turner when here, I think, that I intended to investigate the case on the arrival of the master and crew from Africa.

Upon this and the former correspondence on this subject, to which I beg you will refer, I here rest my case. It was my intention to have waited to hear from the department on this subject, but my present situation, I think, urgently calls on me to give

you this; and if afterwards you can condemn me, I have only to submit.

And now, sir, as regards my present situation, on account of my action in the case of the *Albert*, I have done it, well knowing the personal consequences to myself. I was a clerk with Jno. S. Gillmer, and had my office in his counting-house, and after seizing the *Albert*, of which vessel he was consignee, I could not remain a clerk with him, nor keep my office there, as my duty of consul and his being consignee, and knowing he would take, as he has done, every step in his power to frustrate my views in this case, would not, in my opinion, permit it. I have therefore given up the clerkship and removed my office to my dwelling house, (for which now I can scarce afford to pay,) and determined to live as well as I can here until I have time to refute or at least answer all charges which may be brought against my official acts, if permitted to do so.

Mr. Gillmer has been, and still is endeavoring with all his influence, and is backed by that of the slave trade interest, to thwart my exertions to apprehend these men and investigate this case previous to sending them for trial to the United States. The correspondence itself will disprove I think, all the charges in the paper which he has caused to be drawn up and signed against me. As to the fear of being subjected to prosecution by the Brazilian authorities, they, on the contrary, are endeavoring to have it done.

In addition to Mr. Gordon's despatch, I know (but cannot prove further than that it is well believed here,) the *Washington's Barge* arrived and landed slaves on this coast, having been sold for eight thousand dollars, whereas she was offered here and could not obtain half that sum before she went to Africa. She was bought by the same man, "Sala," who bought the "*Sooy*" for Bahia account. The two masters have been apprehended, but are let out on parole, I understand, through Gillmer's agency; and I much fear if a vessel of war does not arrive soon to take charge of them, that he will be able to get them off, backed as he is by the slave trade interest.

I trust, sir, that upon this statement and the documents accompanying it, you will exculpate me from blame in either of these cases, and you will see the necessity of giving immediate assistance to this consulate. I think you know the importance of the consulate being independent, and will make the necessary representation to the department. I have availed of yesterday, Sunday, and to-day, a holiday, which allows me some relaxation, to give you this hasty sketch of my situation, and in conclusion have to say, that if you have not power to give me instant assistance—as by my poverty the power of the consulate to carry through this business, and bring those accused to trial will be entirely frustrated—I know not what to do.

I am, sir, &c.

ALEXANDER H. TYLER,

Consul.

Hon. H. A. WISE, &c., &c., &c.

Consulate of the United States of America at Bahia.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, April 26, 1845.

SIR: I have received information upon which I place confidence, that on the 14th day of March last, were at Onim, coast of Africa, two American vessels, to wit: the brigantines "Washington's Barge," T. Duling, master, belonging to Philadelphia, and "Albert," Woodberry, master, belonging to Boston. That the former vessel had at that time been sold, and was to be delivered at that place in a few days, therefore, to new owners for the purpose of the slave trade. That the master, Captain Duling, and his mate, named T. Knight, had already taken their clothes, chronometer, &c., from the vessel, and had slept several nights on shore. That they had, since they thus left the vessel, she being closely watched by a British man-of-war, returned on board and protected her with the United States flag. That said vessel was at that time provided with water, farinha, rice, beans, and other articles for the reception of a cargo of slaves. That slaves were then on the shore near by, ready to be embarked at the first favorable moment, and that on or about the 14th March aforesaid, a person interested in the shipment of slaves, told the mate Knight aforesaid, that the slaves for the "Washington's Barge" were all ready, and would be put on board in a day or two. Also am I informed that it was understood at Onim that the "Washington's Barge" would land her slaves near Bahia; that Captain Duling and his mate, Knight, were to return to that port in the "Albert," which vessel was to leave Onim about the last of March. That the crew of the "Washington's Barge" wanted to return in that vessel with the slaves, and that several of them would probably do so.

The circumstances, as communicated to me, represent this case of the "Washington's Barge" as one of the most open and barefaced transactions that ever disgraced the American flag in connection with the African slave trade; and further, that the course of Captain Woodberry, of the "Albert," has been such as to implicate him in Captain Duling's arrangements and acts, and as having aided and abetted, if not of having been directly engaged in, the African slave trade.

Both of these vessels, I believe, sailed from your port for Africa, and the "Washington's Barge" is now owned by some of your wealthy slave dealers.

The "Albert" will probably return to your port with the master, officers, and a portion of the crew of the former vessel. I have hastened to communicate to you this intelligence, which I think can be relied upon, to enable you to take such early and efficient steps in relation thereto, as the circumstances represented seem imperatively to demand, and as you may consider expedient.

Very respectfully, &c.,

GEORGE WM. GORDON,
U. S. Consul.

ALEXANDER H. TYLER,
Consul United States, Bahia.

CONSULATE OF THE UNITED STATES,
Bahia, May 5, 1845.

MOST EXCELLENT SIR: Information has been given to this consulate, and a complaint made that the master, officers, crew and passengers of the American brig "Albert," of Boston, lately arrived from Africa, have violated the laws of the United States in a most flagrant manner, and are suspected of having aided and abetted in the foreign slave trade.

Upon this information and complaint, it becomes my duty to apply for the immediate seizure of this vessel and apprehension of all concerned therein for account of the government of the United States; and I therefore request your excellency will be kind enough to cause the said vessel to be seized and garrisoned, and the men whose names I enclose to be apprehended and guarded on board of her, at the disposition and for account of this consulate; the said men being the masters and crews of the aforesaid brig "Albert," of Boston, and the brig "Washington's Barge," formerly an American vessel, which sailed from this port in the month of December last for the coast of Africa, and was there sold as alleged.

I have the honor to be, &c.,

ALEXANDER H. TYLER,
Consul.

His excellency

FRANCO JOSE DE SOURA SOARES DE ANDREA,
President of the province of Bahia.

[Translation.]

CONSULATE OF THE UNITED STATES OF AMERICA.
May 5, 1845.

MOST EXCELLENT SIR: Having received information from Rio de Janeiro, by the steamer to-day, which obliges me to arrest the departure from this port for the present, of Thomas Duling and William Vaughn, citizens of the United States of America, who having received their passports, are about to embark in the steamer sailing to-day for Pernambuco, I find myself obliged to request your excellency to take the necessary measure for preventing them from obtaining permission to depart.

I avail myself of this occasion, &c.,

ALEXANDER H. TYLER,
Consul.

To the most excellent CHIEF OF THE POLICE
of this province, Bahia.

CONSULATE OF THE UNITED STATES,
Bahia, May 5, 1845.

SIR: By this steamer there will probably arrive in your port from this, Thomas Duling, former master of the brig Washington's Barge, of Philadelphia, which vessel he sold on the coast of Africa to slavers.

There has been a complaint made to this consulate by George William Gordon, esquire, consul of the United States at Rio de Janeiro, upon the subject, and I have taken steps to have him arrested; but as he may evade the officers charged by this government with his arrest, the object of this despatch is to request you to watch his movements, and should he embark at your port for the United States, to notify the marshal of the United States for the district in which he would arrive, directing that he be arrested on the charge of having violated the laws of the United States for the suppression of the foreign slave trade, and held in custody until he can notify and receive instructions from the proper department at Washington.

It is too late to send you a copy of Mr. Gordon's complaint against this man, but it shall be done by the first opportunity.

In much haste, I am, &c.,

ALEXANDER H. TYLER.

G. J. SNOW, Esq.,

United States consul, Pernambuco.

[Translation.]

PALACE OF THE GOVERNMENT OF BAHIA,
May 7, 1845.

MOST ILLUSTRIOUS SIR: Having examined the communication received from the chief of the police, which I have just received, I have to state to you, in answer to your official despatch of the 5th instant, that the measures requested by you in the said despatch have been ordered, with regard to the American brig Albert, coming from the coast of Africa, in which were found only one seaman and one negro.

God preserve you, sir.

FRANCISCO JOSE DE SOURA SOARES DE ANDREA.

To the CONSUL

Of the United States of America.

[Translation.]

OFFICE OF POLICE OF BAHIA,
May 7, 1845.

MOST ILLUSTRIOUS SIR: I should inform you that in virtue of your positive requisition in regard to your despatch of the 5th in-

stant, the American citizen, Thomas Duling, was prevented from making his voyage; and agreeably to the orders of the government, given in consequence of your request addressed to it, the brig Albert was seized, and certain American citizens belonging to the same, and mentioned in a statement added to the same request, have been already placed at your disposition.

I avail myself of this occasion to repeat, &c.,

JOÃO JOAQUIM DA SILVA.

To the CONSUL
Of the United States.

CONSULATE OF THE UNITED STATES,
Bahia, May 8, 1845.

MOST EXCELLENT SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, informing me, in reply to my despatch of the 5th instant, that the American brig Albert had been seized agreeably to my request, and but one seaman and a black were on board.

But I regret that your excellency is entirely silent in regard to the most important part of my despatch, namely, the apprehension and guarding on board her of the master, officers, crew and passengers of the vessel, a list of whose names and occupations was enclosed in my despatch, and a number of whom have been imprisoned in the dockyard of this city, (at my disposition, as I am informed by the sub-delegate of police,) but it is unnecessary to say to your excellency that I cannot consider them to be at my disposition until so informed by you. The simply seizing and putting the vessel at my disposition will not answer the ends of justice nor the object of my despatch; and I therefore repeat my request for the apprehension of the master, officers, crew and passengers which came in her from Africa, and well guarding of them at the disposition of this consulate; until which is done I cannot consider either vessel or men at my disposition.

