

SLAVE TRADE, &c.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*Copies of despatches from the American minister at the court of Brazil,
relative to the slave-trade, &c.*

FEBRUARY 20, 1845.

Read, and referred to the Committee on Foreign Affairs.

To the Senate and House of Representatives of the United States :

I transmit, herewith, for the information of Congress, copies of certain despatches recently received from Mr. Wise, our envoy extraordinary and minister plenipotentiary at the court of Brazil, upon the subject of the slave-trade, developing the means used, and the devices resorted to, in order to evade existing enactments upon that subject.

Anxiously desirous as are the United States to suppress a traffic so revolting to humanity, in the efforts to accomplish which they have been the pioneers of civilized States, it cannot but be a subject of the most profound regret that any portion of our citizens should be found acting in co-operation with the subjects of other powers in opposition to the policy of their own government, thereby subjecting to suspicion and to the hazard of disgrace the flag of their own country. It is true that this traffic is carried on altogether in foreign parts, and that our own coasts are free from its pollution: but the crime remains the same wherever perpetrated; and there are many circumstances to warrant the belief that some of our citizens are deeply involved in its guilt. The mode and manner of carrying on this trade are clearly and fearlessly set forth in the accompanying documents; and it would seem that a regular system has been adopted for the purpose of thwarting the policy and evading the penalties of our laws. American vessels, with the knowledge (as there are good reasons to believe) of the owners and masters, are chartered, or rather purchased, by notorious slave-dealers in Brazil, aided by English brokers and capitalists, with this intent. The vessel is only nominally chartered at so much per month; while, in truth, it is actually sold, to be delivered on the coast of Africa; the charter party binding the owners, in the mean time, to take on board, as passengers, a new crew in Brazil, who, when delivered on the coast, are to navigate her back to the ports of Brazil with her cargo of slaves. Under this agreement, the vessel clears from

the United States for some port in Great Britain, where a cargo of merchandise, known as "coast goods," and designed especially for the African trade, is purchased, shipped, and consigned, together with the vessel, either directly to the slave-dealer himself, or to his agents or accomplices in Brazil. On her arrival, a new crew is put on board *as passengers*, and the vessel and cargo consigned to an equally guilty factor or agent on the coast of Africa, where the unlawful purpose, originally designed, is finally consummated. The merchandise is exchanged for slaves; the vessel is delivered up; her name obliterated; her papers destroyed; her American crew discharged, to be provided for by the charterers, and the new or *passenger* crew put in command, to carry back its miserable freight to the first contrivers of the voyage, or their *employees* in Brazil.

During the whole progress of this tortuous enterprise, it is possible that neither the American crew originally enlisted, nor the *passenger* crew put on board in the Brazilian ports, are aware of the nature of the voyage; and yet it is on these, principally, ignorant if not innocent, that the penalties of the law are inflicted; while the guilty contrivers—the charterers, brokers, owners, and masters—in short, all who are most deeply concerned in the crime and its rewards, for the most part escape unpunished.

It will be seen, from the examinations which have recently taken place at Rio, that the subjects of her Britannic Majesty, as well as our own citizens, are deeply implicated in this inhuman traffic. British factors and agents, while they supply Africa with British fabrics in exchange for slaves, are chiefly instrumental in the abuse of the American flag; and the suggestions contained in the letter of Mr. Wise, (whose judicious and zealous efforts in the matter cannot be too highly commended,) addressed to Mr. Hamilton, the British envoy, as to the best mode of suppressing the evil, deserve your most deliberate consideration—as they will receive, I doubt not, that of the British government.

It is also worthy of consideration, whether any other measures than those now existing are necessary to give greater efficacy to the just and humane policy of our laws, which already provide for the restoration to Africa of slaves captured at sea by American cruisers. From time to time, provision has been made by this government for their comfortable support and maintenance, during a limited period after their restoration; and it is much to be regretted that this liberal policy has not been adopted by Great Britain. As it is, it seems to me that the policy it has adopted is calculated rather to perpetuate than to suppress the trade, by enlisting very large interests in its favor. Merchants and capitalists furnish the means of carrying it on; manufactures, for which the negroes are exchanged, are the products of her workshops; the slaves, when captured, instead of being returned back to their homes, are transferred to her colonial possessions in the West Indies, and made the means of swelling the amount of their products, by a system of apprenticeship for a term of years; and the officers and crews who capture the vessels receive, on the whole number of slaves, so many pounds sterling *per capita*, by way of bounty.

It must be obvious that, while these large interests are enlisted in favor of its continuance, it will be difficult, if not impossible, to suppress the nefarious traffic; and that its results would be, in effect, but a continuance of the slave-trade in another and more cruel form; for it can be but a matter of little difference to the African, whether he is torn from his coun-

try and transported to the West Indies as a slave, in the regular course of the trade, or captured by a cruiser, transferred to the same place, and made to perform the same labor, under the name of an apprentice; which is, at present, the practical operation of the policy adopted.

It is to be hoped that her Britannic Majesty's government will, upon a review of all the circumstances stated in these despatches, adopt more efficient measures for the suppression of the trade which she has so long attempted to put down, with (as yet) so little success, and more consonant with the original policy of restoring the captured African to his home.

JOHN TYLER.

WASHINGTON, *February 20, 1845.*

Mr. Wise to Mr. Calhoun.

[Extract.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 11, 1844.

No. 3 is a copy of my letter to her Britannic Majesty's minister, Mr. Hamilton, touching the capture of the American brig *Cyrus* by a British cruiser on the coast of Africa. Whilst the captain of this brig (Captain Dumas) was making his protest and taking the depositions of witnesses before the United States consul, the British consul intimated to him, in my presence, that there were rumors of facts which would, perhaps, invalidate the statements of himself and his witnesses, and which would tend to convict him of the offences of the slave-trade. This at once suggested to me the view of the case, that, if Captain Dumas was guilty, he ought to be convicted; and none would be more ready, or likely to succeed in furnishing whatever evidence there was to be found here against him, than the British authorities; and, if he was an innocent and lawful trader, who had been searched and captured as he described, he was entitled to have his case strengthened, by giving due notice to the British authorities here, so that they might have the opportunity to take other testimony, or cross-examine his witnesses, (who were all in this port,) and so that the British government should not hereafter have it in its power to plead that they could or might have proved the contrary of Captain Dumas's statements by witnesses in this port at the time. I myself am fully convinced that the case was one of great outrage upon the flag and commerce of the United States, in any and every aspect in which it can be viewed. If I understand the position taken by our government, it is, that the flag of the United States shall be positive protection to their own vessels; and that, if any power attempts to exercise the authority to search a vessel sailing under that flag, it must be at its peril. That is to say, if the vessel belongs to the United States, and is under their flag, it is, under any circumstances, even when there are slaves themselves found on board, a case for reparation. If the vessel belongs not to the United States, or be under false colors, it is a case of which the United States will not take cognizance. The Earl of Aberdeen, as I understand, yields the point, that, where the vessel is found on visit (which means, practically, the act of search) to belong to the United States,

even though she have slaves on board, the British government, or cruiser, will not pretend to the right of interfering with her. The United States insist that they shall not search to find out whether the vessel be a vessel of the United States or not; and, if they do, and the vessel does belong to their flag, whether slaves be found on board, or not, they shall be held answerable. The suspicions, then, respecting Captain Dumas, whether groundless or not, would not affect the case of a violation of our flag; for it is not pretended that the *Cyrus* was not a vessel belonging to the United States, and sailing under their flag. As between Great Britain and the United States, a wrong, at all events, has been perpetrated by the armed force of the former upon the flag of the latter. As between Captain Dumas and the United States, he may, or may not, be a culprit under *their* laws; but Great Britain had no right to exercise any authority whatever over him or his vessel. As soon, therefore, as Mr. Gordon could copy and enclose to me the papers, I addressed my letter to Mr. Hamilton, enclosing to him copies of the papers now sent to the department. He has since expressed to me his thanks for so doing, and said he would forward my communication to his government. I have not heard since of any attempt to justify the capture of the *Cyrus*. I trust that a case so flagrant will not be overlooked by the United States.

No. 4 is a correspondence with our consul, Mr. Gordon, and with the the British minister, Mr. Hamilton, touching the case of the brig "*Sooy*." In the early part of September last, whilst on board the Congress frigate in this port, my attention was called to a brig, evidently of American construction, and reported to be a vessel of the United States, then lately captured and brought in here under a British prize flag. In pulling from the frigate to the shore, I caused the boat to be hauled under the stern of the brig, which I found to have plainly lettered upon it the names "*Sooy, Newport*." Having on Monday, the 16th September, to call upon Mr. França at the foreign office, I took occasion to mention the fact to him, and that it was also rumored that this vessel was captured in the waters of Brazil. The United States were interested to know whether this vessel belonged to their flag; if so, what were the pretexts of her capture; and whether such captures were permitted by this government to Great Britain, or any other powers. He replied that mine was the first information he had on the subject; and he would immediately inquire, and act according to the circumstances of the case. On the 19th of September, Mr. Gordon, our consul, addressed to me a letter; and on the 21st of September, I addressed to Mr. Hamilton a letter, of which the enclosed (marked A and B) are copies. Mr. Hamilton called immediately upon me in person. He at first intimated that he could not communicate with me *officially*. It would not be "*diplomatic*." I did not remind him that he had reversed that position when he addressed my predecessor (Mr. Proffit) directly, on a similar subject, lately; but replied that my letter to him stated its *bona fide* objects, and that the information called for was all I asked; and it mattered not in what character he gave it, so it came from him. He then very promptly showed me a number of papers found on board the "*Sooy*," most in Portuguese, a few in English; which in no view whatever implicated any citizen of the United States, but which pretty clearly showed the vessel was a slaver; that she was then owned by Brazilians, belonged to the port of Bahia, and was captured within the maritime jurisdiction of Brazil. He further showed me a letter from Mr. França, making reclamation of the vessel; and admitted that, under his instruc-

tions from the British government, he would be obliged to give her up. Since then, Mr. Gordon has addressed to me two letters, of which the enclosed (C and D) are copies. Mr. Hamilton promised to obtain all the further information he could, and to communicate it as soon as it was received by him. During my interview with him, I took occasion, in a becoming way, to endeavor to impress upon him the conviction that the attempt on the part of Great Britain to subject our vessels to her acts of visit or search, was, among other causes, an obstacle to the successful suppression of the African slave-trade. The United States never could so cordially and efficiently co operate in the benevolent work of arresting that odious traffic, so long as there was a pretence even of the right to search their vessels. The jealousy with which they would guard their rights of free navigation and commerce, would naturally and inevitably, to some extent, cover and protect illicit trade. That if the British government would waive all claim to this right of search of United States vessels, and would no longer pay bounties of so many pounds sterling *per capita* for every recaptured African to the officers of her cruisers, and thereby remove from them the temptation to encourage actually the shipping of the slaves on the coast of Africa, in order that they may win the reward of their capture on the high seas, (which they are accused of doing;) and if the British government would cease itself to partake, in some sense, of the slave-trade, by carrying every captured slave into her colonies at Demarara, and other places, to bind them out for a limited period of servitude, instead of restoring them to some African colony, there to be taught the arts of civilized life in manual-labor or other schools, and thence to be dispersed throughout Africa for its improvement, the attempts to suppress the slave-trade would prove much more successful, and the roots of the evil would soon be reached in Africa herself, where they take their growth. I urged that moral means were much preferable to physical force, and referred him to the confirmation of these views in the lately expressed opinions of the Earl of Clarendon in the British Parliament. His only reply was, that his government had changed its place of operation, by withdrawing nearly all its force from the South American coast, and transferring it to the eastern and western shores of Africa, as explained lately by the Earl of Aberdeen in the House of Lords. This terminated our conversation, and I avoided adding (what I am sure of) that this transfer of force means nothing more, and will result in nothing less, than the destruction of all except British trade with Africa, and in a necessity for increased vigilance on the part of the United States for the protection of their vessels and crews in all the east. I submit whether, under our treaty with England, some inquiry should not be made, which will elicit information as to her mode of enslaving captured Africans in her colonies. Is it not, in fact, a part of the slave-trade to take them away from their own country without their consent, to bind them out under a system of apprenticeship? Are proper steps taken to guard their *identity*, and to prevent them from being enslaved for life? If they may be lawfully held in bondage for a term of five or ten years, why not for fifty or one hundred years, or any period beyond the duration of human life? It is openly avowed here, from various quarters, that many of these apprentices, after being bound out, are reported to be *dead* by their masters; their names are changed, and flesh marks taken out, and they are transformed into slaves for life. Has England, under her treaties with, and pledges to the world, a right to carry on a system like this, which leads to

the direct encouragement of the trade she professes to suppress, and which by fraud and cruelty increases its horrors, inhumanities, and crimes? But this is for me merely to suggest.

In all that I have said and done respecting any and all of these subjects, I have looked alone to the honor and interests of my country; and ask for nothing more than the approval of my own conscience and of the authorities appointed over me.

With the highest consideration and respect, I am, sir, your obedient servant,

HENRY A. WISE.

Mr. Wise to Mr. Hamilton.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, September 21, 1844.

SIR: I enclose to you the within copies of papers communicated to me by the United States consul at this port, and which I have forwarded to the government of the United States, in order that your excellency may have due notice of the testimony taken at this place in a case where damages, I presume, will be claimed of the British government for the unlawful search, seizure, and capture of a vessel of the United States by British cruisers; and that countervailing testimony, if any, may be taken, justifying the proceedings complained of. The copies of the papers in the case are sent as soon as they could conveniently be made.

With the highest consideration and esteem, I am your excellency's obedient servant,

HENRY A. WISE.

To his Excellency H. C. HAMILTON,
*H. B. M. Envoy Extraordinary
and Minister Plenipotentiary, &c., &c., &c.*

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before the undersigned, consul of the United States, Peter I. Do Coultto, who, being duly sworn upon the holy evangelists, deposed and said as follows :

"That the deponent is a native of London, in England; that he went to Cabinda, in Africa, in the French barque Guatimozin, De Cous master, where he arrived on or about the 12th January last past, and there engaged in business. That on the 2d of June following, he was employed about 200 yards from the shore, near to which the brig Cyrus, Captain P. C. Dumas, then lay at anchor—say at the distance of about 300 yards from the said shore; that near the middle of the day, on the same 2d of June, he (deponent) saw a boat with the English ensign flying, approach said brig Cyrus, and he (deponent) saw an officer and several men from said boat go on board said brig Cyrus. And deponent further said, that, on the evening of the same day, he (deponent) met Captain Dumas, master of the brig Cyrus, on shore at Cabinda, and that he (Capt. in Dumas) informed deponent that the

Cyrus had that day been boarded by an English officer, by name W. Bosanquet, commanding her Britannic Majesty's brig-of-war Alert, who had by force taken from him his ship's papers, and had grossly insulted and trampled upon the American flag. And deponent further said that Captain Dumas, at the aforesaid time and place, also told him that, in consequence of this outrage on the part of the British officer, he (Captain Dumas) had abandoned his brig Cyrus to the government. And deponent further said, that he (deponent) joined one Antonio Lopez da Costa Recio in making a certificate to that effect, bearing date June 3, 1844—a certified copy of which certificate being hereunto annexed, and to which reference is now made. And deponent further said, that the French barque Guatimozin was consigned to the mercantile house with which he (deponent) was connected at Cabinda, and that he (deponent) frequently saw and conversed with Captain De Cous, master of said barque; and that he (deponent) was informed by said De Cous that, on the evening of the 2d of June aforesaid, Captain Dumas, of the brig Cyrus, with the mate and crew of said brig, came on board the Guatimozin, and claimed his hospitality; and that the crew of the Cyrus remained on board the Guatimozin several days. And deponent further said, that he was told by said De Cous that, on the 3d of June, 1844, the Guatimozin was boarded by Captain Bosanquet of the Alert, who at that time requested him (Captain De Cous) to say to Captain Dumas that he (Captain Bosanquet) should send the brig Cyrus to New York, and requested him (Captain De Cous) to ask Captain Dumas and his mate to take passage in said Cyrus to New York. And deponent further said, that he (Captain De Cous) had no opportunity to deliver such message to Captain Dumas until after said brig Alert had sailed and left Cabinda; and deponent said that, according to his (deponent's) own knowledge, the Alert sailed and left Cabinda on the afternoon of the aforesaid 3d of June, 1844. And deponent further said, that the brig Cyrus aforesaid lay at anchor where she was boarded by the said British officer, for several days thereafter, during which time she was entirely deserted; and that on the third or fourth day after the said visit of the British officer—it being on the 5th or 6th of said June—he (deponent) saw the Cyrus get under way, and proceed to sea, but in charge of whom he (deponent) could not say. And deponent further said, that he had frequent intercourse with Captain Dumas while they remained at Cabinda; and that, on the 27th of June, they left Cabinda together, on board the barque Guatimozin, for Rio de Janeiro; and that deponent is possessed of knowledge, satisfactory to himself, that said Dumas never visited nor set his foot on board said brig Cyrus after he abandoned her on the 2d day of June aforesaid. And deponent further said, that the barque Guatimozin sailed from Cabinda on the 27th June, 1844, for Rio de Janeiro, having on board no cargo, except fifty or sixty logs of dyewood, a few pots of plants, and six or eight pipes of water, and provisions for the crew; that the ballast consisted of stones, and that there was nothing else on board. And deponent further said, that the chief mate of the Guatimozin, by name Leroy, died of fever at Cabinda on the 25th June, and was buried on shore; that the master of said vessel, Captain De Cous, died at sea on or about the 16th of July following; and that the Guatimozin arrived at Rio de Janeiro in charge of the second mate, by name M. Challot, on the 28th July, 1844. And deponent further said, that the Guatimozin touched at one [no] place on her passage between Cabinda and Rio de Janeiro, and that Cape Frio was the first land she made on the coast of South America; that

the crew of the Guatimozin from Cabinda to Rio de Janeiro as aforesaid, consisted of six men before the mast, a cook, a steward, and an apprentice, by name Desbordes; and that there were four passengers—to wit, Captain Dumas, of New Orleans, late master of the brig Cyrus, Captain Antonio Lopez da Costa Recio and servant, and deponent himself; and that there was no other individual, white or black, on said barque Guatimozin during said passage from Cabinda to Rio de Janeiro aforesaid. And further deponent said not.