I further request that your excellency will give orders for every care being taken for the comfort and sustenance of these men, in apprehending and confining them, consistent with their security, until I can be able to make the necessary arrangements for them. Should those men confined in the dockyard prison not have been apprehended upon my requisition, I beg your excellency will inform me as early as possible upon what grounds they are confined, in order that I may take the necessary steps for their protection.

Requesting an early answer to this despatch,

I have the honor to be, &c.,

ALEXANDER H. TYLER,

Consul.

His Excellency

FRANCISCO JOSE SOURA SOARES DE ANDREA,

&c., &c., &c.

[Translation.]

PALACE OF THE GOVERNMENT,
Bahia, May 8, 1845.

With regard to the affair of the American brig Albert, to which you refer in your official despatch of this day's date, I will reply more simply than I did on the former occasion, namely: that this affair was entrusted entirely to the chief of police, to be conducted agreeably to the laws of the country, and that with him, and not with this government, you are to treat, unless any new cause should arise.

God preserve you, sir.

FRANCISCO JOSE DE SOURA SOARES DE ANDREA.
To the CONSUL OF THE UNITED STATES OF AMERICA.

BAHIA, May 8, 1845.

SIR: At the time of the seizure of the brig Albert, by an armed force, at your requisition to the local authorities of this port, my wearing apparel remained on board said brig; and, as I find myself without a change of clothing since that time, I have to request of you its immediate restitution, with that of my mate and crew, who are in the same situation with myself.

JACOB T. WOODBERRY.

ALEXANDER H. TYLER, Esq.,
Consul of the United States at Bahia.

[Translation.]

OFFICE OF POLICE,
Bahia, May 9, 1845.

MOST ILLUSTRIOUS SIR: Upon the subject of the accompanying petition, will you have the kindness to declare to me immediately whether you consent to and are satisfied with the sureties offered by the American citizen, Thomas Duling?

I avail myself of this occasion, &c.

God preserve you, sir.

JOAO JOAQUIM DA SILVA.
To the CONSUL OF THE UNITED STATES OF AMERICA.

CONSULATE OF THE UNITED STATES,
Bahia, May 9, 1845.

SIR: In reply to your note of this date, requesting me to inform you, urgently, whether I consent to and am satisfied with the sureties offered by the American citizen, Thomas Duling, for his appearance in the courts of the United States, I have to state that I do not think my consular instructions will permit me, in such

case, to take bail. As regards the security offered, viz: John S. Gillmer, an American citizen, and Antonio Francisco De Lacerda, were they residing in the United States, where there would be no doubt of their being subject to its laws, I should be satisfied with them, did my instructions permit me; but being without its limits, I cannot be satisfied, nor consent to allow Thomas Duling to depart from this city on any bail.

I am, &c.,

ALEXANDER H. TYLER.

The CHIEF FOR POLICE OF THIS PROVINCE.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, May 9, 1845.

SIR: Your despatch of the 7th instant, informing me that you had stopped the voyage of the American, Thomas Duling, in virtue of my requisition, and that, according to the orders of your government, the brig "Albert" has been apprehended, and that some of the American subjects indicated in my requisition to this government had been already conducted on board, and are at my disposition, was placed in my hands about eleven o'clock yesterday.

By this despatch, with one I last night received from his excellency the President, referring me to you, I understand that my requisition to this government has been granted, and that this vessel, her master, officers, crew, and passengers, are to be apprehended and guarded on board at my disposition. I, therefore, request that you will be kind enough to have the necessary steps taken for the maintenance and comfort of these men on their apprehension, and for the preservation of the vessel and property on board of her, consistent with their security, until I can be able to make arrangements for them, in order that no undue hardships may be suffered in this arrest and detention.

I have to inform you, and ask for an explanation from you, of the fact that on the 6th of this month a number of the men mentioned in my list sent your government were apprehended, and, as I was informed, were at my disposition; but on the eighth I found these men were again at liberty, and still are so, I believe; among which number are the principal persons accused; namely, Thomas Duling, former master of the brig "Washington's Barge," and Jacob J. Woodberry, master of the brig "Albert." Should these two men and William J. Knight be permitted to escape, the principal object of my requisition upon the government may be defeated, and the ends of justice entirely frustrated.

I improve the opportunity to reiterate my sentiments of high esteem and consideration towards you, and am, most respectfully,
&c.,

ALEX. H. TYLER,
Consul.

The CHIEF OF POLICE FOR THIS PROVINCE.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, May 9, 1845.

SIR: I hasten to enclose a copy of a despatch from the United States consul at Rio de Janeiro, addressed to me, and to inform you that Thos. Duling, former master of the "Washington's Barge," which he sold on the coast of Africa, alluded to in it, will most probably go passenger in the whale barque "Cadmus," of Sag Harbor, David Smith, master, and probably some of the crew of his vessel, as there is a very strong interest here endeavoring to prevent any inquiry into his conduct.

The "Washington's Barge," it is currently reported and believed, (I am sure of it but cannot prove,) brought a cargo of slaves to this country, and I have heard came into this port in ballast, under the Brazilian flag, with her name painted on the stern, the same as when she was an American vessel. I hasten to communicate this in order that you may take such steps as the laws of the United States demand, and request you will immediately communicate the whole subject matter of this despatch, and enclose to the proper department at Washington, as time and occupation do not allow me to do so.

I am, sir, &c.,

ALEX. H. TYLER,
Consul.

For the UNITED STATES MARSHAL
for the south district of New York.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, May 9, 1845.

SIR: I hasten to inform you, in order that you may take such steps as the laws of the United States require in the case, that there has been an accusation lodged at this consulate by the United States consul at Rio de Janeiro against Thomas Duling, former master of the brig "Washington's Barge," of Philadelphia, (which he sold on the coast of Africa to new owners, for the purpose of the slave trade, as alleged,) of a violation of the United States laws for the suppression of the foreign African slave trade.

I have already addressed you on the subject this day, and enclosed a copy of the despatch received from the consul at Rio, and have barely time to inform you that Thomas Duling, and part, if not all of his crew, will most probably leave this for the United States in the whale barque "Cadmus," of Sag Harbor, Smith, master.

I am, &c.,

ALEXANDER H. TYLER,
Consul.

To the UNITED STATES MARSHAL
for the south district of New York.

BAHIA, *May 9, 1845.*

SIR: Having been told by you on Tuesday, May 6, that I would be put in prison, and on the same day, at or about four o'clock, p. m., being taken from the entry of your office, and in your presence, by an officer of the prison of this place, as a prisoner, and conducted and in your presence put into the same, I am obliged to demand, for my defence, copies of all the evidence on which you have acted in depriving me and part of my crew of personal liberty, together with the apprehension of my vessel; and especially that you furnish me with a copy of the last letter you received from the United States consul at Rio de Janeiro.

JACOB T. WOODBERRY.

ALEXANDER H. TYLER, Esq.,

Consul of the United States of America for Bahia.

BAHIA, *9th May, 1845.*

SIR: Having been told by you, on Tuesday, May 6, that I would be put in prison, and on the same day, at or about four o'clock, p. m., being taken from the entry of your office, and in your presence put into the same, I am obliged to demand, for my defence, copies of all the evidence on which you have acted in depriving me and part of my crew of personal liberty; and especially that you furnish me with copies of the last letter you received from the United States consul at Rio de Janeiro.

Respectfully yours,

THOMAS DULING.

I also beg you will swear me to the contents of the protest which I now present.

THOMAS DULING.

ALEXANDER H. TYLER, Esq.,

Consul of the United States of America for Bahia.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, 10th May, 1845.

SIR: Your letters, dated 8th and 9th instant, were received yesterday, and shall have due attention. At the present moment business of the government of the United States prevents my giving my attention to their contents, further than to say that I have not the slightest objection to either yourself, mate or crew having such necessary apparel for immediate use as your respective situations require, until I can give you a full answer to the contents of your communications and demands. I have requested already, of the authorities here, that every care should be taken for your comfort consistent with your security.

I have to state that all communications made to me must be in writing.

I am, sir, &c.;

ALEX. H. TYLER, *Consul.*

Mr. JACOB T. WOODBERRY,
Master of the brig Albert of Boston.

I enclose your protest sworn to this day.

ALEX. H. TYLER, *Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, 10th May, 1845.

SIR: Your letter, dated 9th instant, was received yesterday, and shall have my earliest attention consistent with my public duties. At present I am too occupied to attend to its contents.

I am, sir, &c.,

ALEX. H. TYLER, *Consul.*

Mr. THOMAS DULING.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, 10th May, 1845.

SIR: Referring to my despatch of 5th instant respecting Thomas Duling, former master of the Washington's Barge, I have to inform you that he was prevented from proceeding to your port, and, for the present, it will be necessary to send you copy of the complaint against him, as promised. I enclose a despatch for the marshal of the United States for the southern district of New York, and request you will forward it as early as possible to the United States.

I am, sir, &c.,

ALEX. H. TYLER, *Consul.*

G. T. SNOW, Esq.,
United States Consul, Pernambuco.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, May 10, 1845.

SIR: I duly received your despatch of the 26th ult., lodging an accusation and information against the master and mate of the former brig Washington's Barge, of Philadelphia, and the master of the brig Albert, of Boston, of having been engaged in aiding and abetting, if not of having been directly engaged in, the African slave trade.

Upon its receipt, I took the most effective steps in my power for having all belonging to these vessels safely secured and at my dis-

position, in order to have the case fully investigated, well knowing that if the most urgent steps were not taken I should be able to do nothing.

I now request you will send me all the evidence in your possession, and also transmit copies of depositions taken to the Department of State immediately, as there is the strongest interest imaginable in such a case working against me. Time does not permit me to write the minister by this conveyance; therefore, pray request of him, from me, to have the goodness to send immediately to this port a frigate, as the public service most urgently requires it, in my opinion.

I have this moment received a paper signed by several American citizens, which I have not yet read, time scarce allowing me to finish this despatch; it is against me, by the names attached to it. It is directed to no one; should it be to Mr. Wise, I trust in his sense of justice to allow me to have time for defence; and should it have gone to the Department of State, hope he will request the same for me, as at present I cannot address that department, being too much occupied.

I forward a despatch respecting Thomas Duling, who, I fear, may escape. Please forward it to its destination.

I am, sir, &c.,

ALEX' R H. TYLER, *consul.*

GEORGE W. GORDON, Esq.,

United States consul, Rio de Janeiro.

I certify the foregoing to be correct transcripts of a correspondence which has taken place at this consulate, in the matter of the brig Albert, her master, crew, and passengers, to this date.

Given under my hand and seal of my consulate, at Bahia, this 12th day of May, in the year 1845.

ALEXANDER H. TYLER,

United States consul.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, May 5, 1845.

I, Thomas Duling, an American born, do solemnly protest against the proceedings of Alexander H. Tyler, (American consul,) for stopping me on my lawful business, and also on my passage home, obliging me to disembark from the steamer after having obtained my despatch. It is by an order of the police.

THOMAS DULING,
JOHN B. CORNER,
JOSEPH SANDERS,
JOHN RINK,
JOHN A. DURKEE,
GEORGE H. DOUGLASS,
THEODORE CORNER.

[Translation.]

STEAMER IMPERATRIX,
Port of Bahia, May 5, 1845.

I certify that I was seized by the American *policia* in question.
JEZERINO LAMGO COSTA.

CONSULATE OF THE UNITED STATES OF AMERICA:

Sworn before me by Thomas Duling, and protested to; this sixth day of May, in the year one thousand eight hundred and forty-five.

[L. s.] Given under my hand and seal of my consulate, at
Bahia, this sixth day of May, 1845.

ALEXANDER H. TYLER.

BAHIA, May 6, 1845.

I, Jacob T. Woodberry, master of the brig Albert, of Boston, do hereby solemnly protest against Alexander H. Tyler, consul of the United States of America for this port, for the seizure, by his requisition to the local authorities, of the aforesaid brig Albert, and her forcible removal, this morning before 9 o'clock, by an armed force, from her anchorage in the loading pound to the lower part of this harbor, under the guns of the Brazilian ship-of-war Donna Jannaria, for all damages, detention, and losses of whatsoever kind or nature which may occur in consequence thereof.

JACOB T. WOODBERRY.

CONSULATE OF THE UNITED STATES OF AMERICA:

Sworn to before me, by Jacob T. Woodberry, master of the brig Albert, of Boston, and protested to by him, the sixth day of May, in the year one thousand eight hundred and forty-five.

[L. s.] Given under my hand and seal of my consulate, at
Bahia, this seventh day of May, in the year 1845.

ALEXANDER H. TYLER.

BAHIA, May 9, 1845.

I, Jacob T. Woodberry, a native born citizen of the United States of America, and late master of the brig Albert, do protest by these presents against Alexander H. Tyler, consul of the United States of America at this port, for having illegally and without evidence deprived me of my liberty on the afternoon of the 6th instant, and for having cast me like a malefactor into the vilest prison of the city, called the gallés. The said Alexander H. Tyler accompanied in person the sergeant of the guard and a police officer, to whom he pointed me out in the entry of his office, and in his presence I was put into the gallés.

JACOB T. WOODBERRY.

Sworn to before me by Jacob T. Woodberry, as to the truth thereof, this tenth day of May, 1845.

[L. s.] Given under my hand and seal of my consulate, at Bahia, this tenth day of May, 1845.

ALEXANDER H. TYLER,
United States consul.

BAHIA, May 8, 1845.

I, Thomas Duling, a native born citizen of the United States of America, do hereby, in addition to the above, further protest by these presents against the above signed Alexander H. Tyler, consul of the United States of America at this port, for having illegally and without evidence deprived me of my liberty the afternoon of the 6th instant, and for having cast me like a malefactor into the vilest prison of the city, called the gallés. The said consul, Alexander H. Tyler, accompanied in person the sergeant of the guard and a police officer, to whom he pointed me out in the entry of his office, and in his presence I was put into the gallés.

THOMAS DULING.

Sworn to by Thomas Duling, as to the truth of the contents above, before me, Alexander H. Tyler, consul of the United States of America.

[L. s.] Given under my hand and seal of my consulate, at Bahia, this tenth day of May, in the year 1845.

ALEXANDER H. TYLER,
United States Consul.

I certify that the foregoing are true copies taken from the records of this consulate.

[L. s.] Given under my hand and seal of my consulate, at Bahia, this 12th day of May, 1845.

ALEXANDER H. TYLER,
Consul.

We, the undersigned, native born citizens of the United States, at present residing in Bahia, beg leave to call your attention to the revolting conduct of the United States consul at this place, Alexander H. Tyler.

On the 23d ultimo, the brig schooner Albert, of Boston, Jacob T. Woodberry, master, arrived from a trading voyage to the coast of Africa, bringing with her, as passengers, the master, Thomas Duling, and crew of the brig "Washington's Barge," which vessel had been sold on the coast for the expressed purpose, as Captain Duling asserts, of conducting to Bahia a large number of prisoners, who had been set on shore from British cruisers, and who were in a deplorable situation. On his arrival, Captain Duling made the

usual report to the consul, and having received the regular passport, engaged his passage in a Brazilian steamer bound to Pernambuco, in order to return to Philadelphia, no direct conveyance from this place offering.

On Sunday, the 4th instant, a steamer arrived from Rio, bringing letters to Mr. Tyler from the American consul at Rio, in which he informs him that information had been given him, that Captains Woodberry and Duling had been engaged in the slave trade, which information he communicated, in order that Mr. Tyler might act as he thought proper. The information, it is presumed, was afforded by the master, Smith, of the brig Sea Eagle, which left the coast ten days previous to the Albert, and had recently arrived at Rio, a person whose conduct on the coast, we are informed, had occasioned frequent contemptible remarks among the British officers employed on that service, and of which Mr. Tyler was aware.

On receiving the letter, Mr. Tyler immediately showed the letter to the consignee of the Albert, J. S. Gillmer, esq., of the place, to whom he had on more than one occasion stated his perfect conviction that neither of these gentlemen had committed any offence whatever against the laws of the United States—opinion in which the undersigned fully concur.

Strange to say, that Mr. Tyler on the following day showed the letter to Captain Woodberry, and informed him that he should arrest him and his crew and passengers, and send them to the United States for trial. Captain Woodberry remonstrated with him on the folly and impropriety of such a proceeding, and upon such doubtful testimony, being a mere suspicion, protesting his readiness to give every information he wished for, and in fact demanding of him that the depositions of himself and crew should be taken, as in such cases is expressly ordered by the 35th article of the general instructions to consuls and commercial agents, which expressly states that he is to apply to the local authorities for means of securing the offenders after taking the depositions necessary to establish the facts.

No attention was paid by Mr. Tyler to this remonstrance, and without any examination or inquiries as to the truth or falsehood of the accusation, and relying only on the vague communication of the consul at Rio, unsubstantiated even by oath, as by law required, he applied to the local authorities and requested them to prevent the departure of Captain Duling. Captain Duling was, in consequence, taken from on board the steamer at the moment of her departure on the afternoon of Tuesday 6th, conducted as a prisoner through the city, first to the residence of the consul who was absent, next to the house of the officer who arrested him, and thence to the police officer, where he was informed that he was not a prisoner, but merely prevented from leaving Bahia at the particular request of the American consul. The next morning, at daybreak, the Albert was taken possession of by a guard of soldiers, removed from her anchorage, and placed under the guns of the Brazilian corvette stationed in this port. All the men which were on shore were arrested, and while the captains were at the counting-house of their agent, in which also was the consular officer, attending to this

business and preparing their protests, Mr. Tyler, apparently impatient at the delay and anxious for their immediate arrest also, went himself in search of the sergeant of the guard, and brought him to the counting-house, where, accidentally meeting them in the corridor looking at a vessel when entering the port, he gave them in charge, recommending them to go quietly, otherwise they would be conducted forcibly, degrading himself thus from the situation of consul to that of a common constable.

In this disgraceful manner were two respectable American citizens, at the mere whim and caprice of Mr. Tyler, conducted through the most public street of this city in open day, and in presence of a great number of spectators, native and foreign, to the common prison at the dockyard, where vagrants only are generally sent, the mate of the *Albert* already in one of the common cells; and that the captains were not placed there also, is owing to the humanity of the sergeant who gave up to them his own room, situated above the prison, for their accommodation, and where they were detained more than 24 hours under the constant vigilance of a sentinel. The consequence to Captain Woodberry was the return of a fever, from which he suffered on his return voyage from the coast, and narrowly escaped, arriving here in a state of extreme debility from which he was just beginning to recover.