“P. I. DO COULTÓ.”

Sworn at the city of Rio de Janeiro this 22d day of August, 1844, be-
[L. s.] fore me,

GEO. WM. 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, this 24th day of August,
1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before the undersigned, consul of the United States, Paul Desbordes, a Frenchman, who, being duly sworn upon the holy evangelists, deposed and said as follows :

That he (deponent) is a native of Bordeaux, in France; that, although French by birth and education, he understands and is familiar with the English language; that he joined the French merchant barque “Guatimozin” at Bordeaux, on the 29th of June, 1843, as an apprentice, (*politien*;) that said barque sailed from Bordeaux on the said 29th day of June, 1843, for Rio de Janeiro, in Brazil; and thence to Cabinda, in Africa; and thence again to said Rio de Janeiro; and thence back again to said Cabinda; at which place said vessel, on this second voyage to Cabinda, arrived on the 30th of May, 1844. And deponent further said, that, while said barque “Guatimozin” was lying at anchor in the harbor of Cabinda aforesaid, the American brig “Cyrus,” Captain P. C. Dumas, of New Orleans, also lying at anchor but a few fathoms distant from the “Guatimozin” on the 2d day of June, 1844, at about 8 or 9 o'clock in the morning, saw a brig near the entrance of the harbor, which was discovered to be a British vessel of war. At or about 10 o'clock, a. m., on the same day, the British brig despatched, in the direction of the roadstead, a boat, which first visited two American brigs then lying at anchor near the “Guatimozin.” The first visit of the boat was to the American brig “Agnes,” and the second to the American brig “Cyrus,” P. C. Dumas master, of New Orleans; that, soon after the English boat had boarded the “Cyrus,” the American flag that was flying

at the mast-head of said brig was lowered, and the captain of the same hailed the "Guatimozin" from his deck, uttering these words: "*Envoyez moi des forces*;" (that is, in English, "Send me assistance;") which words were distinctly heard on board the "Guatimozin;" that to said call the master of the "Guatimozin" made no answer, nor did he send the assistance requested; that, a short time afterwards, the American flag was rehoisted on board said brig "Cyrus"—the men belonging to the British boat being still on board said brig; that soon thereafter the English boat left the "Cyrus," and, manned by three or four negroes, and having on board two officers, and a boy eight or ten years of age, came alongside the "Guatimozin." The master of the "Guatimozin" hailed the boat in French, and asked what was wanted, and also inquired if they had the special orders of the French government authorizing them to visit a French vessel? And not receiving any answer, he (the master) repeated the last question in English, and was answered by an officer, as he was coming on board, that he had them. On the British officer's reaching the deck, the master of the "Guatimozin" requested him to exhibit his papers, and told him that, without his showing his authority, he protested against any visit. The British officer then said he had them on board his vessel. The master of the "Guatimozin" persisted in his protest against any visit, unless he produced his authority to do so from the French government. Upon which the British officer re-embarked and returned on board his brig. And deponent further said, that the name "Alert" was inscribed upon the hats of the boat's crew, by which the name of the English vessel was discovered; that, as to the names and rank of the English officers, he (deponent) was ignorant; that the two officers had nothing but straps, without epaulets, to distinguish them. And deponent further said, that, immediately upon the termination of the visit of the English boat to the "Cyrus," the master of said brig, by name Dumas, abandoned her—first taking down the American flag; and that, soon after the departure of the English boat from the "Guatimozin," the master, mate, and some of the crew of the "Cyrus" came on board the "Guatimozin," and asked hospitality and the protection of the French flag, and stated that their flag ("the American flag") had been trampled upon by the English; that the papers had been taken from them by force, and carried off by the officer commanding the visiting boat. And deponent further said, that the master of the "Guatimozin" complied with their request, and granted them an asylum on board his barque; that Captain Dumas, however, went on shore that same evening; but that the mate and seamen of the "Cyrus" remained on board two or three days, and then left in a large boat, as he (deponent) understood, for Angola. And deponent further said, that, when Captain Dumas brought the American flag on board the "Guatimozin" aforesaid, the flag was soiled, and bore marks of having been recently ill used. And deponent further said, that, on the following day, being the 3d of June, the aforesaid British officer again visited the "Guatimozin," and exhibited to Captain De Cous a paper which he took from his pocket, when Captain De Cous immediately handed him the ship's papers. And deponent further said, that the British officer, when he was on board the "Guatimozin," told Captain De Cous to say to Captain Dumas that he would send him and his crew in the "Cyrus" to New York for trial; and that a few hours afterwards the "Alert" was seen going to sea, before Captain Dumas could possibly be apprized of the message. And deponent further said, that a few days afterwards the "Cyrus" disappeared—he (de-

ponent) not knowing by whom taken away. And deponent further said, that the "Guatimozin" left Cabinda on the 27th of June, in ballast, and arrived in the port of Rio de Janeiro on the 27th of July last, in charge of the mate Mr. Challot—the master, De Cous, having died at sea during the passage; that the crew consisted of eight men, and that there were on board four passengers, viz: Captain P. C. Dumas, of New Orleans, late of the brig "Cyrus;" Captain Recio and servant, by name José Ignacio; and Mr. Do Coult, of Cabinda, formerly of London. And further deponent said not.

PAUL DESBORDES.

[L. s.] Sworn at the city of Rio de Janeiro, this 20th August, 1844,
before me,

GEO. WM. 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, this 24th August, 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro*:

Personally appeared before the undersigned, consul of the United States of America at the city of Rio de Janeiro, Joshua M. Clapp, late master of the brig Ganneclift, of New York, who, being duly sworn upon the holy evangelists of Almighty God, deposed as follows:

That he (deponent) arrived at Cabinda, coast of Africa, on the 28th March last past, in said brig "Ganneclift;" that on the 31st of the same month of March, arrived at Cabinda aforesaid the brig "Cyrus," of New Orleans, P. C. Dumas master; that on the 18th April following, he (deponent) being then on board the American brig "Montevideo," of New York, and lying within 50 or 60 rods from the brig "Cyrus" aforesaid, saw a boat from her Britannic Majesty's brig "Heroine" (then at anchor in the offing) go alongside said brig "Cyrus," and, after a moment's delay, saw an officer go on board said vessel; that he saw the same officer, after remaining on board the "Cyrus" 15 or 20 minutes, leave said vessel and return to his boat; that he (the officer) then proceeded to board the brig "Montevideo" before mentioned; that while the said officer was on board the brig "Montevideo," he (deponent) asked him (by name Spence, a lieutenant) if he had a right to demand and insist upon examining the papers of an American vessel? to which he (the officer) replied that he had not; and that he could not make a prize of an American vessel under any circumstances. And further, that Captain Dumas, of the "Cyrus," had just refused to let him come on board said brig as a British officer to examine his papers, but admitted him as a private individual, and in that capacity he went on board.

That when the British officer came on board the "Montevideo," he asked Captain Pendleton (the master) the tonnage of the vessel, where he was from, what passage he had, and how long he had been lying at Cabinda; of all which he took notice in a blank book he had with him. Captain Pendleton then asked him if he wanted to see his papers? He replied that he did not; but Captain Pendleton showed them to him, and he (the officer) examined them; that he (deponent) also asked the aforesaid British officer, if he had seen anything on board the "Cyrus" that was not right, or calculated to excite his suspicions; to which he replied that he had not, excepting that she (the "Cyrus"), hailed from New Orleans; that nothing further occurred at that time, and the officer left the brig "Montevideo." And deponent further stated, that he was several times on board the brig "Cyrus" while her cargo was being discharged, and saw nothing at any time to excite the least suspicion, either in regard to the nature of the cargo, or in any other respects; that, after the cargo of the said brig "Cyrus" had been wholly discharged, he (deponent) saw several casks taken on board; that he (deponent) also saw the crew of said brig drawing salt water, for the purpose, as he then supposed, and now believes, of filling the said casks; and he (deponent) further testifies that said casks, when thus filled, were used for ballast. And deponent further said, that he left Cabinda on the 28th April last, for Sangataya and Victoria, (coast of Africa;) that at Victoria he left the brig "Montevideo," and took passage, on the 9th June, on board the Brazilian schooner "Augusta," bound for Rio de Janeiro, where he arrived on the 4th July. And deponent further said, that, at the time of his leaving Cabinda, Capt. Dumas was lying sick of a fever at the house of his consignee, and that he (deponent) first met Captain Dumas thereafter at Rio de Janeiro, on the 2d of August instant. And further deponent said not.

JOSHUA M. CLAPP.

Sworn at Rio de Janeiro, this tenth day of August, one thousand eight [L. s.] hundred and forty-four, before me,

GEO. WM. 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.

Given under my hand and seal of office, this twenty-fourth day of August, [L. s.] gust, one thousand eight hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro*:

Personally appeared before me undersigned, consul of the United States at the city of Rio de Janeiro, Martin P. Anderson, who, being duly sworn, deposed and said as follows:

That the deponent was born in Salem, Massachusetts; that he shipped at this port of Rio de Janeiro, on board the French barque "Guatimozin,"

De Cous master, on or about the 12th day of April, 1844. From this port the "Guatimozin" sailed, on or about the 13th of April aforesaid, and arrived at Cabinda, in Africa, on or about the 30th May following; and that while said barque "Guatimozin" was lying at anchor in the harbor of Cabinda, the American brig "Cyrus," Captain P. C. Dumas master, of New Orleans, also lying at anchor within hailing distance of her, the "Guatimozin," on Sunday, the 2d day of June, 1844, in the morning, or early part of the day, saw a brig lying at anchor several miles distant, and at or near the entrance of the harbor, which was afterwards discovered to be her Britannic Majesty's brig "Alert," commanded by Captain Bosanquet; and, in the course of the forenoon of same day, the said British brig despatched, in the direction of the roadstead, a boat, which visited the vessels then lying there; that the deponent saw said boat from the British vessel approach the American brig "Cyrus" aforesaid, and, after being delayed alongside a few moments, saw an officer and several men proceed from the said boat, and go on board the said brig "Cyrus;" that at this time the American flag was flying at the mast-head of said brig, but was soon after hauled down; that after the officer and men belonging to the English boat had been on board the "Cyrus" a short time, he (deponent) saw them go aft, and appeared to be engaged in a parley with the master of the brig; and that soon after, he (deponent) saw some disturbance on board said brig, and at that time the master of the "Cyrus" called to the "Guatimozin" for assistance. The American master hailed the "Guatimozin" in the French language, and asked Captain De Cous to send men to his assistance; that to this call Captain De Cous made no answer, and paid no attention, for the reason, as the deponent afterwards learned, that the "Cyrus" was of a different nation, and Captain De Cous thought it not prudent or proper to interfere. And deponent further said, that the officers and men belonging to the English boat remained on board the "Cyrus" about an hour; and that, on leaving the "Cyrus," they came in their boat and visited the "Guatimozin;" that there were on board the two officers, neither of whom was in uniform, but both wore frock coats, and, as deponent thinks, with covered buttons, and white pantaloons; also, a young man, supposed to be a midshipman, but not in uniform, and four men—three of whom, if not all of them, were negroes; that the officer commanding the boat, and the midshipman, only, came on board the "Guatimozin;" that they came on board without the permission, and against the direction, of Captain De Cous. After a few moments' conversation with Captain De Cous, and not being received with much politeness, they left the barque, and returned to their boat, the officer saying he should visit the "Guatimozin" again on the morrow. And deponent further said, that, on the same 2d day of June, and after the visit of the "Alert's" boat to the "Guatimozin" just described, Captain Dumas, of the American brig "Cyrus," with his mate and crew, consisting of four men, came on board the "Guatimozin," and stated to Captain De Cous that the English officer had taken from him, by force, the brig's papers; that he had insulted and trampled upon the American flag; and that he (Captain Dumas) had abandoned the "Cyrus" to the British government; and requested Captain De Cous to receive his men on board the "Guatimozin" for a day or two, until he could find an opportunity to send them away; and they were accordingly received on board. And deponent further deposed and said, that, on the following day, being the 3d of June, the aforesaid British officer again visited the "Guatimozin" in the launch of the "Alert," accompanied

by a large number of men, two officers, and two marines—the latter armed with muskets; that the officer in command exhibited to Captain De Cous a paper, which he took from his pocket; whereupon Captain De Cous immediately handed him the ship's papers, and invited him into the cabin; that soon after they returned on deck, and the English officer directed the hatches of the "Guatimozin" to be opened, and ordered the officer who was with him to examine the vessel throughout; and that, without waiting for the execution of said order, the officer in command left the "Guatimozin," and proceeded in his boat, accompanied by two armed marines, and several of his boat's crew, and went on board the "Cyrus." After they had boarded the "Cyrus," deponent saw them baling water, as if preparatory to washing the decks; that after they had remained on board the "Cyrus" for nearly half an hour, they returned to the "Guatimozin;" that after the commanding officer had again come on board the "Guatimozin," the said officer asked the other officer whom he had left to examine the vessel's hold, if he found all things right? and the answer was that he did. That the English officer in command (supposed to be Captain Bosanquet) addressed Captain De Cous, and requested him, should he see Captain Dumas, to say to him that he (the English officer) was going to send the "Cyrus" to New York, and that he would give Captain Dumas and his mate a passage in the "Cyrus," if they wished; that the English officer, accompanied by all his men, then left the "Guatimozin," and returned to the "Alert." And deponent further said, that a few hours thereafter, and on the afternoon of the same 3d day of June, and before Captain De Cous had seen, or had time to find Captain Dumas, or to convey to him the message left by the English officer, the "Alert" got under way, and proceeded to sea, leaving the "Cyrus" at anchor where she had been, and without any person on board. And deponent further said, that the "Cyrus" lay at anchor where she was when abandoned by Captain Dumas, until Wednesday, the 5th of June, without any one being seen on board of her; and that on that day, towards evening, he (deponent) saw a boat go alongside the "Cyrus," with one white man, and five or six blacks; and that on the next day (Thursday, the 6th of June) the "Cyrus" was gotten under way, and proceeded to sea; and that the deponent has seen nothing of the said brig "Cyrus" since. And deponent further said, that, after the brig "Cyrus" had left Cabinda as aforesaid, he (deponent) heard Captain De Cous say to the mate of the "Guatimozin," by name Leroy, that as the "Cyrus" had been abandoned, and had lain in port two days with no one on board of her, she had been taken possession of by the authorities of Cabinda; but of this fact deponent could say nothing of his own knowledge. And deponent further said, that the "Guatimozin" left Cabinda on the 27th of June, 1844, in ballast, consisting of stones; that the chief mate of the "Guatimozin," by name Leroy, died two days before the barque left Cabinda, and was buried on shore; that the master, Captain De Cous, died at sea, on or about the middle of July, 1844; and that the vessel arrived at Rio de Janeiro in charge of the second mate, by name M. Challot, on the 28th of same month of July; and that she touched at no place between Cabinda and the port of Rio de Janeiro, but came direct—Cape Frio being the first land made on the coast of South America; that the crew of the "Guatimozin," between Cabinda and Rio de Janeiro, consisted of himself (the deponent) and five other men, a cook, a steward, and an apprentice, by name P. Desbordes; that there [were] four, and only four passengers—to wit: Captain Dumas, of New Orleans,

late master of the brig "Cyrus," who also did duty as our officer on the passage between Cabinda and Rio de Janeiro as aforesaid; Captain Recio and servant, by name José Ignacio; and Mr. Do Coultio, of Cabinda. And further deponent said not.