On Wednesday 7th, a statement of the whole affair being laid before the Brazilian authorities, they immediately ordered the release of all prisoners on parole. The vessel still remains in possession of the guard. Whether these gentlemen were guilty or not, surely such conduct on the part of a consul, whose duty is to protect and not persecute, is unjustifiable; and the more so in this case because Mr. Tyler was well acquainted with these gentlemen, associating with them daily, and was perfectly aware that so far from wishing to avoid inquiries, they were anxious to afford every explanation of their conduct, and had pledged themselves to place themselves under his control, if upon a proper examination such a measure should be thought necessary. He has also as yet refused to deliver to Captain Woodberry his necessary apparel, which is on board the vessel.

In making these observations we beg leave to observe, that we consider them due to the character of our injured countrymen, and not from any wish to afford facilities to the continuance of the slave trade, which we sincerely detest, and regret that more extensive powers have not been granted by legislative enactments to our government for its effectual suppression, so far as the honor of our flag is concerned.

We fear also, that the result of this unfortunate and inconsiderate conduct of Mr. Tyler, may subject our fellow countrymen to a prosecution by the Brazilian government, in which case Mr. Tyler will most probably be called upon for his proofs, an event greatly to be deplored.

In conclusion, we beg to testify our high sense of the courteous and humane attention of the local authorities, especially the chief of police, the *desembargador*, Joas Joaquim de Silva, throughout

this unpleasant business, which we have reason to believe has been undertaken by Mr. Tyler for the sake of notoriety.

The above is without any exaggeration whatsoever, a plain and concise statement of what has taken place, and we are anxious to substantiate it by undoubted testimony in any legal manner the government of the United States may think proper to direct.

A copy of this representation has been sent to Mr. Tyler. We beg you will lay the present representations before the President of the United States.

JOHN S. GILLMER,
GEORGE CAREY,
W. T. HARRIS,
GEORGE F. DUNHAM,
JOSEPH RAY.

BAHIA, *May 10, 1845.*

CONSULATE OF THE UNITED STATES OF AMERICA:

I certify that the foregoing is a true transcript of a paper received at this consulate, purporting to be copy of a representation against the consul, signed by five American citizens, but to whom made does not appear.

[L. s.] Given under my hand and seal of office at Bahia, this twelfth day of May, in the year 1845.

ALEXANDER H. TYLER.

Consul.

C.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, June 4, 1845.

SIR: Late last evening I received from Mr. Alexander H. Tyler, consul of the United States at Bahia, a communication dated May 12, 1845, informing me that he had caused the brig *Albert*, of Boston, to be seized, and sundry persons on board of her to be arrested, on information contained in your letter to him of 26th April, 1845. He caused this seizure and arrest "in order fully to investigate the case, and take the necessary depositions for sending the accused for trial to the United States." He says that extraordinary efforts are made to release the vessel and persons accused, and calls for assistance.

The *Bainbridge*, as you know, has been sent to co operate with and sustain him in the discharge of his duties. The only other assistance which can be forwarded to him from this port, that I know of, is the evidence, duly authenticated, upon which you founded your letter to him of the 26th of April last, and "upon which," you therein say, you "place confidence." That evidence, and all other evidence then or since known to you, with the names of such witnesses as are not now within the reach of your examination, it

will be necessary and proper to forward as speedily as possible to Consul Tyler, both for the justification of the proceedings he has already instituted, and for a due investigation of the inquiry whether the vessel and persons accused ought to be sent home for trial and adjudication.

One of the papers accompanying Mr. Tyler's letter to me is a copy of what purports to be a memorial, dated "Bahia, May 10, 1845," without particular direction or address, signed by John S. Gillmer, George Carey, W. T. Harris, George F. Dunham, and Joseph Ray, who style themselves "native born citizens of the United States, at present residing at Bahia," protesting against the proceedings of Consul Tyler in this case, which, among other things, says:

"On Sunday, the 4th instant, a steamer arrived from Rio, bringing letters to Mr. Tyler from the American consul at Rio, in which he informs him that information had been given him that Captains Woodberry and Duling had been engaged in the slave trade, which information he communicated in order that Mr. Tyler might act as he thought proper. *The information, it is presumed, was afforded by the master (Smith) of the Sea Eagle, which left the coast ten days previous to the Albert, and had recently arrived at Rio—a person whose conduct on the coast, we are informed, had occasioned frequent contemptible remarks among British officers employed on that service, and of which Mr. Tyler was aware.*" This statement of five persons at Bahia, when the Albert, and Washington's Barge, and the Sea Eagle were in Africa, must have been made on information obtained from Duling and Woodberry. They knew, it seems, who was the best witness, and the one most likely to inform against them. They knew when the Sea Eagle sailed from the coast, and how long before the Albert. This *excuse*, then, may, as often occurs in criminal cases, prove to be a snare to the guilty; and it certainly seems to me a confession pregnant with the implication, at least, of guilt. Smith did give me, verbally, information of the Washington's Barge, and I presume was the witness on whose information you relied. I hope, therefore, his evidence, particularly, was duly taken, and if not, and he is still here, that it may be taken immediately and transmitted to Mr. Tyler.

Very respectfully, &c.,

HENRY A. WISE.

To GEORGE W. GORDON, Esq.,
Consul of the United States, &c.

D.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, June 6, 1843.

SIR: Your note of the 4th instant was received last evening, stating that Mr. Consul Tyler, of Bahia, had informed you "that he had caused the brig Albert, of Boston, to be seized, and sundry

persons on board of her to be arrested, on information contained in your (my) letter of 26th April, 1845."

The information contained in my letter of that date, which I communicated to Mr. Tyler, "to enable him to take such early and efficient steps in relation thereto as the circumstances represented seemed imperatively to demand, and as he might consider prudent," I am able to say is sustained by the depositions of Captain G. Smith, of the *Sea Eagle*, and two of his crew, named Augustus Nickerson and Joseph Underwood, made before me last month.

The surmises, therefore, of the parties who have protested against the proceedings of Consul Tyler in this case, that the information was afforded by Captain Smith, of the *Sea Eagle*, are correct; he sailed for New York on the 16th of last month.

I had not time to furnish Mr. Tyler with copies of the depositions by the last steamer for Bahia; certified copies of them, however, will be forwarded to him by the steamer to leave on Sunday morning next. The mail by the steamer will be closed by tomorrow afternoon.

I have the honor, &c.,

GEORGE WM. GORDON,
Consul of the United States.

His excellency HENRY A. WISE, &c., &c., &c.

E.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, June 7, 1845.

SIR: In reply to your last, and its accompanying papers, I have to inform you that the *Bainbridge* brig of war was despatched to your assistance as soon as she could be got ready after the receipt of the information of the seizure and arrests by you. I presume that she has arrived at Bahia by this time. I addressed the consul here immediately, requesting him to forward to you the evidence upon which he based the information in his letter to you on the 26th April last. On yesterday, the 6th instant, he replied, saying: "The information contained in my letter of that date, &c., I am able to say is sustained by the depositions of Captain G. Smith, of the *Sea Eagle*, and two of his crew, named Augustus Nickerson and Joseph Underwood, made before me last month. The surmises, therefore, of the parties who have protested against the proceedings of Consul Tyler in this case, that the information was afforded by Captain Smith, of the *Sea Eagle*, are correct; he sailed for New York on the 16th of last month. I had not time to furnish Mr. Tyler with copies of these depositions by the last steamer to Bahia; certified copies of them, however, will be forwarded to him by the steamer to leave on Sunday morning next."

I send you a copy of my letter to Mr. Gordon, as it contains a hint on the evidence furnished by the confession of the parties,

that there *was a witness* to their alleged offences. In that point of view the protest will prove very important for your justification. And in this case, I take great pleasure in saying, that I entirely approve of your course, and sympathise with you in the difficulties you will have to encounter. And your action in this case has gone so far to remove the presumptions against you in my mind in the case of the *Sooy*, that I shall, by a despatch to the Department of State of this day's date, withdraw my previous recommendation of your removal from office. I should regret nothing more than to have done unintentional injustice to an innocent public officer, who had really been faithfully trying to do his duty. A copy of your letter to me, and its accompanying papers, shall be immediately forwarded to Washington.

Very respectfully, &c.,

HENRY A. WISE.

ALEX. H. TYLER, Esq., &c., &c., &c.

F.

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, June 12, 1845.

SIR: The United States brig "*Bainbridge*" arrived here on the 24th ultimo, and her commander, Lieutenant Commandant Pennington, immediately put himself in correspondence with me as to the purpose of his visit to this port; and the assistance he would render me in my official duty.

The ship "*Calhoun*," Fales, master, and C. Driscoll, supercargo, had sailed on the 21st May for Cape de Verdes *ostensibly*, but really, in my opinion, formed from facts and confidential communications, for the coast of Africa. She has on board, I feel confident, an illicit cargo, such as bricks, lime, and clay for building ovens, and other articles used in the slave trade; and has taken on board many pipes of water, sacks of farinha, and other provisions, which have been despatched under the name of rum, and other lawful articles of cargo.

Owing to my action in the case of the brigs "*Albert*" and "*Washington's Barge*," I have been much frustrated in regard to this ship, particularly by the conduct of Mr. John S. Gillmer, an American merchant of this place, who first put me in possession of the views of these people, and promised to obtain more information for me regarding their acts, but upon my attempting to arrest the masters of the "*Washington's Barge*" and "*Albert*," he has entirely refused all intercourse with me, and treated me with the utmost indignity upon my calling upon him relative to this case, as you will see by the enclosed copy of a letter I addressed him, which gives every fact which took place in the interview, and which was returned to me unopened. The "*Calhoun*" I delayed for three days in hopes a vessel-of-war would arrive, as it would have been madness for me to have attempted her seizure in this port without one,

especially as shown by this government in their actions and correspondence relative to the brig "Albert" above alluded to.

I enclose copies, numbered one and two, of manifests of the "Calhoun," as deposited in the consulate. No. 1, I refused to receive and certify, as it was not, I informed the master, full enough. No. 2, I finally swore him and Driscoll to, as you will perceive. Neither of these manifests contain the true cargo on board.

I cannot, being much occupied, send you all the proof, in my possession in this case, but write to inform you of the state of the case, in order that, should you deem it necessary to send notice to the naval squadron on the coast of Africa, you might be able to do so, for I feel sure she is, if not actually to be engaged in it, conniving at and aiding in the foreign slave trade, and that could she be seized with her cargo on board, it would be fully proven.

Should you wish it, I shall send you as soon as other occupation will allow, a full history of my information on the subject. She is owned, I understand and believe, by a rich slave merchant in Rio de Janeiro; his name, as yet, I have not found out.

The United States brig "Bainbridge" is still here, and has been of the utmost service to me, nor can I consent to her leaving here for some time, as the public service most urgently calls for her remaining.

I have the honor, &c.,

ALEXANDER H. TYLER, *Consul.*

HON. HENRY A. WISE, &c., &c., &c.

Manifest of the cargo on board the American ship Calhoun, Capt. E. E. Fales, bound to Cape de Verds, to be delivered to the supercargo on board, for account of whom it may concern.

Quantities.	Description of goods.	Shippers.	Consignee.
246 pipes } 20 half do. }	Rum, (containing 39,746 gallons)..	C. F. Driscoll,	Supercargo on board.
87 bbls.....	"	"
39 bbls.....	Salt beef and pork	"	"
3 bbls.....	Tapioca.....	"	"
200 coils....	Rope.....	"	"
20 coils....	Rope.....	"	"

C. F. DRISCOLL, *Supercargo,*
E. E. FALES, *Master.*

BAHIA, 20th May, 1845.

CONSULATE OF THE UNITED STATES OF AMERICA:

On this day personally appeared Cornelius F. Driscoll, supercargo, and affirmed to the truth thereof, he being of the quaker persuasion, and Ebenezer C. Fales, master of the ship Calhoun, of Baltimore, and made oath on the Holy Evangely of Almighty God that the above is a true manifest of all the cargo taken on board said vessel in this port.

[L. s.] Given under my hand and seal of office at Bahia, this 20th day of May, in the year 1845.

ALEXANDER H. TYLER, *Consul.*

True copy.

Test:

ALEXANDER H. TYLER, *Consul.*

Manifest of the cargo on board of the American ship Calhoun, Captain E. E. Fales, bound to Cape de Verds, to order of supercargo on board.

246 pipes,	} containing 19,873 gallons rum,
20 half pipes,	
87 barrels,	
39 barrels salt beef and pork,	
3 barrels tapioca,	
200 coils rope,	
20 small rope.	

E. E. FALES.

BAHIA, 17th May, 1845.

True copy.

Test:

ALEXANDER H. TYLER, *Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA,
Bahia, May 17, 1845.

SIR: Notwithstanding having this day called at your office and asked you to allow me to speak with you, and your having in the presence of two persons and the hearing of all your clerks, told me you would have nothing to say to me; ordering me at the same time "to walk out of your office," which, after informing you distinctly that I called as consul to speak with you, and your order being repeated, I immediately did.

I consider that my duty calls on me to inform you that the object of my call was to ask for such information as you might have regarding the ship "Calhoun," of Baltimore, against which vessel you some time since gave information to this consulate and promised more; and to say that the master of that vessel called this day for his papers in order to clear his vessel, and has been put off until

Monday morning; on which day, unless you can give me more explicit information before, I shall feel bound to allow him to clear his vessel and sail from this port.

This is written you, in order that there should be no misunderstanding on the subject.

Respectfully,

ALEXANDER H. TYLER, *Consul.*

Mr. JOHN S. GILLMER.

(True Copy.)

Test:

ALEXANDER H. TYLER, *Consul.*

G.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, June 26, 1845.

SIR: Yours of the 12th June has been duly received. I regret the escape of the "Calhoun." If an opportunity offers, I will inform the African squadron. All the information you have as to the "Calhoun," or any other slaver, and on the slave trade generally, will always be useful and acceptable whenever you can communicate it. I am convinced you will have to encounter difficulties; meet them with decision and discretion, and you cannot fail of success and satisfaction in the discharge of your duty. The government of the United States has, as far as I am informed, up to the 29th March last, fully approved of my action. As soon as the adversaries of a firm and faithful discharge of official duties in respect to the suppression of the foreign slave trade, under our laws, become convinced that the United States authorities in Brazil are sustained by our government at home, they will begin to fawn upon and flatter, as much as they now persecute and villify them. You must have no uneasiness on this subject. Your connection with Mr. Gillmer only subjected you to suspicion heretofore; and your separation from him will but free you from that suspicion, and maintain you in your office, I hope, so long as you prove worthy of filling it. I recommend that you do nothing vexatious, further than absolutely necessary in the line of duty, towards either the Brazilian authorities, or their protegés in the slave trade. Retain the "Bainbridge" as long as the public service requires her remaining at Bahia. I have the authority of Commodore Turner for saying this; but allow her to return as soon as proper, as there is no United States vessel of war in this port at this time, and it is very uncertain when there will be one.

Very respectfully, &c.;

HENRY A. WISE.

ALEXANDER H. TYLER, Esq.,

&c., &c., &c.

Mr. Wise to Mr. Buchanan.

[Extracts.]

August 1, 1845.

"Since my last despatch I have received a letter from Mr. Consul Tyler, at Bahia, enclosed, marked "L." We are likely thence at last to have the truth, though it may be not the whole truth, respecting the infamous slave trade carried on at that port. * * *

"The English and Brazilian mixed commissions on the slave trade will, undoubtedly, now be dissolved; but England has, nevertheless, instructed her cruisers to search and seize Brazilian vessels caught in the slave trade, and to take them for trial and adjudication to Sierra Leone."

CONSULATE OF THE UNITED STATES,

Bahia, July 10, 1845.

SIR: I have the honor to acknowledge the receipt of your letters of the 9th and 26th of June last, respecting the seizure and arrests made by me in the case of the brigs Albert and Washington's Barge, and the ship Calhoun, of New York. At present, I cannot give you what I thought I should be able to do before this, viz: a full account of this case; in fact, I consider myself obliged for the present to write you nothing about it. Be assured, however, that every step I have taken is in accordance with your very kind letters, so far. I have, however, obtained very strong evidence in regard to Mr. John Gillmer, all of which shall be duly laid before you.

The Albert I hope to despatch in a few days, say about Wednesday next, if not before; but the Bainbridge, I cannot say when she will sail, and I have to request that, should Commodore Turner have arrived, you will procure from him an order directed to Captain Pennington, authorizing his stay at this port, as I should not like to disagree with any naval or other officer at this crisis of this case, which has many ramifications; and I deem it my duty to sift this matter fully, and that individual must give way to public interest. Captain Pennington, I believe, fully bears me out in what I have done and am doing, so far as the same can be made known to him; but, as he may have doubts as to his power to stay here, I wish it clearly made known from his commanding officer to him. For myself your letters are much stronger than I could have expected.

I am, &c., &c.,

A. H. TYLER,
Consul.

Hon. H. A. WISE, &c., &c.

Ex. Doc. No. 61.

Mr. Wise to Mr. Buchanan.

[Extracts.]

NOVEMBER 24, 1845.

"The minister of foreign affairs has just sent me copies (one of which I enclose) of his protest against the act of Parliament of the 8th of August, 1845, whereby Brazilian vessels engaged in the slave trade are subjected to the jurisdiction of certain British courts. It is in Portuguese, French, and English, and is deemed here a strong manifestation of firm resistance to the glaring usurpations and assumptions of Great Britain, and as such I congratulate his excellency upon its tone of defence of a principle ever avowed and maintained by the United States—freedom from visit and search, and from all European domination. But the protest, in fact, is but a good exposé at best of good reasons for a firm and fearless resentment commensurate with both the insult and violence offered by Great Britain to the sovereignty of Brazil, not at all manifested as yet, either by this or by any other act of the imperial government. It shows a feeling, however, which is something for this people, that is adverse too, to Great Britain.

* * * * *

"The slavetrade is only 'scotched not killed' between this country and the coast. It is very daring in some of its incidents, and if current rumors are correct, has lately become very unsuccessful in some, and more horrible than ever in others. On the 21st of August last, his excellency, Mr. Hamilton, the British minister, addressed to me a letter enclosing one to him from the British consul at Pernambuco, of which the enclosed are copies. This letter states the steamer *Cacique* sailed from Baltimore under Brazilian colors. It is true that she sailed last from Baltimore, but she was built in New York for a notorious slave trader here, whose name is Bernardino da Sá, and put into Baltimore in distress. Thence she sailed to Pernambuco, and there, as you see, fitted and sailed for the coast. A fatality attended her. Singular to say, that Driscoll, whose case is still pending in New York, for piracy under our laws for the suppression of the slave trade, and who is out on 'straw bail,' and after whom I sent the *Bainbridge* to Bahia, was, as part owner with this same da Sá, in the ship *Calhoun*, on the west coast of Africa, when this steamer *Cacique* reached there. Driscoll, seeing the *Cacique*, and she being a strange vessel, mistook her for an English steam cruiser; and being much alarmed, and the steamer close upon him, he ran his ship ashore and she was lost. One report is that he set fire to her, but it is pretty certain that she, the *Calhoun*, was destroyed; and Driscoll and his crew, as stated by the *Jarette*, just arrived from Africa, are left on the coast. It was a short time ago only that I received a commission directed to me and to the consul here, or either, to take depositions in the case, now pending, of this very Driscoll, who is now a fugitive on Africa's sands, from the consequences of new, with a bail-piece in his pocket for old, offences. We have lately received

intelligence of another case filled with horrors. A Brazilian vessel, with 1,000 Africans on board, was pursued by a Portuguese steamer, and being hard pressed, the captain and crew deserted the slave ship, set fire to her, and actually burnt alive the 1,000 African captives before they could be saved by the steamer in pursuit! Our vessels still accept charters for the coast almost daily from this port; but I have of late heard of no special charges of crime. My object is not to obstruct our lawful trade to Africa, and I shall in no case interpose without the best possible grounds. The successful convictions in the cases which I have already caused to be sent home, are proof conclusive to the department that I have not proceeded without due caution and evidence. But to this moment the department has not said whether I have been doing right or wrong. Am I to infer that I am left to my own unaided, uninstructed judgment; and to my own unbacked responsibility? I repeat that I court your instructions, sir, and will implicitly obey them.