MARTIN P. ANDERSON.

[L. s.] Sworn before me, at the city of Rio de Janeiro, this 22d day of August, 1844.

GEO. WM. 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, this 24th day of August, 1844.

GEO. WM. GORDON,
Consul of the United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro :*

Personally appeared before the undersigned, consul of the United States, M. Challot, at present master of the French barque "Guatimozin," and Luis Laney, a seaman belonging to said barque, and being severally duly sworn upon the holy evangelists of Almighty God, made oath and said: That the annexed document, written in the French language, and purporting to be an extract from the log-book of the barque "Guatimozin" of Bordeaux, hath been clearly and distinctly read over to them, these deponents; and that the several matters and things therein contained are true in all respects, as the same are therein particularly stated, declared, and set forth.

And the deponent M. Challot further deposed and said, that at the date of the transaction referred to and set forth in the annexed paper, (to wit, the 2d day of June, 1844,) he was second mate of the said barque "Guatimozin," and that he succeeded to the command of said barque on the death of the former master, by name De Cous, who died at sea on or about the 16th day of July, 1844; and that the first mate of said barque died at Cabinda on or about the 25th day of June, 1844.

And both deponents further deposed, that, being on board the said barque "Guatimozin," they had full opportunity to know all the facts, and did witness all the circumstances alleged and set forth in the said paper or document hereunto annexed.

[L. s.] Sworn by the said deponents on this 20th day of August, 1844, before me,

GEO. WM. 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 affidavit.

[L. s.] Given under my hand and seal of office, this 24th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

Extrait du journal de mer du trois-mâts barque le Guatimozin de Bordeaux, Capitaine De Cous.

“ Le dimanche, deux Juin, mil huit cent quarante-quatre, vers neuf heures du matin, le pavillon français étant hissé depuis huit heures, aperçu un brick au large découvrant la pointe S. O. de la rade, que nous avons reconnu être de guerre, et anglais. Vers dix heures, ce brick a expédié vers la rade un canot, qui a d'abord acosté les deux bricks goellettes américains mouillés sur rade. Ce canot étant à bord du second, le ‘Cyrus,’ de la Nouvelle Orléans, et le pavillon de ce navire ayant été amené, son capitaine a hélé du bord et prononcé ces mots : ‘ Envoyez moi des forces : ’ lesquels ont été très distinctement entendus de tout l'équipage et des personnes qui se trouvaient à bord. Jugeant qu'il n'était pas de mon droit d'intervenir dans des différends de nations étrangères, lors même que j'aurais eu les moyens de la faire, je n'ai aucunement répondu à cet appel, que cependant j'ai cru devoir constater. Après quelque temps, le pavillon de ce brick étant réhissé, le canot anglais, armé de quatre noirs, à bord duquel se trouvaient deux officiers et un enfant de huit à dix ans, a acosté le bord. Ayant hélé le canot en français, pour lui demander ce qu'il désirait, puis lui ayant demandé s'il était porteur des ordres spéciaux du gouvernement français à l'effet de visiter le navire ; n'ayant reçu aucune réponse, j'ai répété cette dernière demande en anglais, et un officier m'a répondu qu'il les avait, en même temps qu'il montait à bord. A son arrivé sur le pont, je l'ai prié de m'exhiber ses pouvoirs ; faute de quoi, je protesterais contre toute visite. Alors il m'a répondu qu'il les avait à son bord, les ayant laissés, disait-il, pour n'avoir pas reconnu le pavillon français ; ce que moi ne pensant pas pouvoir être, le pavillon du brick anglais ayant été reconnu dès son apparition, et par conséquent bien avant qu'il expédiât son canot, j'ai maintenu ma protestation, non de forces, mais uniquement de droit ; sur quoi l'officier s'est réembarqué et a regagné son bord. Le nom de “ Alert ” était écrit sur les chapeaux des canotiers, ce qui nous a fait connaître le nom de navire. Quant aux grades des officiers, nous l'ignorons, les deux n'ayant que des attentes sans épaulettes. Le capitaine et l'équipage du Cyrus ayant abandonné le navire sans pavillon après le départ du canot anglais, le second et des hommes de son équipage sont venus à bord demander l'hospitalité et la protection du pavillon français, le pavillon américain ayant été, disaient-ils, foulé aux pieds par les anglais, et les papiers de leur navire pris de force, et emportés par l'officier commandant le canot anglais. J'ai acquiescé à leur demande, et leur ai offert momentanément un asile à mon bord. Le trois Juin, à dix heures du matin, la chaloupe de l'Alert, commandée par le capitaine de S. M. B. commandant

le dit brick, est venu à bord, et ayant trouvé tout en règle, le commandant a été prié de la constater ici."

A cet endroit du journal de mer, se trouve la signature ci-contre.

W. BOSANQUET,
Commander of H. B. M. sloop Alert.

Plus bas sur le même journal du mer, il y avait :

"Le vingt-sept Juin appareille, le Cabinda à l'est; ayant embarqué quatre passagers, dont l'un est le capitaine américain Dumas, du brick le Cyrus, de la Nouvelle Orléans, et le nommé José Ignacio, portugais, matelot; ces deux derniers n'ayant aucun papier, et ne pouvant en avoir, faute d'autorité; à Cabinda; et pris la direction de Rio de Janeiro, n'ayant, par le fait du débarquement à Cabinda de tous les passagers, et de l'entier déchargement, aucune obligation de continuer jusqu'à Gorée, et trouvant un avantage marqué en allant à 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 a document, certified by the chancellor of the legation of France, at Rio de Janeiro, under date of 10th August, 1844, to be a correct extract from the log-book of the French barque "Guatimozin," of Bordeaux, Captain De Cous.

[L. s.] Given under my hand and seal of office, this 20th August, 1844.
GEO. WM. GORDON,
Consul United States.

[Translation.]

Extract from the log-book of the three masted barque "Guatimozin," of Bordeaux, Captain De Cous.

On Sunday, the 2d day of June, 1844, about nine o'clock in the morning, (the French flag having been hoisted at eight o'clock,) perceived a brig just clear of the southwest point of the roadstead, which we discovered to be an English vessel of war. Towards ten o'clock, this brig despatched, in the direction of the roadstead, a boat, which first accosted two brigs (American galleots) lying at anchor. The boat having boarded the second of them, (the "Cyrus," of New Orleans,) and the flag of that vessel having been lowered, her captain hailed us from his deck, uttering these words: "*Envoyez moi des forces,*" ("send me assistance;") which were distinctly heard by the whole crew, and by other persons who were on board. Not considering myself entitled to interfere in the differences of foreign nations, even if I had possessed the means of doing so, I made no answer to this appeal, which, however, I have thought it my duty to mention. Some time afterwards, the flag of the brig having been re hoisted, the English boat,

manned by four blacks, and having on board two officers, and a boy of eight or ten years of age, came alongside of us. Having hailed the boat in French, to know what it wanted, and then inquired if it carried the special orders of the French government authorizing a visit of the vessel, and not having received an answer, I repeated the last question in English, and was told by an officer that he had them, whilst he was mounting on board. On his reaching the deck, I requested him to exhibit his papers; without which, I said, I would protest against any visit. He then said that he had them on board his vessel, having left them, as he declared, in consequence of not having remarked the French flag; which appearing to me not to be the fact, as the flag of the English brig had been seen the moment the vessel came in sight, and, consequently, long before its boat was sent off, I persisted in my protest—not forcibly, but solely as a matter of right; upon which the officer re-embarked and returned to his brig. The name "*Alert*" was inscribed upon the hats of the boat's crew, by which we discovered the name of the vessel. As to the rank of the officers, we are ignorant; the two having nothing but straps, without epaulets. The captain and crew of the *Cyrus* having abandoned their ship without a flag, after the departure of the English boat, the mate and some of the hands came on board of us, to ask hospitality and the protection of the French flag,—the American, according to their account, having been trampled upon by the English, and their papers taken by force, and carried off by the officer commanding the visiting boat. I complied with their request, and offered them an asylum on board. On the 3d of June, at ten o'clock in the morning, the barge of the "*Alert*," commanded by the captain of her *Britannic Majesty*, commanding the same brig, came on board; and having found all right, the commander was requested to acknowledge it here."

{ At this place, on the log-book, the opposite signature is inscribed. }

W. BOSANQUET,
Commander of H. B. M. Sloop "Alert."

Further down, on the same log-book, it is said :

" On the 27th June, ready for sea, (Cabinda to the east,) having taken on board four passengers—one of whom was Captain Dumas, of the brig *Cyrus*, of New Orleans, and the aforementioned José Ignacio, a Portuguese sailor—the two latter having no papers, and not being able to procure any, in consequence of a want of authorities at Cabinda; and directed our course to Rio de Janeiro, not having any reason to continue on to Goree, on account of having disembarked all the passengers and discharged the whole crew, and there being a decided advantage in going to Rio de Janeiro."

CABINDA, le 2 de Juin, 1844.

Nous, soussignés, certifions que le Capitaine Dumas, commandant le brick américain "*Cyrus*," de la Nouvelle Orléans, a fait, ainsi que son équipage, abandon aux anglais de son navire, après que le Capitaine Bosanquet, du brick de guerre anglais *Alert*, eut enlevé ses papiers, et que dès lors le Capitaine Dumas n'a pas remis les pieds à bord de son navire.

Fait en rade de Cabinda, à bord du "*Guatimozin*," de Bordeaux, les jour, mois, et an, comme dessus.

M. CHALLOT.
P. DESBORDES.

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 certificate this day exhibited to me by Captain Dumas, of New Orleans.

[L. s.] Given under my hand and seal of office, this twentieth day of August, eighteen hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

[Translation.]

CABINDA, *June 2, 1844.*

We, the undersigned, certify that Captain Dumas, commanding the American brig "Cyrus," of New Orleans, has, as also his crew, abandoned his vessel to the English, after Captain Bosanquet, of the English brig-of-war "Alert," had taken away his papers; and that, from that time, Captain Dumas has not set his foot on board his vessel.

Written at Cabina roadstead, on board the "Guatimozin," of Bordeaux, on the day, month, and year, above stated.

M. CHALLOT.
P. DESBORDES.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before me, the undersigned, consul of the United States, M. Chalot and P. Desbordes; and, being severally duly sworn upon the holy evangelists of Almighty God, made oath, each for himself, that the statement set forth and contained in the annexed certificate is true; and that their names, at the foot of the same, are of their own proper handwriting.

[L. s.] Sworn by the said deponents, on the twentieth day of August, eighteen hundred and forty-four, before me,

GEO. WM. 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 affidavit.

[L. s.] Given under my hand and seal of office, this twenty-fourth day of August, eighteen hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

We, the undersigned, certify that Captain P. C. Dumas has abandoned his brig, the *Cyrus* of New Orleans, after his papers were taken away from him, by force, by the commander of her Britannic Majesty's brig "*Alert*;" and that Captain P. C. Dumas has never put his feet on board of his vessel since.

PETER I. DO COULTO.
ANTO. LOPES DA COSTA RECIO.

CABINDA, *June 3, 1844.*

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 certificate this day exhibited to me by Captain P. C. Dumas, of New Orleans.

[L. s.] Given under my hand and seal of office, this 22d day of August, 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro:*

Personally appeared before the undersigned, consul of the United States, Peter I. do Coultto and Antonio Lopes da Costa Recio; and, being severally duly sworn upon the holy evangelists of Almighty God, made oath, each for himself, that his name at the foot of the annexed certificate is of his own proper handwriting, and that the statement set forth and contained in said certificate is true.

[L. s.] Sworn by the said deponents on this 23d day of August, 1844, before me,

GEO. WM. 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 affidavit.

[L. s.] Given under my hand and seal of office, this 24th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

CABINDA, *June 13, 1844.*

This is to certify that we, the undersigned, do know that the hermaphrodite brig "*Cyrus*," of New Orleans, was abandoned by Captain Dumas and crew on the 2d of June, 1844, on account of the commander of her Britannic Majesty's brig *Alert* coming on board, and forcibly taking the vessel's papers; and we firmly believe that Captain Dumas has not put his feet on board of said brig "*Cyrus*" from that time.

R. S. GOUGH, *of Cabinda.*
WM. M. RAHL, *Captain of brig Agnes.*
ANTONIO LOPES DA COSTA RECIO.

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 certificate this day exhibited to me by Captain P. C. Dumas, of New Orleans.

[L. s.] Given under my hand and seal of office, this 22d day of August, 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro:*

Personally appeared before the undersigned, consul of the United States, Antonio Lopes da Costa Recio, and, being duly sworn upon the holy evangelists of Almighty God, made oath that the statement contained and set forth in the annexed certificate is true, and that his name at the foot of the same is of his own proper handwriting; and the said deponent further made oath that the signatures of R. S. Gough, of *Cabinda*, and Wm. M. Rahl, captain of brig *Agnes*, also at foot of the annexed certificate, are each of their own respective proper handwriting, and that said certifiers signed the same in his (deponent's) presence.

Sworn by the said deponent on this 23d day of August, 1844, before me,

GEO. WM. 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 affidavit.

[L. s.] Given under my hand and seal of office, this 24th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

BRITISH BRIG OF WAR "ALERT,"

| | <i>To Captain P. C. Dumas,</i> | Dr. |
|--|--------------------------------|----------|
| June 2, 1844. To American brig "Cyrus" of New Orleans, | | |
| (burden 112 $\frac{1}{2}$ tons,) fit out, men | - | \$10,000 |
| Freight money received at Havana, on account, in the trunk broken open | - | 2,000 |
| Do. do. received at Cabinda, (balance of full freight) | - | 1,500 |
| Do. a paper 14 doubloons | - | 224 |
| Expenses to discharge the crew of said brig | - | 1,300 |
| Expenses to send crew to the United States | - | 1,600 |
| A good chronometer, spy-glass, charts, instruments, &c. | - | 500 |
| A gold watch | - | 75 |
| A trunk, full of clothes | - | 100 |
| My passage from Cabinda to Rio de Janeiro | - | 85 |

| | | | |
|---|---|---|---------------|
| My expenses from 2d June to the United States—say | - | - | \$600 |
| Damages for taking away my papers, and depriving me of my vessel, &c. | - | - | 5,000 |
| | | | <u>22,984</u> |

CABINDA, June 3, 1844.

I certify the said account to be correct and true.