* * * * *

BRITISH LEGATION,
Rio de Janeiro, August 21, 1845.

SIR: The British consul at Pernambuco has notified to me the recent arrival at that port, from Baltimore, and subsequent departure for the coast of Africa, of an American built vessel, called the *Cacique*, under Brazilian colors, and intended, it is believed, for the contraband trade in slaves. The praiseworthy zeal and activity so unremittingly manifested by your excellency for the suppression of this odious traffic, will excuse me for transmitting to you the accompanying copy of the communication in question.

I have, &c., &c.,

HAMILTON HAMILTON,

His excellency H. A. WISE, &c., &c., &c.

BRITISH CONSULATE,
Pernambuco, August 7, 1845.

SIR: I deem it to be my duty to inform your excellency that an American built vessel, called the *Cacique*, arrived here under Brazilian colors from Baltimore last month, *en route* for Rio de Janeiro. She was barque-rigged and was fitted with a screw propeller, and was evidently intended to be a fast sailing ship. She had proved, however, so total a failure during her voyage that her screw was removed at this port and substituted by paddle wheels, which, from the specimen seen of their working when she left Pernambuco last week, appear to have been as little adapted to her as the screw. She sailed for the coast of Africa with a very large crew composed of people of all nations—the captain and greater portion being Americans.

Although I conceive her to be entirely unfitted for the slave trade, there is every reasonable presumption that she is intended for that traffic. I have, therefore, made this communication to your excellency that, should you think fit, it may be forwarded to the commander-in-chief of her Majesty's naval forces upon this station, and upon the coast of Africa.

I have, &c., &c.,

H. AUGUSTUS COWPER,

Consul.

His excellency HAMILTON HAMILTON, &c., &c., &c.

Mr. Wise to Mr. Buchanan.

[Extract.]

DECEMBER 18, 1845.

I had proceeded thus far when I received a duplicate of your despatch, No. 18, dated the 27th of September last, touching the affair of the brig Porpoise. The original, of which it is a duplicate, has not yet been received. Mr. Elliott, who brought it, informs me that he received it in New York, and the ship Courier, on board which he was a passenger, having to touch at Richmond for her cargo, did not depart thence for Rio de Janeiro until the 28th of October. Thus the duplicate was a month or more in the United States after its date, and I cannot imagine what has become of the original, if it was ever despatched.

Considering the importance of this despatch, I ought, perhaps, to take ample time to give it the most deliberate answer; but for the present, and perhaps forever, suffice it to say, that your reproof is so full of gentleness, kindness, and the spirit of justice, as clearly to manifest to me that there was no disposition on the part of the President or department to seek and to find cause of complaint as to my course in the case of the Porpoise. And it is most gratifying to me that, whilst the President cannot approve of my proceedings in relation to that case, "he entertains no doubt of the purity and patriotism of my motives," and gives me due credit for my "zeal in the cause of humanity," and for my "desire to suppress" an "odious and infamous" evil, which disgraces nothing more shamefully than it does the flag of the United States.

And since the imperial government has, through both its ministers here and at Washington, expressed its regret at the controversy, and its desire that the whole subject might be buried in oblivion, and that the most friendly relations may be cultivated not only with the United States, but "*with myself as their representative*," I must not permit myself, however strong the desire, to urge further a single fact or argument in the way of excuse, apology, justification, or defence of my course. It is now unnecessary to do so; otherwise, I might advert to and enlarge upon several points which your view of the case, sir, does not seem to

me to embrace. If the Brazilian government was not satisfied; if the case of the Porpoise had not been made out in the criminal courts of the United States; if my course had been harshly censured in a spirit of injustice; and, if evil instead of much good had flown from the controversy, I might be permitted to urge—

1st. That I, neither by knowledge nor consent, had anything to do with the first steps of seizing and placing a guard on board the Porpoise. It was done by the consul and naval commanders, with the consent of a port officer, until the superior officers of government could be advised.

2d. As soon as I was informed of this, I went with two witnesses to the minister of foreign affairs himself; and, though the port officer had given consent for the guard only until his superiors could be advised, yet the minister consented unequivocally with me that the marine guard of the United States should detain and hold in custody, *until the imperial government should decide the question of extradition*. This he tried afterwards to escape from and evade; but I never released or relieved him from that position, sustained as it was by the testimony of the consul and of my secretary, as well as by my own word.

3d. As truly stated by Mr. Lisboa, the whole excitement and difficulty arose afterwards from a gross neglect of duty and violation of orders on the part of Lieutenant Shubrick, in permitting the Brazilian passengers, who were the chief culprits, to go on shore before the imperial government had decided and acted on the subject, and until he had other orders. This I could not help, as the correction of a naval officer is with his superiors.

4th. After a lapse of three days from the consent of the minister of foreign affairs, Mr. Franca, for the detention until the question of extradition should be decided, the minister of justice sent off an armed force to seize the Porpoise, without notice to me or to the commodore; and then we could do nothing until the force was withdrawn.

5th. It was not until after this actual show of force that Mr. Franca pretended to deny his consent given, or, if given, to withdraw it and to demand, *not the delivery of the vessel and criminals to the custody of Brazil*, to be detained until the question of extradition should be decided according to agreement with me, but their *entire release* from all custody.

So much and more might have been urged as to the facts. On the question of *national law* I might have urged, admitting every principle of jurisdiction and extradition to be settled, as stated by you, sir, that it is nevertheless sound in law and moral obligation that, when one nation connives at, encourages, and actually aids and abets *municipal* crimes against the laws, honor, peace and dignity of another nation by its own citizens, and then attempts to screen the fugitives from justice within its jurisdiction, the latter nation has the right to their extradition.

In such cases, either of municipal or political offences charged, if serious and repeated, there is not only a right of extradition, but a good cause of war for its refusal. In the general, I know, *where*

the government to which the criminal has fled is not particeps criminis, extradition is mere matter of comity or treaty stipulation.

But, I repeat, that it is not for me now to say, or to do anything further than to bow with the most respectful submission to the judgment of the President. It shall be my pride and pleasure, with the utmost deference, to obey his instructions for the future; and I return you, sir, my grateful acknowledgments for the manner in which you have conveyed them to me. I can, I am sure, verily claim that neither the United States nor Brazil has lost anything thus far by my residence at this court.

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Mr. Wise to Mr. Buchanan.

[Extract.]

DECEMBER 23, 1845.

Friday last I sought an interview with Senhor De Abrew, and called his attention to the obligations of the United States under the 9th article of our treaty with England of 1842, according to your instructions. I was special in a disclaimer of any intention to interfere with the domestic policy of Brazil at all, and desired to be understood only in the sense of making a separate friendly representation of the desire of the United States that Brazil should, by her own means and in her own way, arrest the *foreign* slave trade to her dominions, and destroy the market for slaves from Africa in her territory. He made a note of my representations, which, in all respects, I endeavored to make conformable to your instructions, and evidently received the same without displeasure or the semblance of objection.

Mr. Wise to Mr. Buchanan.

[Extract.]

RIO DE JANEIRO,
February 18, 1846.

* * * * *

I have lately received a letter from Captain Bell, United States corvette Yorktown, on the coast of Africa, requesting me to forward evidence to Washington relative to the Pons and the Panther, two slavers which he had captured. There is a mass of evidence nearly completed, clear and full, as to their guilt. In a few days our consul will have it ready, and the trials ought by all means to be delayed until it reaches the United States. A number of other cases have arisen, and the slave trade in our vessels seems to have commenced again, about the period of last June, with still

more daring and impudence than ever. But this and many other subjects I must reserve for another despatch.

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Mr. Wise to Mr. Buchanan.

[Extract.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 6, 1846.

SIR: Lately I received through Commodore Rosseau, to whom it was sent for interpretation by the United States Signal Book, a letter in cypher from Captain Charles H. Bell, commanding United States ship Yorktown, on the coast of Africa, of which the enclosed are copies, marked "A."

As soon as I received this letter, I proceeded to collect all the information I could get at this place in relation to the two vessels—the Pons and the Panther.

First, as to the Pons: She arrived here, it appears by the custom-house reports in the "Jornal do Commercio," the official organ of this metropolis, on the 25th June, 1845; master, John Graham; crew 12; in ballast; from Cabinda, west coast of Africa; bringing as passengers two Portuguese—Manuel José de Rezendo and Manuel Lourenço. The former, as appears by Captain Graham's own deposition, enclosed, is a known agent of Bernardino de Sá, a notorious slave trader of this city. This agent has subsequently gone to the coast again, as passenger, in the United States merchant vessel Z. D., master, D. Bassett. During this first trip, Captain Graham had gone in the Pons himself as master. He visited the interior and saw one of the kings of Africa in state. He became informed, as he acknowledges in his deposition, fully, of all the courses of the slave trade, and saw that it was impossible to charter or sell a vessel in Brazil for the African trade, without being instrumental, to a greater or less extent, in the traffic of slaves. When he arrived here in June, it was during the excitement and apprehensions originating from the seizure of the brig Porpoise, and thereby the prices of charters and sales of American vessels for the coast were greatly enhanced. There was more danger in them than had formerly been supposed, and more tempting offers, of course, were made.

Captain Graham had become informed of the persons and characters of the leading dealers here, and of their agents in Africa. He ostensibly chartered his vessel, but in fact secretly sold her to Manuel Pinto de Fonseca, deliverable on the coast, for a large sum, amounting to nearly \$20,000, I believe exceeding that sum. Not choosing to run the risks of the trade himself, he shipped another captain—Berry. When he first arrived here, he came from Madeira, bringing a cargo of Portuguese emigrants from that island. The passage money of these emigrants was paid by ad-

vances of persons who took them from him as bound servants for limited periods, according to the rate of their services respectively. He could not dispose of them all, and was obliged to keep several boys of them on board his vessel, to work out their passages from Madeira. Thus, though not in legal form, they were in fact, his apprentices, and subject to his personal control by contract. These Portuguese boys, as part of her crew, were left on board the Pons to assist in working her back to Brazil with her return cargo of slaves. They were, I presume, found on board of her by Captain Bell. A copy of the charter party is enclosed, and a description of the bargain and sale is given by Graham himself in his deposition. Copies of the crew lists are enclosed, showing what seamen she arrived with; what she departed with, and who of them were discharged, and who remained with her when delivered on the coast, appears by the depositions.

According to her manifest, published in the "Jornal do Comercio," on the 19th July, 1845, and confirmed by Captain Graham in his deposition, her cargo shipped here consisted of 180 pipes aguardente, 3 barricas toucinho, 4 barricas e 4 latas assucar, 12 jacazes batatas, 1 barrica café, 1 garafão tapioca, 2 barricas queijos de huinos, 1 caixadoce, 20 barricas roseas, 12 saccas farinha, 50 malas carre sacca, 150 saccas farinha, 100 ditos feijão, 20 ditos arroz, 200 garrafoes vasio, 62 volumes mercadorias e varios generas. She sailed on the 21st July, 1845, with two passengers, a Portuguese, named José de Almeida, and a Sardinian, named Joás Baptiste Galiano, or *Galliano*, or *Galano*. The latter was in charge of the hatches, and, in fact, was the agent of Fonseca to dispose of the cargo, and to take charge of the vessel when delivered on the coast. He was taken on board when the Pons was captured. He is now in Rio de Janeiro. He arrived here with Captain Hanna of the Roanoke, which vessel took a cargo of emigrants from the United States to Liberia. Why Captain Bell did not take him to the United States as a prisoner I cannot conceive; but he is now here, insolently exhibiting letters of introduction from Mr. Lester, at Genoa, and requesting Mr. Consul Parks to take his protest and certain depositions, upon which to found a claim of indemnity to Fonseca from the United States. For clear reasons, apparent directly, he ought to have been tried in the United States, as a foreigner on board an American vessel engaged in overt acts of the slave trade. The vessel is, in point of law, still American. The charter was at an enormous price per month, \$1,350, and four months of the charter money was paid in advance, \$5,400. The vessel was on charter party for four months and 22 days; and on the day she was delivered on the coast to the purchaser, upwards of \$8,000, about \$3,500, had actually been paid by the vendee, though the four months and 22 days charter party, at \$1,350 per month, amounted to the sum only of about \$6,400; showing about \$2,000 advanced for her purchase money in fact, whilst she was under American colors, and with American papers, register, &c. No bill of sale was given for her; her name and port were left on her stern; parts of her cargo and crew were also

transferred, her supercargo remaining with her in charge from the time of her leaving this port to the time of her capture. All this appears by Captain Graham's deposition, which is accompanied by an account stated by Fonseca, which shows all the transaction. Graham is now here awaiting the arrival of Captain Berry. He professes to intend, then, to proceed to the United States. I will apprise the government of the vessel he may take passage in.

The Panther.—John Clarke, the seaman discharged from the *Mary Chilton* by Mr. Consul Gordon, whilst remaining here endeavoring to ship in some other vessel, informed me that he was urged to ship on board the *Panther*, then in this port, Clapp, master; that she was bound to the coast of Africa, and was chartered or sold, in all probability, as he was informed, for the slave trade. Her voyage was certainly suspicious. Being thus informed that Clapp, who had not long before sold the *Ganneclift* on the coast, and had undoubtedly aided the purchasers of that vessel in a slave trip, was again in this port, and intending to warn Mr. Consul Gordon, and to cause steps to be taken to arrest Clapp and to prevent his unlawful trading under the United States flag, I addressed my letter, of June 25th, 1845, to Mr. Consul Gordon, a copy of which has been sent by me to the Department of State, and an extract from which is in these words:

“Captain J. Clapp, formerly of the *Ganneclift*, sold on the coast of Africa, is now here. I request you to furnish me with copies of all the evidence taken before you, and now in your office, respecting the sale of that vessel on the coast, and in regard to any violation of the laws of the United States for the suppression of the foreign slave trade by said Captain J. Clapp, besides what is contained in the depositions of Fairburn and Gillespie, already communicated to this legation.”

On the 4th of July, 1845, he replied, saying:

“I herewith hand you a list of the depositions in the above cases on record in this consulate, with a brief synopsis of the evidence they contain in relation to the brig *Ganneclift*,” &c., &c.

The following was the list of depositions having reference to the *Ganneclift*:

“ Robert Baker, first mate of the brig <i>Montevideo</i> .		
“ James Robertson, second mate	“	“
“ Charles Douglass, seaman,	“	“
“ Gerritt King,	“	“
“ John Johnson,	“	“
“ Ezekiel Norton,	“	“
“ Edward Jones,	“	“
“ Charles Martin,	“	“

“By the testimony of these witnesses, it appears that while the brig *Montevideo* was lying at Cabinda, coast of Africa, in March, 1844, the American brig *Ganneclift* arrived at that port under command of Captain Clapp; that the *Ganneclift* arrived on a Thursday or Friday; that soon after her arrival, pipes of caxaça were discharged, and pipes of water were taken on board; this was

while Captain Clapp and crew had charge of that vessel; that when she arrived she had water casks stowed fore and aft, covering the bottom of the vessel, a quantity of farinha, also a quantity of lumber, which one of the witnesses was told was for a slave deck; that the Ganneclift carried to the coast a Portuguese master and crew; that Captain Clapp and his crew left the Ganneclift on a Saturday afternoon or evening, at which time the vessel was taken charge of by the Portuguese master and crew; that on Sunday Captain Clapp and two of his men went on board the Montevideo as passengers, and subsequently came in that vessel to Victoria, in Brazil; that on Sunday a cargo of blacks or slaves, to the number of about 600, were put on board the Ganneclift; that some of them were put on board in a boat belonging to the Montevideo; that Captain Pendleton, master of the Montevideo, was on board the Ganneclift while the negroes were being shipped. One of the witnesses states that Captain Clapp was on board the Ganneclift on Sunday morning—others that he went on shore at nine o'clock that morning from the Montevideo. They do not agree where Clapp was when the negroes were shipped; that the negroes were shipped between ten o'clock, a. m., and three o'clock, p. m., probably within a shorter time; that the United States colors were flying on board the Ganneclift when the negroes were shipped, and when that vessel went to sea with her cargo of slaves on board."

On the 10th of July, 1845, after the foregoing letter to me, it appears that Mr. Consul Gordon took the deposition of William Wall, of which the enclosed is a certified copy; and on the 9th day of August thereafter he took that of Joseph H. Williams, of which the enclosed is a certified copy. These clearly proved probable grounds for believing that Clapp was then preparing the Panther for a slave voyage. Of the depositions of Wall and Williams, Mr. Consul Gordon gave me no notice whatever, and he took no step himself to prevent Clapp from sailing, but cleared the vessel for the coast. And after the Panther was cleared, Clapp, it seems, discharged several of his American crew and shipped foreigners, it is supposed, as substitutes, who would not be likely to become witnesses of his illegal proceedings.

But such is the mass of evidence which I am able to furnish in relation to these two vessels. The Panther was despatched for exportation on the 5th, and departed on the 7th of August, for Africa, by the Cape de Verd Islands, consignee Captain Clapp; manifest, 100 pipes aguardente, 100 ditto empty, 2 barrels toncinho, (pork,) 250 sacks of farinha, 100 ditto feijão, (black beans,) 50 ditto rice, 1 box mindozas, 4 bbls. ditto, 4 boxes of rusks and biscuits, 5,000 bundles of wood, 200 arrobas of carne secca. And she carried out a Portuguese passenger named Antonio Rodrigues Chaves. That she was bargained to be sold on the coast, and was chartered for the slave trade I have not the shadow of a doubt. She ought never to have been allowed to clear from this harbor by an American consul.