P. C. DUMAS.

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 account exhibited to me this day by Captain P. C. Dumas, late master of the brig Agnes [Cyrus] of New Orleans.

[L. s.] Given under my hand and seal of office, this 26th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

AMERICAN BRIG CYRUS, OF NEW ORLEANS,

To Wm. Cromwell, DR.

Shipped 15th January, 1844, to 2d June, 1844—4 months and 18 days, at \$20 per month - \$92

CR.

1 month paid in Havana - 20

72

CABINDA, June 2, 1844.—Received payment.

WM. CROMWELL.

AMERICAN BRIG CYRUS, OF NEW ORLEANS,

To Wm. L. Osmer, DR.

Shipped 15th January, 1844, to 2d June, 1844—4 months and 18 days, at \$20 per month - \$92

CR.

1 month paid in Havana - 20

72

CABINDA, June 2, 1844.—Received payment.

WILLIAM L. OSMERS.

AMERICAN BRIG CYRUS, OF NEW ORLEANS,

To James Johnson,

Dr.

Shipped 15th January, 1844, to 2d June, 1844—4 months and 18
days, at \$20 per month - - - - - \$92

CR.

1 month paid in Havana - - - - - \$20
1 piece of gingham - - - - - 3
_____ 23
Balance - - - - - 69
=====

his
JAMES X JOHNSON.
mark.

THE AMERICAN BRIG CYRUS, OF NEW ORLEANS,

To Peter Anderson,

Dr.

Shipped January 15, 1844, up to 2d June, 1844—4 months and 18
days, at \$20 per month - - - - - \$92

CR.

1 month paid in Havana - - - - - 20
Balance - - - - - 72
=====

CABINDA, June 2, 1844.—Received payment.

his
PETER X ANDERSON.
mark.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro:* -

I, the undersigned, consul of the United States, hereby certify the foregoing to be true copies of four original receipts signed by William Cromwell, William L. Osmer, James Johnson, and Peter Anderson, this day exhibited to me by Captain P. C. Dumas, of New Orleans.

[L. S.] Given under my hand and seal of office, this 26th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before the undersigned, consul of the United States, P. C. Dumas, late master of the American brig "Cyrus," of New Orleans, who, being duly sworn upon the holy evangelists, deposed as follows: That the American merchant brig "Cyrus" sailed from New Orleans on the 9th December, 1843, for Havana, in the West Indies; that deponent was the sole and bona-fide owner of said brig; that she sailed with a full cargo of stores taken on freight; that said brig had on board and had sailed with a crew consisting of seven men, to wit: William Colebrook, chief mate; four sailors, by names William Cromwell, William L. Osmer, Peter Anderson, and James Johnson; a steward, by name Joseph Carro; and a cook, by name Augustus Benton—all white men and Americans, excepting the steward and cook, who were foreigners. That said brig arrived at Havana on the 27th day of December, 1843; that at Havana the cargo of stores was discharged, and deponent let the brig "Cyrus" by charter-party, dated 3d January, 1844, to an individual by name A. Perez. That the conditions of said charter-party were: that a full cargo of merchandise was to be taken on board said brig at Havana, which was to be furnished by said Perez; that the brig was to proceed with all possible despatch to the port of Cabinda direct, where said cargo was to be delivered; that, in consideration of the services imposed by said charter-party, there was to be paid the sum of thirty-five hundred dollars—two thousand dollars of which previous to the sailing of the vessel from Havana, and the balance on the receipt of the receipted bill of lading of the delivery of the cargo. The "lay days" were specified to be fifteen running days for loading at Havana, and sixty running days for discharging at Cabinda, and waiting orders at that or some neighboring port; and demurrage to be paid at the rate of twenty-five dollars for each and every day after the expiration of the "lay days."—(All which particulars will appear on reference to said charter-party, a certified copy of which is hereunto annexed, No. 1.) That, by endorsement made by said A. Perez on the margin of the bill of lading of the cargo, dated 3d January, 1844, said cargo was to be delivered to Lewis Krafft, esq., or order. And deponent further said, that, in conformity with said charter-party, a full cargo of merchandise was taken on board at Havana, consisting of 1,397 packages, as will appear by reference to the bill of lading, bearing even date with the aforesaid charter-party. That before sailing from Havana for Cabinda, were discharged the aforesaid steward and cook, to wit: Joseph Carro and Augustus Benton; and there were shipped in their places two other foreigners, by names Francis Gustave and Lorenzo Garcia; that said Garcia did not proceed on the voyage, but deserted; and that there was taken in his place, but not regularly shipped, one other foreigner, by name Miguel Vilarian. That on the 16th of January, 1844, the brig "Cyrus" sailed from Havana, with the before-named cargo and crew, and a supercargo by name De la Bourgonière, and one passenger by name M. Bicards; that on the 23d of March following, the "Cyrus" touched at the island of "Annabona" for fuel and provisions, and departed thence on the next day, at 9 a. m.; that on 31st of same month of March, at 6 a. m., they made the land on the coast of Africa, and at 5h. 30m. p. m. same day arrived at Cabinda. That on the next day (being 18th April) after their arrival at Cabinda, at 9 o'clock, a. m., the brig "Cyrus" was visited by a boat belonging to her Britannic Majesty's brig of war "Heroine," commanded by Captain Foot. On warn-

ing the boat not to come alongside, the officer (a lieutenant, by name Spence,) replied that he had no other business but to ascertain the name of the vessel. That he (deponent) then invited him to come on board as a private individual, leaving his sword and crew in the boat; that the officer, Lieutenant Spence, left his sword and crew in the boat, and came on board the "Cyrus," and said that he had no authority to see the papers or examine the hold of an American vessel, and simply required the names of the master and owners of the "Cyrus," her tonnage, where she belonged, and where from; of which being answered by deponent, he (the lieutenant) took notes, or made memoranda in a book of printed form which he had with him, and then left the "Cyrus," and proceeded towards and visited the American brig "Montevideo," lying close by. And deponent further said, that the crew of the "Cyrus" were employed in cleaning and refitting the vessel until the 5th April, on which day they commenced discharging the cargo; and that the discharge of the cargo was continued from day to day until the 13th following of same month, when the discharge was completed. And deponent further said, that the facts here stated in relation to the incidents of the voyage and the discharge of the cargo will appear on reference to the log-book of the "Cyrus," which was kept and written by William Colebrook, chief mate of said brig; and that evidence of the full discharge of the cargo of the "Cyrus" is contained in the receipt of L. Krafft, the consignee at Cabinda, dated Cabinda, 12th April, 1844—which date is according to civil time, being the same and agreeing with the 13th April, astronomical time, as written in the log-book referred to; and that said receipt of L. Krafft is written on the back of the bill of lading, (a certified copy of which may be seen on reference to the accompanying papers, marked No. 2.) And deponent further said, that on the same 13th day of April, there were received on board the "Cyrus" 19 empty pipes, which were stowed and filled with salt water, for ballast; and that on the day next following, there were received, and stowed, and filled with salt water, 7 other pipes. And deponent said the water was used for ballast in lieu of sand, in preference, because, on a previous voyage to Cabinda, said sand had washed down below, and choked the pumps; and the pipes were taken also for the purpose of taking in palm oil from some northern port, in case the consignee should order a return cargo of oil, according to a previous understanding. And deponent further said, that the 17th of said month of April, he (deponent) was taken ill with a violent fever, and was carried on shore in a hammock on the evening of the same day; that he was lodged in the house of the consignee, Mr. Lewis Krafft; that he was visited while there by the master of the brig "Montevideo," Captain J. L. Pendleton, several times; and that Captain J. M. Clapp, recently master of the brig Ganneclift, also called upon him while he lodged with Mr. Krafft, but that, in consequence of his (deponent's) serious illness, he did not see him; that on the 25th following of same month, he (deponent) remaining sick on shore, and several of the crew being also ill, and seriously threatened with fever, by the advice of friends on shore, ordered the mate of the "Cyrus," in writing, to proceed to sea, and cruise near soundings, for the benefit of the health of the crew, with all the ship's papers on board; that, under this order, the brig proceeded to sea in charge of the mate, William Colebrook, on the 27th April, 1844. And deponent further said, that the log-book of the "Cyrus" shows that the mate was taken sick at sea on the 28th, with a severe cholick, and that on the 30th of same month, (April,) the "Cyrus" made Cape Padron, bearing

SE. distant 20 miles; and that on the following day, being the 1st of May, she entered the river Congo. That on the 3d of May, the brig again went to sea, part of the crew still sick, and cruised off Cape Padron until Monday, the 6th of said month, when, at 3 o'clock, p. m., the "Cyrus" was again boarded by a boat belonging to her Britannic Majesty's brig "Heroine;" that the officer of the boat demanded the papers of the "Cyrus," which the mate at first refused to show; that the British officer said he understood the vessel had been sold, and that he must see her papers; that the mate replied that he (the mate) was not the captain; that if he were, he would abandon the vessel before he would show her papers against his will. That the commander of the boat said he would be forced to show them; and the mate, being very sick at the time, and not wishing to be, or to avoid being insulted, showed the officer of the boat the ship's papers. And deponent further said, that the log-book of the "Cyrus" also shows that on the 9th of May, the brig being at anchor, parted her cable in a heavy squall, got under way, and proceeded to Cabinda, where she arrived on the 10th following. And deponent further said, that at the time of the said arrival of the "Cyrus" at Cabinda, he (deponent) still remained sick on shore; and that, after getting an anchor from the brig "Agnes," of Brandywine, Captain Godet, then lying at Cabinda, he (deponent) ordered the "Cyrus" to go to sea again, to avoid the sickness on shore; and that, on the day next following, the brig did again proceed to sea. And deponent further said, that, according to the log-book of the "Cyrus," said brig, after proceeding to sea, continued to sail off and on near Cape Padron until the 22d of May; and that on the same 22d of May, the vessel being in latitude 6° 1' N. and longitude 11° 30' E., at 8 a. m., a sail hove in sight on the larboard bow, which gave full chase after the "Cyrus," and, not being able to succeed in the chase, commenced firing her cannon, the balls from which came so close to the brig that the mate thought it prudent to tack and see what she wanted. The vessel proved to be her Britannic Majesty's brig "Alert," the commander of which boarded the "Cyrus," and by force took the brig's papers out of the mate's trunk; and, not being satisfied with that, he took the brig's log book and perused it throughout. When he had completed this violation, the mate told him to take charge of the vessel, (the "Cyrus;") but the English officer took no notice of what the mate of the "Cyrus" said, but went into his boat and returned on board the "Alert." And deponent further said, that a narration of the circumstances which took place immediately previous to, and during the visit of the commander of the British brig "Alert," just referred to, is contained in a statement signed by William Colebrook, chief mate of the "Cyrus," and three of her crew, by names William Cromwell, William L. Osmer, and John [Peter] Anderson, and also by De la Bourgonière, the supercargo, and Miguel Vilarian, the cook; (a certified copy of which statement is hereunto annexed, marked No. 3, and to which reference is made.) And deponent further said, that, having recovered from his sickness, he despatched a letter to the brig "Cyrus," then lying at anchor off Cape Padron, directing the mate to start all the salt water in the casks on board the brig, and to go into Congo river, and fill them with fresh water, and also to take on board a supply of firewood, and thence to return to Cabinda; and at the same time informed the mate that he (deponent) had quite recovered from his sickness, and was sufficiently able to pursue the voyage. And deponent further said, that it appeared from the log-book of the "Cyrus"

that said letter from deponent to the mate was received on board the brig on Sunday, the 26th of May; and that at noon of same day the brig was got under way, entered the river Congo at 5 o'clock in the afternoon, and anchored in four fathoms; that on the 27th the anchor was hove up, and the brig proceeded further to the river, and filled some water; that on the 28th they finished taking in water, got under way, and proceeded to Cabinda, where the brig arrived on the 29th, at 3 o'clock, p. m. And deponent said, that on the 30th May, 1844, he (deponent) repaired on board the "Cyrus," and immediately gave orders to get the vessel ready for sea on the 1st or 2d of June then following; and also directed all the casks of fresh water to be marked, in order that when each was emptied of fresh, it might be again filled with salt water, for ballast; that on the 31st of May there was taken on board an additional quantity of fire-wood, and eight empty casks. And deponent further said, that the number of "lay days" at Cabinda, according to the charter-party already referred to, having been completed, and said "lay days" having expired, he (deponent) on the 1st of June, 1844, preparatory to sailing from Cabinda, called upon the consignee, L. Krafft, for his certificate to that effect; and that such certificate was thereupon written upon the face of said charter-party, and signed by said Krafft, as will appear by certified copy thereof, already referred to. And deponent further said, that on Sunday, the 2d of June, while he (deponent) was on board, and the "Cyrus" was lying at anchor in the harbor of Cabinda, she (the "Cyrus") was boarded by Captain W. Bosanquet, commanding her Britannic Majesty's brig "Alert," accompanied by one officer, one boy, and a boat's crew of four negro sailors—the boat bearing the British ensign and pendant; that when the said boat came alongside the "Cyrus," the deponent hailed and requested the officer not to come on board, at the same time recognising the said officer to be the commander of the British brig-of-war "Alert," who had before, on the 22d of May last past, once visited the "Cyrus" while at sea, and by force seized and examined her papers and log-book; that said officer, Captain Bosanquet, without heeding or taking any notice of what he (deponent) said, came on deck with all his boat's crew, and immediately, without asking for the vessel's papers, or inquiring her name, or to what nation she belonged, and without even passing the civilities of the day, gave orders to his negroes to open the hatches of the "Cyrus," and acting in all respects as if he were about to capture a pirate vessel; and that Captain Bosanquet, and the boy, and two or three of the negroes, went down into the hold of the vessel, and examined her fore and aft; and that, without finding any cargo on board, or anything but water ballast in pipes, they came again on deck. Upon their coming again on deck, he (deponent) said to Captain Bosanquet, "Well, sir, are you satisfied now?" or words to that effect. That Captain Bosanquet replied, "No," and demanded that the papers of the brig should be shown to him. That deponent then said to him, that he had seen them once already; that he had taken them once by force, and it was unnecessary for him to see them again, or a second time. That Captain Bosanquet replied, that the refusal of deponent to show his papers was evidence to him that he had none, and that therefore he took him to be a pirate; and added, that from that moment he (Captain Bosanquet) took charge of the vessel. Whereupon deponent replied, that so long as the American flag was hoisted and flying at his mast-head, and his papers in his trunk, he would be master of his own vessel. That the British officer, Captain Bosanquet, then said that he had

been told that the "Cyrus" had been sold, and that *that* was the reason deponent could not show his papers. And deponent further said, that believing that the British officer, Captain Bosanquet, would proceed into the cabin, he privately gave orders to his mate to haul down the American flag, and place it before and across the companion-way. That soon afterwards, Captain Bosanquet being about to proceed into the cabin, he (deponent) forbade his going down, and told him he could not do so without trampling on the American flag; at the same time, deponent, his mate, and two of his men, took hold of the flag, and held it across the entrance of the cabin. That, upon doing this, the English officer said it made no difference to him, or words to that effect. That he (deponent) then said, that the American flag was his arms, his defence, and protection, and that he had none other. That, without heeding these remarks, the English officer took hold of the flag to pull it down, and, followed by his officer and one negro, rushed upon it, broke it down, trampled it under foot, and entered the cabin. That while the said persons were in the cabin, deponent took his log-book from a table drawer that was on deck, and, being about to hand it to one of his men, named Peter Anderson, with directions to go into his (deponent's) boat, and take it on board the French barque "Guatimozin," and request the captain thereof to keep it for him, when one of the negroes remaining on deck called out to the English captain, and informed him of what he (deponent) was about to do. That deponent then took back or kept the said log-book into his own possession; and the English officer, and the two men who were in the cabin with him, immediately came on deck, and demanded that the log-book, which he saw in deponent's hands, should be given to him. That deponent's answer was "never;" that as long as he had a drop of blood in his veins, no British subject should take it (the log book) from him. That the English officer then said he had the power to take it by force; and, at the same time, ordered one of his negroes to take the book from deponent; and who attempted to do so, but that he (deponent) pushed him aside, and stepped back, put himself in a position of defence, and called upon his mate and crew to come aft and defend their captain, and to arm themselves with handspikes and knives for the purpose; at the same time, he (deponent) hailed the barque "Guatimozin," lying close by, saying he was boarded by pirates, and requested them to send men to his assistance. That the crew of the "Cyrus" were much excited by this violation and outrage on their master, and that Captain Bosanquet then called upon deponent to stop his men, saying he did not wish to see any blood shed, or butchery on board; that nothing further then took place in regard to the log book. That the English captain again demanded the ship's papers; whereupon deponent told him he could not have them; and asked him to show his authority from the American government to visit an American vessel and examine her papers; and added, that when he did *that*, the papers should be immediately shown to him. That the English officer's answer was, that he had such written power on board the brig "Alert." That he (deponent) then told him that it was false; that he had no such power; and, if he had, to go on board and fetch it. That the English officer answered that his word was good enough; that deponent said it was not, and asked him who he was; and told him that, as he had no uniform, he had no authority to come on board his vessel, (the "Cyrus,") and that he had good reason to believe him to be a pirate, and to treat him accordingly: adding, that unless he showed evidence to the contrary, and a