Enclosed is a handbill published in Liberia, containing an account

of the arrival, condition and disposition in that colony, of the slaves captured on board the Pons. I regret exceedingly to inform the department of the alleged cause, according to accredited report here, of the great mortality among these Africans, from the time of capture of the Pons to that of their arrival at Monrovia. Galliano on his return here states, as I am informed, that the vessels and captives were placed under the command of a Lieutenant Cogsdell, who was so unfit for duty from drunkenness, approaching almost to mania a potu, that there was no proper authority exercised to prevent the hungry and thirsty wretches from eating the raw beans and beef on board; that for several days there was nothing cooked for them, and they were totally neglected. No less than about 150 died in the course of about 14 days. Better to have allowed them to be enslaved in Brazil, say the Brazilians. This ought certainly to be enquired into, in order that if it be a slander it may be contradicted. If true, it is disgraceful to our naval service to have such men wearing its swords and epaulets. The most of our naval officers are an honor to their profession, and the fittest of them ought to be ordered on such a service. I speak the more strongly from my attachment to the navy, and from a desire to see our national policy successful, and our national philanthropy in respect to Africa unstained by the inhumanities and indecencies which are openly attributed here to the service of other nations on that coast. The slave trade between Brazil and Africa is a terrible evil, and it is time our nation and its government were made sensible of our responsibilities in respect to it, and no agent of bad habits ought to be entrusted with them. Is it possible, that no law can be recommended or passed; that no more power can be conferred on consuls, and no stronger instructions be given to our naval cruisers? I am happy to say, that Mr. Parks, our present consul, is exerting himself energetically and efficiently in all his duties, but especially in respect to this subject. He has invited my attendance with him on several late occasions of examination, and I have given him all the assistance in my power. He has furnished me with the enclosed list of American vessels arrived at Rio de Janeiro, and sailed for the coast of Africa from the 1st July, 1844, to 31st December, 1845.

The Pons and the Enterprize, (late United States schooner of war,) have both been sold, and they both became slavers. The latter is here now; having brought and landed her cargo of slaves. She was sold by the United States for \$2,800 at the Brooklyn navy yard; and the vessel and 3½ months charter of her, brought on the coast, \$15,500. Shanton, her captain, was late a gunner's mate on board the United States ship Columbus, and is now an applicant for a warrant in the navy. The Janet was lawfully sold here. The Z. D., the Harriet, the Roarer, the Cuba, the Lucy P. niman, the Benlah, the Pilot, the Malaga, and the Treaty, are now believed to be on the coast, and the Vintage is now here loading for Africa. Out of twenty vessels in this trade, four only are from south of Philadelphia, and none from south of Baltimore. They are principally from New York and the New England States:

	Vessels.	Trips.
From Beverly.....	2	2
Baltimore.....	4	4
Boston.....	5	7
New York.....	3	3
Philadelphia.....	3	4
Providence.....	1	1
Portla.....	1	1
	—	—
	19	22
	==	==

The Vintage not included in the above. Mr. Parks informs me that a person of Bangor, Maine, who is the owner of a vessel which has made several trips to Africa, and whose captain told Mr. Parks that he was ordered to take a charter to the coast, is the owner also and supporter of an *abolition* newspaper, the Bangor Gazette!! Boyle, the mate of the Kentucky, the vessel on board which the tragedy of the shooting, hanging, and drowning of some thirty or forty Africans was acted, and who was one of the men whose extradition I demanded of the imperial government in the case of the Porpoise, lately came before the consul and gave a full deposition as to the history of the cruise of that vessel. It is important that he should be in the United States at the trial of Libby, the captain of the Porpoise. Douglass, the captain of the Kentucky, is supposed to be now in Philadelphia. The Kentucky is now in this harbor, identified by Boyle, with the name and port lettered on her stern—"Franklin of Salem." Of this, I have informed his Britannic Majesty's minister, Mr. Hamilton, by letter, of which the enclosed, marked "B," is a copy. In addition to the evidence which I now transmit, Mr. Parks will forward a number of depositions in other cases. The slave deck of the Kentucky was fitted in this port, whilst an American vessel, with the full knowledge of her captain, Willis, who sold her to Fonseca, under the disguise of a charter, and who remained here and sent Douglass in her as captain to the coast. Willis is now captain of an American vessel, I believe in the trade between Brazil and the United States. Driscoll, out on straw-bail, whose indictment is still pending in New York, is now skulking in this city. Ulrick, his mate on board the Hope, and mate of the Porpoise, when she was seized here, is now said to be commanding an American vessel on this coast, and Boyle, the mate of the Kentucky, is now mate of the Caspian. Are we to be allowed to do nothing towards making an example of these flagitious cases of outrage upon our laws and of insult to our authorities? The barbarities practised by these criminals, who walk thus abroad unwhipped of justice, are shocking to every sense of humanity. I have concurred with Mr. Parks, in the propriety of allowing Boyle, since his confession and deposition, to go home in the Caspian. The United States district attorneys and marshals must act or not at home, in respect to the arrest of Douglass, who is now in Philadelphia, and of Graham, Willis, and Ulrick, when they arrive in the United States. It is a great pity

that Gray escaped in Delaware, from the absence of the witnesses against him, who were allowed to go their voyage to the coast, instead of being sent home.

Hon. JAMES BUCHANAN,
Secretary of State.

HENRY A. WISE.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 2, 1846.

SIR: Your excellency doubtless remembers the history of the case of the brig Kentucky, formerly a merchant vessel of the United States, sold at Quillimane, on the eastern coast of Africa, and employed by the Brazilian purchasers, Manoel Pinto da Fonseca & Co., in the slave trade; the same vessel to which the brig Porpoise was a tender, and the same on board which the awful tragedy of the shooting, hanging, quartering and drowning some thirty or forty of the negro victims was acted, as testified to by a British subject, named Page, who was forced to return in her to Brazil; and who was, with your excellency's approbation, at his own request, sent to the United States as a witness in the case of Libby, captain of the Porpoise. His deposition is on file in the United States consulate here, and I think a copy, detailing the shocking barbarities perpetrated on board the Kentucky, was furnished to you. The mate of the Kentucky, *before her sale*—a man named Boyle, one of the four persons who were arrested as criminals in this harbor on board the Porpoise, and whose extradition to the United States was refused by the imperial government—lately has come before the United States consul at this port, and has detailed more fully the history of the cases of these two vessels, the Kentucky and the Porpoise.

Among other things, he states under oath that, having been mate of the former, he can identify her certainly, and avers that she is now in this harbor, with the name and port plainly lettered on her stern, "*Franklin, of Salem, Massachusetts,*" or, "*Franklin, of Salem.*" He declares that at Quillimane, when sold and delivered, he in part obliterated, and saw in whole obliterated by others, the name and port of "*Kentucky, of New York.*" That the latter name and port were painted in *white* over a black ground, and were obliterated with black paint. Now, the name and port—put on, of course, by the Brazilian purchasers—are in white, as described, probably over the old name and port; which might be seen, perhaps, by carefully taking off the now exterior painting. All this is done to elude the vigilance of the British cruisers, by giving the vessel the appearance of belonging to the merchant marine of the United States. I would not hesitate to advise her capture on the high seas by our own cruisers, with this fraud, clearly proving an illegal intent, upon her stern; but she is now in Brazilian waters, and

neither of our ships of war are in port to receive intimation of her departure. Apprehending that she might depart soon, and supposing that the British cruisers would not, under their instructions, hesitate to seize and bring to trial a vessel so suspicious in her character, and one, too, known to have brought one if not two cargoes of slaves from Africa to Brazil since her sale by her United States owners to a notorious slave trader, I brought the facts to the knowledge of her Britannic Majesty's consul, Mr. Hesketh, who recommends a conference with, or information, rather, to your excellency. The Grecian, brig of war, is now here, and Captain Montgomery, I have reason to know, would be an able and efficient officer to carry your excellency's suggestions or orders into execution. I venture only to bring the case to your consideration, and leave the proper course to be decided on by your own best judgment. Page's and Boyle's depositions can be furnished at any time required by the United States consul.

I have the honor, &c.,

HENRY A. WISE.

To his excellency HAMILTON HAMILTON,
Her Britannic Majesty's Envoy, &c., &c.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 13, 1846.

SIR: I enclose to you the answer of her Britannic Majesty's envoy, Mr. Hamilton, to my note in respect to the Kentucky, alias Franklin, copies of which were transmitted in my last despatch.

Mr. Parks will forward the papers in the cases of the Enterprise and other vessels engaged in the African slave trade. And it gives me much pleasure to say, that, in all cases, I have concurred fully in the steps taken by Mr. Parks, as far as they have come to my knowledge; and he has in the most proper manner submitted his course, generally, in the matters relating to the slave trade, to my counsel and advice, and it has met with my most cordial approbation.

HENRY A. WISE.

HON. JAMES BUCHANAN,
Secretary of State.

BRITISH LEGATION,
Rio de Janeiro, March 7, 1846.

SIR: I have received the letter which you did me the honor to address to me on the 2d instant, concerning the vessel formerly called Kentucky, and in the merchant service of the United States; afterwards purchased by the notorious slave merchants, M. P. Fonseca & Co.; and now, under the name of Franklin, of Salem, again fitting out in this harbor, as your excellency apprehends on very sufficient grounds, for the African slave trade.

A copy of your communication has been forwarded without delay to the officer commanding her Majesty's brig of war Grecian, with a recommendation that he adopt, with respect to the suspicious craft in question—whenever she shall leave the territorial waters of Brazil, whether in visiting her or detaining her, as the case may appear to call for—such measures as the instructions issued by the board of admiralty may indicate.

With a copy of Page's deposition your excellency was good enough to provide me at the time; that of Boyle may, also, be of service eventually; and I shall request Mr. Consul Hesketh to make application for one to the consul of the United States.

I have the honor, &c.,

HAMILTON HAMILTON.

To his excellency H. A. WISE,
&c., &c., &c.