written power from the American Secretary of State to see his papers, he should not see them. That, after some further angry and excited conversation had taken place between them, he (deponent) again assured the officer that he had his papers in his trunk in the cabin, at the same time showing the key of said trunk. That the English officer demanded the key to be given to him, and said, if it were not, he would take it by force; whereupon deponent defied him to do so, or used words to that effect; and asked him if he wished again to witness the scene that had taken place about the log-book. That the English commander then ordered the officer who was with him, and a negro, to go into the cabin, break open the trunk, and bring him the papers. That the deponent and his mate followed them into the cabin, and saw them break open the trunk, take out the papers, bring them on deck, and give them to Captain Bosanquet. That when the negro had broken open the trunk, he (deponent) told the officer that there was in his trunk all his freight, with some other money in gold, a gold watch, and other property; to which said officer made no answer, nor took any notice; but immediately went on deck, and handed the papers to the English captain, as aforesaid. That Captain Bosanquet had examined the papers; and while he was perusing them, he (deponent) said to him that he had taken the papers twice by force, and had twice examined them, and that he hoped he was satisfied; and then requested him to give them back to him, informing him that the "Cyrus" was to sail that evening, or early on the following morning. That Captain Bosanquet replied, "No, sir, you will not have them," or words to that effect; that he should take them with him on board the "Alert," for the purpose of taking a copy. That deponent then asked him if he should have his papers back that evening; to which Captain Bosanquet answered, "No—perhaps he would return them on the morrow." That deponent then asked if he should have them early on the following morning, as he was ready and anxious to sail. That Captain Bosanquet replied that he (deponent) should have them when he (Captain Bosanquet) thought proper. And deponent further said, that having no assurance when the ship's papers would be returned, or even that they would be returned at all, he said to Captain Bosanquet, that, as his papers had by force been taken from him, and were in his (Captain Bosanquet's) possession, from that moment he (deponent) abandoned the brig "Cyrus" to the British government; and, holding up the American flag that had been trampled on by the British officer and negro, told him that he had insulted the American flag, and that it would cost dear to his nation. Whereupon the English officer, Captain Bosanquet, said, "I don't care a damn for the American flag," or words to that effect. That the deponent also told Captain Bosanquet that he had violated the treaty between the United States and the British government; to which Captain Bosanquet replied that he had violated no treaty, and that he knew of none to prevent his searching any vessel that he chose to search. And deponent further deposed and said, that Captain Bosanquet and the other officer, and the negroes with him, then left the brig "Cyrus," and went into the boat; and that he (deponent) also left the "Cyrus" nearly at the same time, taking nothing with him but the clothes he had on, the log-book which he had in his hand, and the American flag, and went into his boat, and that his mate and all his crew soon after followed him; and that he (deponent) has never visited nor stepped foot on board said brig "Cyrus" since that day, nor, to his knowledge, has any of his crew. And deponent

further said, that immediately after he and his crew had abandoned the "Cyrus," as aforesaid, they went on board the French barque "Guatimozin," lying near by, and requested the master of said barque (De Cous by name) to receive them on board; and that Captain De Cous did receive them on board. And deponent said, that on the evening of that same day he settled with the crew of the "Cyrus," and on the following morning paid them off with money which he obtained from his consignee, Lewis Krafft; that he (deponent) gave to each of his crew a certificate to the effect that they were of the crew of the American brig "Cyrus," abandoned as aforesaid, to be presented to the first consul of the United States they could reach, in order that they should be sent by such consul to the United States; that he (deponent) also obtained for his crew a launch called "La Fortune," belonging to L. Krafft, the consignee of the "Cyrus," on board of which, the same being well supplied with provisions and water, he ordered them to embark on the 4th June, thence for Angola; that on the evening of the 3d of June, he (deponent) left Cabinda for "Cham," and that at that time the "Cyrus" was lying at anchor as aforesaid, and that there was no person on board of her; and that since that time the deponent has never seen the "Cyrus," nor does he know what has become of said brig. And deponent further said, that he shipped on board the French barque "Guatimozin," of Bordeaux, at Cabinda, bound for Rio de Janeiro; that said barque left Cabinda on the 27th June, 1844, and proceeded direct to her destined port; that said barque touched at no intermediate place; that Cape Frio was the first land made on the coast of South America; and that said barque arrived at Rio de Janeiro on the 28th of July, 1844, in charge of the mate, M. Challot—the master, De Cous, having died at sea on or about the 16th of same month of July. And deponent further declared, that neither before nor after discharging his cargo from Havana, at Cabinda, nor at any other time, had he taken on board any articles or cargo whatever, for the uses or purposes of the slave-trade; that he had not at any time, on or off the coast of Africa, nor anywhere else, proposed or received propositions to sell his said vessel, the "Cyrus," directly or indirectly, for the slave-trade, or any other trade; that his cargo, and voyage, and course of trade, were in all respects lawful, and that he (deponent) has no knowledge whatever of the fate of the said brig "Cyrus" since his abandonment of her as aforesaid, on the forcible search and seizure of her papers by a naval officer of the British government. And furthermore deponent said not.

P. C. DUMAS.

Wherefore the deponent, late master of the brig "Cyrus," of New Orleans aforesaid, declares to protest, and by these presents does solemnly protest, on his own behalf, and on the part and behalf of the owners, and all others interested, or in any respect concerned in the said brig "Cyrus" and her cargo, money, gold, or other property on board, or either of them, against the said British brig-of-war "Alert," and her commander, officers, and mariners, and all others whom it doth or may concern, for having so seized and taken out of said brig "Cyrus" her papers; and thus, and in manner aforesaid, having captured said brig "Cyrus," her cargo, money, gold, and other property; and also for losses, costs, damages, and expenses already suffered, or which may hereafter accrue, by reason of the foregoing premises. And deponent further declares, that he now looks alone to the government of the

United States for redress in the premises against the unlawful proceedings herein complained of and protested against.

Thus done and protested at the city of Rio de Janeiro, this twenty-second day of August, in the year of our Lord one thousand eight hundred and forty-four.

In testimony whereof, I have hereunto set my hand, and affixed
[L. S.] the seal of this office, the year and date aforesaid.

GEO. WM. 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 deposition and protest on record at this consulate.

Given under my hand and seal of office, this twenty-fourth day of
[L. S.] August, 1844.

GEO. WM. GORDON,
Consul United States.

No. 1.

It is this day mutually understood and agreed upon between P. C. Dumas, on behalf of the owners of the American brig "Cyrus," 112 tons, whereof the same is master, now lying in this port, on the first part, and A. Perez, merchant of this city, on the second part, as follows: That the said vessel being tight, staunch, strong, and in every respect fitted for the intended voyage, Captain Dumas shall receive on board in this port a full cargo, to consist of merchandise, which shall not exceed what she can reasonably stow and carry over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the officers and crew, and which cargo the said party of the second part hereby agrees to furnish.

The said vessel being so laden, Captain Dumas shall, with all possible despatch, make sail for the port of Cabinda, direct; and, on his arrival at the port of discharge, make a true and faithful delivery of the cargo, according to custom and the bills of lading.

In consideration whereof, freight shall be paid immediately on the delivery of the cargo, at the rate of thirty-five hundred dollars—two thousand dollars of which shall be paid previous to the sailing of the vessel, and the balance on receipt of the receipted bill of lading of the delivery of the cargo to Captain P. C. Dumas.

The lay days shall be as follows: Fifteen running days for loading here, and sixty running days for discharging at Cabinda and awaiting orders, either there, or at some port in the neighborhood of Cabinda. After the expiration of which time, demurrage shall be paid, at the rate of twenty-five dollars for each and every day, as it may become due.

The cargo shall be taken in according to the custom of this port.

It is further understood and agreed, that the cargo is to be received and delivered alongside of the vessel, within reach of the ship's tackles. All port charges on the coast will be paid by the freighter. And for the due performance of the several articles of agreement, the respective parties do here-

by bind themselves, their heirs, executors, administrators, and assigns, in the penal sum of ———; restraint of rulers, the act of God, pirates, enemies, and all and every of the dangers of the seas, rivers, and navigation, of whatsoever nature and kind, always excepted.

In testimony whereof, the respective parties have hereunto set their hands in duplicate at Havana, this third day of January, in the year of our Lord one thousand eight hundred and forty-four.

P. C. DUMAS.
A. PEREZ.

Witness—

CLEMENTE PRILLAC,
B. AUGUR.

—
CABINDA, June 18, 1844.

I certify that the brig "Cyrus" has accomplished her sixty days in Cabinda harbor.

—
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 true copy of the original charter-party, and receipt thereupon written, exhibited to me this day by Captain P. C. Dumas, late master of the brig "Cyrus."

Given under my hand and seal of office, this twenty-second day of [L. S.] August, one thousand eight hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

—
No. 2.

[Sundry marks.]

Deliver to Lewis Krafft, esq., or
order.

A. PEREZ.

Shipped, in good order and well conditioned, by A. Perez, upon the good brig called the "Cyrus," whereof is master for the present voyage P. C. Dumas, now in the harbor of Havana, and bound for Cabinda—to say: thirteen hundred and ninety-seven packages, as per note on the other side; being marked and numbered as in the margin, and are to be delivered in the like good order and condition at the aforesaid port of Cabinda, (*dangers of the seas only excepted*,) unto order or his assigns; he on they paying freight for the said goods, as per charter-party, without primage and average accustomed. In witness whereof, the master of the said vessel hath affirmed to three bills of lading, all of this tenor and date; one of which being accomplished, the others to stand void.

Dated in Havana, the 3d day of January, 1844.

P. C. DUMAS.

* 52 bales merchandise,
 * 6 do do
 * 15 do do
 * 5 do do
 * 1 do do
 * 1 do do
 * 6 boxes do
 * 3 do do
 * 3 bales do
 * 1 do do
 * 5 boxes do
 * 1 do do
 * 5 boxes knives,
 * 2 do do
 * 16 do matches,
 * 2 do looking-glasses,
 * 1 do merchandise,
 * 2 do do
 * 2 do razors,
 * 3 bales merchandise,
 11 boxes crockery-ware,
 48 pipes rum,
 974 kegs powder,
 17 boxes guns,
 185 bars iron,
 1 seroon containing bells,
 6 barrels assorted cordials,
 2 seroons tobacco,
 5 boxes chewing tobacco,
 6 barrels pitch and tar,
 10 do flour.

1397

Received the said goods as mentioned in bill of lading.

L. KRAFFT.

CABINDA, April 12, 1844.

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 bill of lading, with marks, endorsements, and receipts thereupon written, as exhibited to me this day by Captain P. C. Dumas, late master of the brig "Cyrus."

Given under my hand and seal of office, this twenty-second day of August [L. s.] 1844, one thousand eight hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

*The asterisks represent sundry commercial marks on the several packages, and given in the bill of lading, which cannot be supplied in print.

No. 3.

Extract from the log-book of the American brigantine "Cyrus," of New Orleans, Captain P. C. Dumas.

MAY 22, 1844.

In latitude 6° 4' north, longitude 11° 30' east.—At 8 o'clock a. m., I was standing to the southwest, and a vessel hove in sight on the larboard bow. At 11h. 30m., I tacked ship to the southeast; the sail in sight hauled to eastward and gave chase after us. I immediately hoisted the American ensign, but she still gave full chase, and firing her cannon at us in rapid succession. I then perceived that she was an English brig of war; the shot from her cannon came so close, that I was doubtful of their carrying away some of our spars, rigging, or sails. I tacked ship to the southwest; as soon as I was abreast of the brig, I tacked the fore-yard, and immediately perceived that they were about to board us; as soon as the boat had arrived at the distance of about 10 yards from us, I hailed her and inquired what boat it was; but the officer would give me no answer. When the boat had fully reached the ship, I requested the officer not to come on deck, but both he and the boat's crew jumped on deck as if they were about to make a seizure of a pirate vessel. He then told me that he was the captain of her Majesty's brig "Alert," Captain Bosanquet; that he wanted to see our papers. But I refused to show our papers, and asked of him if he took no notice of our ensign. He made answer that it was not sufficient for him; that he must see the ship's papers; but I refused to show them, but offered him a letter that I had received from the captain in Cabinda, that would prove the vessel to be the American brig "Cyrus," of New Orleans, and likewise that the captain was remaining at Cabinda; the vessel having, according to the charter-party, several more lay days, the captain thought it prudent to send me with the vessel to cruise a few days at sea, for the benefit of the health of the crew, being at the time of sailing one-third sick: but all this would not serve him. He then said that if I would not show them, he would make a search and find them by force. He then required one of his men to come in the cabin, and told him to search that trunk, (which was mine,) and in that trunk he found the papers; he read them, and, not satisfied with that violation, took my log book and perused it all through. When he had finished and satisfied himself of ransacking the ship, I told him to take charge of her; but he took no notice of that, went in his boat, and proceeded on board his brig.

I do here, and all the undersigned, solemnly swear and protest that the whole of the above specified is the truth, and nothing but the truth.

WILLIAM COLEBROOK,

Chief mate.

WILLIAM CROMWELL.

WILLIAM L. OSMERS.

PETER ^{his}
x ANDERSON.
mark.

DE LA BOURGONIERE, *Supercargo.*

MIGUEL VILARIAN.

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, exhibited to me this day by Captain P. C. Dumas, late master of the brig "Cyrus."

Given under my hand and seal of office, this twenty second day of August, one thousand eight hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

No. 4.

Protest of the American brig "Cyrus," Captain P. C. Dumas, of New Orleans, against the British brig of war "Alert," Captain Bosanquet.—(Log book, page 63.)

CABINDA HARBOR, June 2, 1844.

We, the undersigned, captain, mate, crew, supercargo, and passengers, certify that this day, the 2d of June, one thousand eight hundred and forty-four, at 1 p. m., a boat, with the English flag and a pendant up, [approached the *Cyrus*.] When near alongside, Captain P. C. Dumas hailed the boat, and requested of the officer not to come on board, at the same time recognised the commander of the British brig of war "Alert," who had already visited the "Cyrus" by force when at sea. The boat boarded us, and, manned by the captain, one officer, one boy, and four negroes, sailors—all came on deck without taking any notice of the captain's remarks; and ordered his negroes to open the hatches, and acted as if they were capturing a pirate vessel. The British captain, officers, and men, went in the hold to search, and found that we had nothing but water ballast in pipes; they came up, and the British captain requested the ship's papers, and to be handed to him immediately. Captain D. answered that he had seen them once, taken by force at sea; it was no use to see them twice. The British captain said, "Refusing to show me your papers, is a proof that you have none; and I take you to be a pirate, and from this moment I take charge of the brig." Captain D. said to him, as long as the American flag was hoisted, and the ship's papers on board, in his trunk, he would still be captain of his own ship. The British captain said that he was told that the brig had been sold, and it was the reason that Captain D. could not show his papers. Knowing that he would go down into the cabin to make a search, Captain D. ordered to pull down the American flag, which was placed before the cabin door. The British officer wanted to go down into the cabin; and Captain D. observed to him that he could not step down without trampling on the United States flag. His answer was, that it made no difference; and immediately rushed into the cabin, followed by his officer and a negro, trampling the flag under their feet. After having searched all through the cabin, they came on deck. The British captain perceiving the log-book in the hands of Captain D., he told him to let him have it. The answer was, *never*; and as long as he would have a drop of blood in his veins, no British subject would take it away from him. Then he observed that he had the power to obtain it by force, at the same time ordering one of his negroes to take the book from the captain, who obeyed the order given to him. But Captain D. stepped back, and called for his mate and crew to defend him, and the book was not taken from the captain, who, at the same time, called to the French barque "Guatimozin," of Bordeaux, for assistance. The crew of the

"Cyrus" excited with such violation, the British captain told the captain of the "Cyrus" to stop his men, because he did not wish to see any blood spilt, nor butchery; then nothing took place, but again requested of Captain D. the ship's papers. Then the captain of the "Cyrus" required of the captain to show him his authority from the American government, giving him the power to visit an American vessel by force, then the papers would be immediately shown to him. He said that he had the power on board his brig, the "Alert," which was lying four miles at sea, (anchored;) that his word was good enough. Captain D. said to him, "If you don't show me the power, I will not let you see my papers;" at the same time told him, "here is the key" (showing it only) "of the trunk which the papers are in." Then the British captain required of Captain D. to let him have the key, or he would have it taken away from him by force. Captain D. defied him to do so. Then he said that he was going to have the trunk broken open. No answer from Captain D. He then ordered his officer and negroes to go into the cabin and have the trunk open; they broke it, and found the papers; at the same time Captain D. observed to the officer that he had in his trunk money in gold, and a gold watch; he made no answer, but went on deck to hand the papers to his captain, Mr. Bosanquet. Captain D. said to him, "Now, are you satisfied, to see that the papers were on board, and twice in your hands by force? Please give me these papers, because the brig 'Cyrus' will make sail to-morrow." He answered: "No, sir, you will not have them; I take them with me to take a copy, and perhaps will return them to you to-morrow." Captain D.'s answer to him was: "As long as my papers are taken away from me, I make an abandonment of my brig for the account of the British government—also my officers and crew." At the moment the British captain left the vessel, Captain D. jumped into his boat alone, without taking anything from the vessel, observing to the British captain that he had insulted the American flag, which would cost dear to his nation. His answer was, that the American flag was nothing to him.

We all swear that the above is nothing but the truth.

P. C. DUMAS, *Captain.*

WM. COLEBROOK,

Chief mate.

WM. CROMWELL.

his

PETER x ANDERSON.

mark,

his

JAMES x JOHNSON.

mark,

WM. L. OSMERS.

M. BICARDS.

DE LA BOUGNIERE.

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 this day exhibited to me by Captain P. C. Dumas, late master of the brig "Cyrus."

[L. s.] Given under my hand and seal of office, this twenty second day of August, eighteen hundred and forty-four.

GEO. WM. GORDON,

Consul United States.

A.

Mr. Gordon to Mr. Wise.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, September 19, 1844.

SIR: Several days ago, I learned that a small brig had arrived at this port in charge of a British officer and crew; that she had been sent in by a British cruiser, as a prize to the British government: and a report is in circulation that said brig is American, or of American construction. In consequence of this report, I have endeavored to obtain information in regard to her, and the circumstances of her capture; and with this object, I went on board of her this morning, in company with the British consul. From what I learn, it appears that a few weeks ago this vessel was fallen in with by a British cruiser called the "Racer," (now lying in this port,) upon the coast of Brazil, about fifty or sixty miles south of Bahia. On being chased, she made for the land, and was run upon a reef, where the "Racer" could not follow or approach. While the "Racer" was manning her boats to pursue her, she was abandoned by her crew, or by all on board of her, who escaped to the shore, taking with them her colors and papers, (if she had any,) and everything transferable, that was calculated to designate her character, ownership, or nationality, with the exception of a few letters and loose papers, apparently accidentally overlooked. Thus situated, and abandoned, she was taken possession of by the commander of her Britannic Majesty's brig "Racer," and sent into this port, where she arrived on or about the 4th instant. It is also stated that this vessel recently landed, near Bahia, about six hundred slaves; and further, that the papers found on board of her implicate, as connected with her, a French mercantile house and an English ship-chandler at Bahia, and that some of them were signed "W. J. T."

The vessel is an hermaphrodite brig—according to new measurement, of 225 tons burden. Her length over all is 89 feet, and within 85 feet 6 inches; breadth of beam, 25 feet 6 inches; depth, 10 feet 2 inches. She has on board 54 water-casks. At present, she has no extra or slave deck; but there are traces of there having been one laid over her water-casks. In her hold, near her cabin, are some extra fixtures, that might have been for the accommodation of slaves. Her cabin is large, with berths for twelve persons. On the ceiling, over one of the berths, is written with pencil, "Captain William J. Tyler, brig Sooy of* Tortugas." On her stern is painted (somewhat blurred at present, but sufficiently intelligible to be read) the words "Sooy, Newport," surmounted with a carved spread eagle. There is painted on her top sail the letter "S," on her fore-top sail "O," on her top-gallant sail "O," and on her royal sail "Y." She appears to be a well-built vessel, and not old. Her model, style of rigging, and general appearance, all indicate that she is of American construction; and this, taken in connexion with the fact that she bears upon her stern the name of an American port, presents strong presumptive evidence that she was once American property. But, notwithstanding all these facts and circumstances, and in the absence of any claimant or claimants, the evidence, I think, must be considered insufficient to show that she was American property at the

*It may be that this "of" was put for the word "off."

time of her capture. And I do not understand that there is any evidence, or pretence, on the part of any one, that she showed or had American colors or papers at the time of her capture; and, for the honor of the American flag and the nation, if she were a slaver, or engaged in any illicit trade justifying her seizure, it is to be hoped that no American citizen possessed ownership or interest in her at that time, whatever might originally have been her national character.

I have the honor to be, sir, most respectfully, your obedient servant,
 GEO. W. GORDON,
Consul of the United States.

His Excellency HENRY A. WISE,
Envoy, &c.

B.

Mr. Wise to Mr. Hamilton.

UNITED STATES LEGATION,
Rio de Janeiro, September 21, 1844.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, is confident that your excellency will duly appreciate the motives with which he addresses to you the enclosed copy of a letter to him from the consul of the United States at this port. The fact that the brig referred to, lately captured by a British cruiser, and brought into this harbor as a prize, is certainly of that construction which is peculiar to the northern ports of the United States; that she has plainly lettered upon her stern the words "Sooy, Newport," surmounted with a carved spread eagle; that "Newport" is the name of one of the ports in the United States, where vessels of a construction similar to hers are built; that she has written in pencil, on one of her berths, the words "Captain William J. Tyler, brig Sooy of Tortugas," (the word "of" probably meant for the word "off;") and that, as the undersigned is informed, there are other rumors current, and credited here, besides those mentioned in the enclosed, which implicate American citizens. All these circumstances make it proper to request of your excellency, officially, all the information in your possession, or which you can cause to be given, respecting the capture and character of this brig, so far as the same may concern the flag, or the character and conduct of citizens of the United States. It is deemed sufficient to say, in explanation of this request, that the objects are to ascertain—first, whether the flag of the United States, and papers issued by their authority, (if that vessel was sailing under their protection,) were duly respected in her chase and capture by her Britannic Majesty's cruiser "Racer;" and, second, whether there is any testimony or evidence to prove that any citizen or citizens of the United States have, in this instance, been guilty of violating the laws of the United States enacted against the African slave-trade; and, if so, that the undersigned may be enabled to take every possible step in his power to detect and cause the arrest of the culprits, and to bring them to trial and condign punishment.

With the highest consideration and esteem, the undersigned has the honor to be your excellency's obedient servant.

HENRY A. WISE.

His Excellency H. HAMILTON,
*H. B. M. Envoy Extraordinary and Minister
 Plenipotentiary near the court of Brazil.*

C.

Mr. Gordon to Mr. Wise.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, September 23, 1844.

SIR: I learn that all, or most of the crew of the brig "Sooy," who abandoned her at the time of her capture by the British brig "Racer," are now in this city; and I have had communication, through a person employed for the purpose, with one of them. According to the report made to me, this seaman says that he first saw the brig "Sooy" on the coast of Africa, on the day that he shipped and went on board of her; that she then had Brazilian colors flying; that, on the same day and evening, a cargo of slaves was put on board of her, and on the same night she sailed for this coast; that he never saw American colors on board of her; and that no colors of any kind were ever used or hoisted subsequently to the day referred to; that a few days before she was captured, 580 slaves were landed from her near Bahia; and that when taken, she was on her way to Victoria. He says that he thinks she is owned at Bahia, and was recently sold there by American owners, by whom she was probably delivered on the coast of Africa, about the time he joined her. This seaman further says, that neither the master, mate, nor any of the crew, on her passage from Africa to this coast, were American; but one person on board of her spoke English, and he was a Spaniard.

I have the honor to be, sir, most respectfully, your obedient servant,
 GEO. WM. GORDON,
Consul of the United States.

His Excellency HENRY A. WISE,
Envoy, &c.

D.

Mr. Gordon to Mr. Wise.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, September 28, 1844.

SIR: By the politeness of Messrs. Maxwell, Wright, & Co., of this city, I have been permitted to examine the correspondence of John S. Gillmer, esquire, of Bahia, with that firm. In one of these letters, dated 23d May, 1843, it is stated that "the American brig 'Sooy,' from Lisbon, with 'salt and wine,' was at Bahia on that date. In another, dated 7th November, 1843, it is said, "the brig 'Sooy,' from Africa, is the only American arri-

val," &c. And in another, dated 8th January, 1844: "The Osceola * * * *"; this vessel, with the brig Sooy and whale-ship Two Brothers, are the only Americans in port."

By a government steamer for Bahia, which was to have left several days ago, but was detained until this day, I have written to the consul of the United States at that port for such information as he may possess in regard to this vessel, the Sooy.

I am, sir, most respectfully, your obedient servant,

GEO. WM. GORDON,
Consul of the United States.

His Excellency HENRY A. WISE,
Envoy, &c.

Mr. Wise to Mr. Calhoun.

[Extracts.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, November 1, 1844.

SIR:

The enclosed No. 1 is a copy of the letter of Mr. Hamilton relating to the brig Cyrus, the papers concerning which case have heretofore been sent to the department.

No. 2 contains the copies of the papers which were found on board the brig Sooy, with all the information in possession of Mr. Hamilton respecting the capture and character of that vessel.

No. 3 contains Mr. Gordon's correspondence with Mr. Alexander H. Tyler, consul at Bahia, and my correspondence with Mr. Gordon touching the same.

These papers but too clearly show how the African slave-trade is carried on in Brazil, and how shamefully the United States flag is prostituted to its infamous uses. Our laws should be modified to meet this way of aiding and abetting the slave-trade by the sale of vessels here, to be transferred and delivered on the coast of Africa. Thus it is that our flag is made to protect a Brazilian vessel, with a crew and perfect outfit of slave-deck, water-casks, irons, &c., &c., to the African coast; and I venture to affirm that not a vessel of the United States is sold in Brazil, to be delivered at a port in Africa, without taking out a crew and such outfit for the slave-trade, and without the United States captain and crew, if not owners and consignees, wilfully and knowingly aiding and abetting that traffic; and I affirm, further, that in all such cases the United States consul has reason to know, and does know, to a moral certainty, that in every such case, without exception, there is more or less preparation for, and an intention to engage in, the slave-trade, if opportunity favors the attempt, when any such vessel clears from his office in Brazil. But the consuls say to me, "What can *we do*? The owners, or persons empowered, have the right to sell and to deliver where they please." I have ventured to say to Mr. Gordon that there is a qualification to this right; and I beg to know whether, in case a consul has good reason to believe, from the notoriety of the mode of carrying on this trade, and from his knowledge of the parties to the given transfer of vessel, that the flag of the United States is about to be abused to the purpose of an infamous offence against the laws of the United States, he may not refuse to clear the vessel? Ought not our government to give immediately as strict

and strong instructions, in a circular to consuls on this subject, as its nature requires, and as our laws of navigation and commerce will permit? What power have I to instruct and direct United States consuls in the jurisdiction of Brazil? If American ministers have no power of controlling them, there ought to be a consul general of the United States allowed and appointed for this empire forthwith.

* * * * *

Until instructed not to do so, I shall assume to call for information from, and to direct the action of consuls; and, in one word, to take any lawful responsibility for the suppression of the slave-trade carried on by citizens of the United States under their flag. I therefore hesitated not to have sent to Mr. Consul Tyler, at Bahia, the letter a copy of which is enclosed. He is, I am told, a clerk or subordinate in the house of Mr. John S. Gillmer, who, you will see by the letter of Mr. Gordon to me, is said to have actually sold the ship *Gloria* for the slave-trade. At all events, you will see the names of the owners of the *Sooy*, in the State of New Jersey, and of her master and mate. The exposure of the names alone of our citizens engaged directly or indirectly in this traffic, may go very far to arrest it. I beg to know of the department whether my action in all these matters has been too strong; and, if it is not approved, I desire instructions for the future. If I felt fully empowered, and that I would be fully sustained in the prompt and decisive application of moral and physical means here, I would stake my reputation on the attempt to break up all participation in the slave-trade by United States vessels and citizens, root and branch, in one year from the commencement of operations—and that, too, without any undue restrictions upon, or obstructions to, our lawful commerce. Frigates are not the ships of war to cruise upon this station. Station one here, and one at the river Plate, to interchange frequently, and to visit Pernambuco and Bahia at *irregular* intervals; and near those places keep a regular force of two sloops-of-war and four brigs, at least, to run into shoal waters on the coast from Frio to St. Roque, and keep them, and as many more small vessels as possible, cruising from the Brazilian to the African coasts, between the parallels of 7° or 8° north and 7° or 8° south of the equator. Instruct the consuls to inform the captains and commanders of these vessels immediately in all cases of a sale of a United States vessel in Brazil, to be delivered in Africa or elsewhere; and instruct those captains and commanders to keep a lookout for these vessels when sailing, and to examine their outfit, if suspicious, while under the American flag. Cause the consuls to inquire the names of owners and consignees, masters and mates, of such vessels so sold, and to have the same published in the United States and in Brazil; and appoint such consuls only as are men of high and firm character, and pay them well enough to enable them to live without engaging in any trade or traffic, or having any business connexions in this country. I beg that the whole subject may be brought before Congress; and I refer to Mr. Slocum's correspondence, already published, for further information; and, though I don't agree with the mode suggested by him, of not allowing our vessels to trade from South America to Africa, yet, from his representations, the nature of the evils may be seen, and the remedy for them may be judged of.

I have the honor to be, with great respect, your obedient servant,

HENRY A. WISE.

HON. J. C. CALHOUN,
Secretary of State.

No. 1.

*Mr. Hamilton to Mr. Wise.*RIO DE JANEIRO, *October 12, 1844.*

SIR: I have to acknowledge the receipt of the copies, which you were so good as to send me on the 21st ultimo, of the depositions taken in the United States consulate in Rio de Janeiro, respecting the visit and detention, on the coast of Africa, by some of her Majesty's ships of war, of the "Cyrus," United States merchant vessel.

Returning to you my thanks for these documents, which I have lost no time in communicating to my government, I have the honor to be, with the highest consideration and esteem, sir, your excellency's most obedient, humble servant,

HAMILTON HAMILTON.

TO HENRY A. WISE, esq.,
Envoy Extraordinary, &c., of the United States.

No. 2.

*Mr. Hamilton to Mr. Wise.*RIO DE JANEIRO, *October 12, 1844.*

SIR: I duly received the letter your excellency did me the honor to address to me on the 21st September, respecting a brig called the "Sooy," recently captured off Bahia, by the English brig of war "Racer."

Under an impression, from circumstances which you enumerate, that the brig "Sooy" may be American property, or that American citizens may, in some measure, be interested in her, your excellency asks for information respecting the capture and character of the said vessel, so far as the same may concern the character and conduct of citizens of the United States—your excellency's object being to ascertain, 1st, whether the flag of the United States, and papers issued by their authority, (if that vessel was sailing under their protection,) were duly respected, in her chase and capture, by her Britannic Majesty's cruiser "Racer;" and 2d, whether there is any testimony or evidence to prove that any citizen or citizens of the United States have, in this instance, been guilty of violating the laws of the United States enacted against the African slave-trade; and if so, that your excellency may be enabled to take every possible step in your power to detect and cause the arrest of the culprits, and to bring them to trial and condign punishment.

With a view to obtain the required information, I referred your letter immediately to the officer in command of her Majesty's squadron on the Brazilian station. My communication to that effect was crossed by one from Commodore Purvis, covering a detailed report from Commander Reed, of the "Racer," on the subject—of which a copy is enclosed under A; and, subsequently, in answer to my requisition, the commodore addressed to me two others, enclosed under B and C. These communications, together with the accompanying copies of letters and other documents found on board the "Sooy," contain all the information connected, proximately or re-

motely, with the capture and character of that vessel, which I have been able to procure; and I trust it will show that the capture was fully justified, and that it may offer to your excellency data for following up with greater success the very laudable investigations you have undertaken.

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

HAMILTON HAMILTON.

To his Excellency HENRY A. WISE,

United States Envoy Extraordinary, &c., &c.

A.

"ALFRED," RIO DE JANEIRO,
September 25, 1844.

SIR: I do myself the honor to enclose to you the report forwarded to me by Commander Reed, of her Majesty's sloop "Racer," stating the capture of a vessel having painted on her stern "Sooy, of Newport," and of American build. No ship's papers, it appears, were found on board; no colors, or any one of her crew; but the latter, in escaping from the vessel, fired upon the British colors displayed in the "Racer's" boat. Captain Reed informs me he received information, when at Bahia, that this vessel left that port about the month of April last, under American colors; and that the day before he took her, she landed to the southward of the false bar six hundred and fifty slaves.

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

J. B. PURVIS, *Commodore.*

HAMILTON HAMILTON, esq., &c., &c., &c.

H. M. BRIG "RACER,"
Bahia, August 21, 1844.

SIR: I do myself the honor to report to you the circumstances under which a boat manned and armed, belonging to her Majesty's brig "Racer," under my command, fell in with and detained a brigantine deserted by her crew, and having painted on her stern "Sooy, of Newport"—evidently American build. No colors or papers of any description, to prove her nationality, were found on board of her; but bills of lading for slaves, &c., and a letter in English from a noted house in Bahia, pointing out the method by which the cargo of slaves was to be landed, and implicating in the transaction (I regret to say) an English resident there by the name of Gouds. The officer reports that he observed a vessel about six or seven miles from the land, making every effort to avoid him; and immediately he saw a large boat quit her, and some time after another boat, evidently containing the crew, who, upon coming within range of musketry, fired into her Majesty's boat—who had the *national colors and pendant displayed*—fortunately without effect. The officer also reports, that while he was in chase, the vessel was under full sail, running towards a reef of rocks; and upon the officer getting on her deck, he found she had, (without aid on his part,) from having touched, *floated off again*, without a soul on board. I have, therefore, deemed it proper to send her to Rio, to await the issue of any claim the government of Brazil may make, or private individuals, in shape of

owner. The latter I should very much doubt, as there is no question of the traffic in which she has been engaged, having on board a large number of water casks, slave irons, a slave deck, &c., &c.

I should, in obedience to the instructions with which you furnished me prior to leaving Rio Janeiro, have delivered this vessel to the Brazilian commodore at Bahia; but having learned that she sailed from that port in April last, under American colors, for the coast of Africa—the crew, when leaving the vessel, having discharged several musket-shots at the boat of her Majesty's sloop "Racer"—and other circumstances presenting themselves, as discovered by a letter in the English language found on board her, in which are developed the artifices practised to evade the execution of the treaty between Great Britain and Brazil—together with the augmented disclosures, apparently of *Frenchmen, our own countrymen, and Americans, aiding and abetting*,—I considered it imperative on me, both for the safety of the vessel, and to put her Majesty's minister and yourself in possession of a transaction of such novelty and interest, to order her to the seat of government of his Imperial Majesty.

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

ARCH'D REED, *Commander.*

Commodore PURVIS, &c., &c., &c.

BAHIA, August 16, 1844.

In consequence of an English brig of war called the "Racer" cruising so as to prevent any vessel to come in, or proceed to the place of destination pointed out by Mr. Sala, we avail ourselves this day of sending out a whaleboat, which we are in every hopes of meeting you, to give you the following notice:

As soon as you meet the boat and our letters, you will please make out to sea to the northward of the Torre as far as you can, so as to calculate your return to the same place from the time you receive these our advices—say in forty-eight hours—so as, by your return to the same place, you will meet by that time nine or ten whale-boats to take the cargo of S. you have on board. You should be aware, and not neglect to throw overboard all the pipes; wash the vessel; not let any boards, ovens, or anything else suspicious remain on board. You have not any occasion for sand or ballast. Make two manifests—one of which shut up, declaring what the vessel brings. In short, I hope you will take every precaution, so as to prevent any suspicion. Recollect that the vessel of war has also a large boat, with a gun, and goes a cruising. Endeavor to keep as far north as possible for safety's sake. The bearer of this is the nephew of Mr. Gantois, J. Gouds, who is known on board. After your reading this letter, please to tear the same up, so that you will not have anything on board which may be a hold on you. You may forward us the correspondence, and any little thing you may have on board for us, to be forwarded as soon as possible to us.

We remain your obedient servants,

GANTOIS & PAILHET.

[Directed "to WM. TOPHAM, or any seaman on board in his absence, of Sooy or Fortuna."]

Translation of a letter directed to M. Manuel de Oliveira Naguira, absent, to his order, Bahia.

ONIM, July 13, 1844.

MY DEAR SIR: I hope these two lines will find you in the enjoyment of a perfect health—such as I could wish for myself. I am at present very well. I have sent, by the schooner "Fortuna," a bale of goods—female. If it should arrive in safety, you will have it sold, and keep the produce thereof until my arrival. My affair has not come on shore yet. Do not mind what Mrs. Maria Antonio is doing. You must have patience; and all I may mention in the letter, you had better do. Mr. Pedro is already here. Speak not a word more about the little black girl that Peter swapped. Wait for me, as I will soon start. I have had no answer about the money in possession of Mrs. Courtancia; therefore, you must try to recover it, as if it were your own property.

I remain your friend, &c.,

APOLINARIO NICOLAS DA COSTA.

M. MANUEL DE OLIVEIRA NAGUIRA.

N. B.—Remember me to every one of your family.

Translation of a letter directed to Mrs. Maria Antonio at Santa Barbara, Bahia.

ONIM, July 13, 1844.

MY DEAR MADAM, whom I highly respect, I hope these two lines may find you enjoying a good health—such as I could wish to enjoy myself. I have sent, by the schooner "Fortuna," a bale of goods—a female one—to be delivered to Mr. Manuel de Oliveira Naguira, who is to sell it, and keep the money. The tobacco you sent was not much to my taste; you could have done better, had you sent cotton goods. I did not send small merchandise, because I had nothing wherewith to buy it. Mr. Pedro has arrived; and, therefore, do not talk much about it. My correspondent informed me that if I had anything to send, I might forward it to you; for you are all quarreling with him. Be cautious; do not squander the money away, for it is useful to me and to yourself.

APOLINARIO NICOLAS DA COSTA.

Mrs. MARIA ANTONIO.

Translation of a letter directed to Mr. Antonio José Lopes, absent, to his order, Bahia.

ONIM, July, 1844.

DEAR SIR: You have herewith the bill of lading for nine slaves, which I have put on board this patacha. After you have taken charge of your two female slaves, and of my two slaves with their babies, you will do me the favor to sell the one with the bigger child, and deliver the other to my god-

father, Gabriel Moreira ; and will also oblige me by delivering the slaves consigned to you to their respective owners, as per bill of lading.

Your clerk knows José da Silva Freire, who was formerly a slave to Gregorio da Silva Freire. You will, after delivery, receive from him a balance he owes me.

I am, with esteem, your obedient servant,

BELISARIO FRANCISCO DO ESPIRITO SANTO.

Mr. ANTONIO JOSE LOPES.

Translation of a letter directed to Mr. Gabriel Moreira, absent, to his order, Bahia.

ONIM, July 12, 1844.

MY GODFATHER: With regard to the house left by my aunt, and to the young slaves : you will please to have the house repaired, the tiles of which are to be fastened with mortar. The young slaves, you will be pleased to have them taught some trade. By Mr. Antonio José Lopes, I send a black woman, with a child. She is to remain at home, and to be taught how to wash and iron, as you will see from the bill of lading. I have not been able, as yet, to procure the cloth which Mrs. Felisberta told me to get for her.

Remember me to Mrs. Felisberta, to Mr. Maria Antônio, and to all the family.

Your obedient godchild,

BELISARIO FRANCISCO DO ESPIRITO SANTO.

Mr. GABRIEL MOREIRA.

Translation of a letter directed to Mr. Domingos Soares Pereira, absent, to his order, Bahia.

ONIM, Ju'y 16, 1844.

By the present patacha "Providence," I sent you a parcel—female—which you will see mentioned in the other letter which accompanies the bill of lading. Allow me to manifest to you the state of this country, which must now be pretty well known to you from the accounts of those persons who have been obliged to leave this place in a hurry.

Having received 29 pieces of cloth, of the value of 200 milreas, more or less, I must inform you, and the other gentlemen, that you should not take into consideration the amount of the money, but the number of pieces ; for here they reckon each piece one ounce, or doubloon, without any regard to its original price, except the damask velvet ; and even for this, which is worth 120 milreas, the king will not give more than one slave.

On receiving this parcel, you owe me 7 doubloons—being 5 per cent. of goods and 2 for ship expenses, carriage, &c. ; both on your account, and that of the other gentlemen, I was obliged to pay 14 doubloons ; and every person that comes here has to do the same, according to the cargo ; and in this are not included many other expenses—as provisions, utensils, &c.

I remain, with great esteem, your obedient servant,

BELISARIO FRANCISCO DO ESPIRITO SANTO.

Mr. DOMINGOS SOARES PEREIRA.

Translation of a letter directed to Mr. Antonio José Lopes, absent, to his order, Bahia.

ONIM, July 14, 1844.

By the patacha "Providence," I send 9 slaves, as you will see from the annexed bill of lading. There are among them 2 girls—the older is on the account of the merchandise, and the younger is on the account of the coral; the balance of which shall afterwards be sent, although I think the expense must absorb the whole, because, for each slave that is put on board, 2 pieces of cloth are to be given to the king, besides other expenses. Of my two female slaves, the older is to be sold, and the younger to be kept at home for my service. I do not think it necessary to write to Mr. Jean Rodrigues Bandeira, nor to Mr. Freitas, as, from what I write to you, they will have sufficient information on your communicating it to them.

Do me the favor to tell Mr. Jean Alves da Cunha that I have not yet received the account nor the bill of lading; I have not, in consequence of this, been able to recover anything. By the French brig, I forwarded to Mr. Joas Alves da Costa 22 African shawls—9 large, 1 smaller blue, 12 blue; which you will please to pass through the custom-house.

This is all I have at present to acquaint you with; and I remain ever disposed to render you service, as

Your most obedient servant,

BELISARIO FRANCISCO DO ESPIRITO SANTO.

Mr. ANTONIO JOSE LOPES.

Translation of a letter directed to Mr. Clemente Alves Moreira, Bahia.

ONIM, July 15, 1844.

By the present schooner "Providence," I send you a parcal (female) marked with a * above the navel, as you will see from the bill of lading in the hand of Mr. Antonio José Lopes; for they are all to be delivered to him, to avoid the necessity of making out a list with many particulars. You have to repay me two doubloons for your share of expenses, as well as the other gentlemen who made me their consignee; for I paid the king fourteen doubloons, beside anchorage, discharging, conveyance from the beach to the town, canoes, &c. By another vessel, I will send you another; but I must tell you that your goods cannot afford to buy much, because the negroes refuse to take pieces of cloth with only twenty-four to twenty-six yards: they want pieces with thirty and thirty-two yards of fine cotton—very good printed calicoes and ginghams; and you must mind this for your guidance. Both my waiter, who is here, and myself, have to recommend to you to do all in your power, together with Mr. Antonio Lopes, to send away my young waiter, who is now concealed at home, without being able to learn any trade, on account of the unfortunate recruiting law. The moment the country frightens away its children, they should not remain in it. You must understand yourself with my mistress for this purpose.

[Remainder of letter, about quality of goods, not copied.]

BELISARIO FRANCISCO DO ESPIRITO SANTO.

Mr. CLEMENTE ALVES MOREIRA.

Marks and numbers of slaves shipped on board the patacha "Fortuna," as per two bills of lading, dated Onim, July 15, 1844. (Signed with initials as here traced—D. N. S.)

BILL OF LADING No 1.

Marks.

| | |
|--|-----|
| * Right thigh; belonging to Belisario Francisco da Espirito Santo— | |
| women - | - 2 |
| * Right arm; belonging to J. Lopes—females | - 2 |
| * Left arm; belonging to F. J. de Freitas—male | - 1 |
| * Right shoulder; belonging to Joas R. Bandeira—male | - 1 |
| * Left shoulder; belonging to Domingos Soares Pereira—female | - 1 |
| * Above the navel; belonging to Clemente A. Moreira—female | - 1 |
| * Left thigh; belonging to J. de Sa. Freire—female | - 1 |
| 7 women and 2 men—two of the women with children. | |

BILL OF LADING No. 2.

MB Below the navel—1 black woman.

Account current.

BAHIA, September 17, 1844.

Mr. JOAQUIM JOSE DE FREITAS,

To Antonio do Silva Tavares,

DR.

| | |
|---|---------------|
| Goods for the coast of Africa— | |
| 50 pieces of twilled cotton; yards 1,500, at 210 reas | - rs.315 000 |
| 20 pieces of twilled cotton; yards 400, at 210 reas | - 84 000 |
| 60 pieces of plain wide; yards 1,440, at 170 000 | - 244 800 |
| 50 pieces of madaphoens, at 3 300 | - 165 000 |
| | 210 565 |
| | <hr/> |
| | 1,019 365 |
| | 602 345 |
| | <hr/> |
| For goods and money furnished lately to his family | - 1,621 710 |
| | <hr/> <hr/> |

The said gentleman

CR.

| | |
|---|---------------|
| Cash from Mr. Belins at two different times | - rs.900 000 |
| Balance of Mr. J. Alves Guimeira's debt | - 4 720 |
| Cash from the produce of the slave | - 380 000 |
| An order from Antonio Ferras Monie on Peinentas & Co. | - 100 000 |
| An order on Thomas da Costa Ramor, at Rio de Janeiro | - 236 990 |
| | <hr/> |
| | 1,621 710 |
| | <hr/> <hr/> |

B.

"ALFRED," RIO DE JANEIRO,
September 25, 1844.

SIR: I do myself the honor to acknowledge the receipt of your letter enclosing the communications of the minister of the United States and consul, and beg to refer you to my letter and Captain Reed's report; but I would add, that, although this vessel may have sailed from the port of Bahia under the flag of the United States, it does not follow that, when captured, she was owned by an American citizen, as frequent instances have come to my knowledge of a sale, or pretended one, taking place after their arrival on the coast of Africa.

I have the honor, &c.

J. B. PURVIS, *Commodore*.

HAMILTON HAMILTON, esq., &c.

H. M. BRIG "RACER,"
Rio de Janeiro, October 7, 1844.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, ordering me to deliver up the vessel called the "Sooy" to the proper Brazilian authorities; and beg to represent to you, that, from the peculiar circumstances under which the vessel was detained, as described in my letter of the 21st of August, I beg to request you will not allow her to be given up, without the payment of the usual salvage upon the full value of the vessel; which I consider to be a fair demand, she having been found deserted by her crew, in a place abounding with rocks and shoals.

I have the honor, &c.,

ARCHIBALD REED, *Commander*.

To Commodore PURVIS, &c.

C.

"ALFRED," RIO DE JANEIRO,
October 7, 1844.

SIR: I beg to acquaint you, in accordance with the instructions received by me from the Lords Commissioners of the Admiralty relative to the vessel captured by her Britannic Majesty's brigantine "Dolphin," and the suggestion contained in your letter under date the 24th ultimo, I have directed Commander Reed, of her Majesty's sloop "Racer," to surrender the "Sooy" to the Brazilian authorities, as a vessel *found derelict* within the territorial jurisdiction of that government.

The peculiar circumstances under which she is found on the coast of Brazil render it incumbent on me to expose one of the various artifices practised by slave-dealers. The "Sooy" is of American build, has on her stern the "eagle" carved, and painted in large letters "Sooy, of Newport." This vessel, it is well known, sailed from the port of Bahia under the American flag, with an American crew on board, for a port on the coast of Africa, with an understanding that when the slaves were *actually* on board, the master and crew should leave her; which they did, and she was surrendered to the captain and crew of a slave-dealer there, who landed on

the coast of Brazil 625 slaves. She was met with by the "Racer's" boat, not far from the rock where the crew had deserted her, having struck on the shoal and drifted off. Papers which have been placed before me, implicate an Englishman and a French house in Bahia; and I cannot but believe the Americans who sailed from Bahia in her, equally culpable; so, in this instance, is developed the impropriety of conduct of natives of all three countries so strenuously opposed to the inhuman traffic, and whose respective governments are using, in accordance with the true faith upon which treaties are based, all the means to repress it in their power. I would willingly hope the government of the empire of Brazil will, in this instance, enact a part, and create an example, by using all the means within its reach to bring the offending parties to light, and mark the same with condign punishment.

I conclude with remarking that, in my opinion, the commander of the "Racer" supplicates *no more* from the Brazilian government than, under all the circumstances attending this case, he appears to me to be entitled to.

I have the honor, &c.,

J. B. PURVIS, *Commodore.*

HAMILTON HAMILTON, esq., *ſc.*

No. 3.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, October 21, 1844.

SIR: Herewith I enclose a copy of a letter that I addressed to Alexander H. Tyler, esq., consul of the United States at Bahia, in relation to the brig "Sooy," dated 27th September last, and of Mr. Tyler's answer thereto, dated 12th instant.

I embrace the present occasion to say, that a seaman, named Charles Bigelow, came to this port from Bahia in the early part of this month, and stated to me that, while at Bahia, he fell in with the crew of the "Sooy," who deserted her at the time she was captured. He said that he was told by them that the "Sooy" was sold at Bahia for a slaver, and delivered on the coast of Africa; that the same American crew who went over to the coast in the brig, came back in her, and were on board of her when 580 slaves were landed from her, near Bahia; that the American master only left her on the coast, and that she came back under a Portuguese master; that among her crew were four Americans and one Englishman; that the Englishman shipped at Bahia for England; that one American, named George ———, shipped and went home in a brig bound to Philadelphia; that another, named Joseph Cutius, or Cutus, was second mate of the "Sooy," and was at Bahia about the middle of September.

This statement is sustained by the letter of Mr. Tyler, excepting that the two accounts disagree as to the number of Americans on board the "Sooy" on her return passage from Africa.

Bigelow also stated that he arrived at Bahia, as one of the crew of an American brig called the "Gloria," Smith master, and was there discharged, in consequence of the sale of said vessel at Bahia by John S. Gill-

mer, as he supposes, for the slave-trade. Bigelow is now on board the "Raritan."

I am, sir, most respectfully, your obedient servant,

GEO. WM. GORDON,
Consul of the United States.

His Excellency HENRY A. WISE,
*Envoy Extraordinary and Minister
Plenipotentiary of the United States, Rio de Janeiro.*

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, September 27, 1844.

SIR: The British brig "Racer" sent into this port, on or about the 4th instant, an hermaphrodite brig, which she is said to have captured on the coast, about 50 or 60 miles south of Bahia, under pretence that she was a slaver. The prize brig has upon her stern the words "Sooy, Newport;" and, judging from her model, style of rigging, &c., she is of American construction. It is known that, during the month of January last, an American vessel by that name was at your port. The object of this is to gain such information in regard to this vessel as may be in your possession. For instance:

When, as an American vessel, she last arrived at Bahia, and the names of her master and owner? When she cleared, and in what national character? and if as an American vessel, the names of her owner, consignees, master, and list of crew, where bound, &c.? Whether she was sold at your place; and, if so, the date and conditions of sale, if known to you? And also all such other facts in relation to her, and her course of proceeding, as may be known to you—touching particularly her ownership and nationality. Have you any knowledge of any connexion that one Captain William J. Tyler may have had with said vessel—what such connexion was—and about what date? 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 on her stern.

I am, sir, very respectfully, your obedient servant,

GEO. WM. GORDON,
Consul of the United States.

ALEXANDER H. TYLER, esq.,
Consul of the United States, Bahia.

CONSULATE OF THE UNITED STATES,
Bahia, October 13, 1844.

SIR: I beg to acknowledge the receipt of your letter of the 27th September, which was received on the 5th instant. In reply, I have to state that the brig "Sooy," of Newport, New Jersey, Mark H. Leeds master, arrived here from Lisbon, on the 25th day of April, 1843, for the first time, and sailed again on the 3d day of July, with a cargo, for the coast of Africa;

after landing which, she returned to this port on the 1st of November, and remained here until the 26th day of April last, when she again cleared and sailed (the last time with a cargo) for Onim, on the coast of Africa, where she had arrived and discharged her cargo. She cleared from this as an American vessel. Her crew consisted of six Americans and three foreigners, besides the master, who is a native of Newport, New Jersey. Her consignees, when last here, were Messrs Gautois and Pailbet, Frenchmen, and who loaded her both voyages to the coast of Africa. She was owned by Nicholas Sooy, of Burlington county, and N. S. Thompson, of Atlantic county, State of New Jersey, as appeared by the register. I have no knowledge of any connexion or interest which a Captain William J. Tyler may have had with said vessel.

I am not aware that she was sold at this place, but much suspect she was,—or at least that some arrangement was made for selling her on the coast of Africa. She arrived on this coast some time in the month of August, under the command of a Brazilian; manned partly by Brazilians, and five of the former crew, among whom were two Americans. The master, (Mark H. Leeds,) the mate, and remainder of the crew, I am informed, are on board the American brig Albert, now on the coast of Africa, and expected here soon. She brought from Onim, and landed on the coast, about six hundred slaves; and was on her way into the port, when an armed boat from the British cruiser chased her, and she was run on shore and abandoned. Two of the men of the crew she took from here, who came back in her, state that the crew was paid off at Onim, and they were persuaded by the master to come in her, and told, if they did not, they would be left on shore. I am awaiting the return of the master, to inquire into this.

I feel quite confident that the vessel has been sold, and was delivered over on the coast of Africa. Indeed, I have been told, by a party here, that papers are now getting ready to send on to Rio de Janeiro to claim her. She is doubtless owned, now, in this city, by foreigners; but whether the master has not made himself liable for aiding and abetting the slave-trade, in the manner of selling her, is a question that I am endeavoring to find out; and I will thank you to let me know if, in the course of the investigation which may be made, anything tending either to exculpate or criminate him should appear.

I am, sir, most respectfully and truly, your obedient servant,
ALEXANDER H. TYLER, *Consul*.

GEORGE WM. GORDON, esq.,
*Consul of United States of America,
Rio de Janeiro.*

Mr. Wise to Mr. Gordon.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 25, 1844.

SIR: Yours of the 21st instant, enclosing your correspondence with Mr. Tyler, our consul at Bahia, was received by me the day before yesterday, and, but for my illness since, would have been immediately answered. I desire you forthwith to write to Mr. Tyler again, and to inform him, by

sending a copy of this, that his answer of the 13th of October to yours of the 27th September last, appears to me very vague and unsatisfactory—much more so than should have been expected from a faithful and vigilant consul at his post. I write this plainly, and intend to communicate it unreservedly to him, because, if he ought to be free from the suspicion of not attending strictly to his duty, of preventing or not conniving at the African slave-trade, he should have the opportunity afforded him of making his information more clear and more full than it seems to be in this case. I shall transmit all the papers touching the case of the “Sooy” to the Department of State; but will reserve all comments upon it, relating to the scenes at Bahia, until I hear again, through you, from Mr. Tyler.

Your letter to him, though not very particular in its specific inquiries, was general enough to cover a call for *all* the information in his possession. He seems barely to have stuck to the letter of your inquiry. Now, I wish to be informed—

1st. What was the “Sooy” doing at Bahia, from the 25th April, 1843, to the 3d day of July, 1843, when she sailed to the coast of Africa? Was she then under American colors? With what kind of cargo did she sail? Was she fitted in any respect, and by whom, for the slave-trade? With what kind of a cargo did she return from Africa? If any, where did she enter or land it, and under what ownership and nationality? By whom and to whom was she consigned? What were the names of her master, mate, and crew?—distinguishing citizens of the United States from those who are not. To what part of Africa did she clear on this trip?

2d. What was the “Sooy” doing at Bahia from the 1st November, 1843, to the 26th of April, 1844, when she cleared and sailed for Onim? By whom was she then owned, and under what flag did she then sail? What was her cargo then? Was she fitted in any respect, and by whom, for the slave-trade? By whom and to whom was she consigned? What were the names of her master, mate, and crew, when she cleared from Bahia? Did she take on board, at Bahia, any passengers—Brazilian or other people; and if so, what were their names? Did either or all these passengers return in her from Onim or elsewhere, as part or the whole of her crew? What were the names of the six Americans who composed a part of her crew when she cleared at Bahia on this voyage? Are the Messrs. Gantois & Pailhet notorious slave-traders, or not? Do you know who Captain William J. Tyler is, if there be such a man?

3d. What reasons had you to suspect the “Sooy” was sold in Bahia before her last voyage? Did you suspect this when she sailed, or before? What arrangement was it that you suspected to have been made for selling her on the coast of Africa? How was it to be effected? How are such arrangements usually made and effected, according to the best of your information and belief? Is it in the power of the consul at Bahia, generally, from his knowledge of the parties, of the cargo, outfit, &c., &c., and from the manner of transferring vessels, or otherwise, to judge when a vessel is bound on a slaving voyage to Africa? Please describe as accurately as you can how the slave-trade is usually conducted; and how the vessels and flag of the United States are usually employed in carrying it on at Bahia, and other ports of Brazil with which you are acquainted.

4th. Did you know, and how did you know, when the “Sooy” arrived on the coast of Brazil, in the month of August last, under the command of a Brazilian? What is the name of that Brazilian? What were the names

of the *five* who were part of her former crew, and especially of the two Americans who were among them? Where are those two Americans, or what became of them, as far as you know? Did you take any steps to arrest them for piracy or other crime against the laws of the United States, or to secure their persons as witnesses? Can they now be found by you? Is it not your intention to arrest the master, Mark H. Leeds, the mate, and the remainder of the crew, if they are on board the American brig *Albert*, and they arrive, as expected by you, at Bahia, and examine into this case with the view to their trial in the United States?

5th. How do you know that the *Sooy* brought from Onim, and landed on the coast of Brazil, about 600 slaves? To whom, and by whom, were they consigned? Which two of the men were they who were of the crew she took from Bahia, and who came back in her, and who stated that the crew were paid off at Onim, and that they were persuaded by the master to come back in her? What are their names? Are they Americans or citizens of the United States? Did they make their statement to you? if not, to whom? Have you taken their depositions in prospect of the master's arrival at Bahia? Can they not now be found and examined by you? Who is the party in Bahia who told you that the papers were getting ready to send on to Rio de Janeiro to claim the *Sooy*? Who are the foreigners in Bahia who own or claim her? How did they get title or claim to her, and from whom? Had the master, or other agent, power from the owners to sell and transfer her on the coast of Africa, or elsewhere? If so, did you know, or were you informed, of such power when she cleared last, or before, for Onim? What steps have you taken to find out whether the master, mate, or crew, citizens of the United States, have, or have not, in the manner of selling her, or otherwise, subjected themselves to the accusation of aiding and abetting the slave-trade?

Such are some of the many interrogatories I would propose to Mr. Tyler. I have not the honor of his acquaintance; but am sure that, if he is a good man and a faithful officer, he will readily account for my scrutiny into his official conduct respecting this case, and that he will appreciate the candid motive of affording him the opportunity of doing his duty so promptly and efficiently as to free himself from the suspicion which attaches not only to him, but to other United States officers in Brazil—especially on the part of the British authorities here—of a disposition to be at least blind to, if not to wink at, the infamous slave-trade. Suspicions like these do not affect me; but it is too true and notorious that the United States vessels and flag are used and abused—prostituted, I ought to say—to this odious traffic; and it is my duty and purpose to exert every means in my power, and to stimulate, by every mode, all the consuls and agents of the United States in Brazil, to aid in the effort to arrest and punish participation in its crimes by citizens of the United States, and to wipe out the foul stain from our country's flag, of being its chief protection and safe-conduct. In the code of morals, if not of penal laws, every owner, agent, master, mate, merchant, consignee, or consul or other officer or citizen of the United States, who sails, consigns, sells, or empowers to transfer a vessel and cargo, known to such person to be destined for the slave-trade, and who fits or clears such vessel knowingly, or with conviction of such destination, is a culprit—a pirate in the forum of conscience—is a *particeps criminis* in the foul act of degrading and endangering the flag, and of staining the honor of his country, and is himself unworthy of anything but the severest penalties of our laws. I know—for I

have from the very best sources full information of the character of the persons and place of Bahia, in respect to the slave-trade—what sort of difficulties Mr. Tyler may have to deal with in doing his duty in this behalf there. But the very reasons of these difficulties (to wit: that almost every man of capital in and about Bahia is engaged directly or indirectly in this traffic, and that its operations are scarcely hid from the light of day, and that no one dares there openly to oppose or expose its enormities) are the very reasons why he should have every opportunity of finding out and knowing the facts and persons of every case which may occur there. The abuse of the United States flag in this traffic exposes it daily to insult on the high seas, and on the coast of Africa, from the claim of English cruisers to visit and search our vessels; and the peace of the United States is constantly endangered thereby. In addition to its unlawfulness and inhumanity, then, the freedom of our navigation and the peace of our country require that United States officers should exert all their vigilance to prevent and punish every attempt to abuse our flag to the purposes of the slave trade, and thus to remove the only pretext which any power can have to insult and violate the sanctity of its protection, which the United States must and will insist upon at all hazards, to every ship and every seaman which sails under its folds. And in faithfully discharging this duty of humanity and patriotism, no minister, consul, or agent of the United States, has anything to shrink from or to fear, either abroad or at home. Here, he has a large naval force, which at any time will move for his protection; and at home, he will be sustained by an enlightened and humane government and people, who are determined to preserve the honor and defend the rights of the United States, and who will not countenance the slightest connivance at the slave-trade. Whenever he may require it, Commodore Turner will despatch a frigate or a brig to Mr. Tyler's assistance.

Very respectfully, yours,

HENRY A. WISE.

GEO. W. GORDON, ESQ.,
Consul United States, &c. &c.

Mr. Wise to Mr. Calhoun.

[Extract.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, December 14, 1844.

SIR:

* * * * *
 "The accompanying papers—No. 1, an unofficial letter addressed by me to Mr. Hamilton, at his request; No. 2, a letter from the American firm of Maxwell, Wright, & Co., in Rio de Janeiro, to me; and No. 3, my reply to the same—will show the nature, connexions, and extent of the African slave-trade as it is, and has for some time been, unblushingly carried on by our citizens under our flag. It has grown so bold and so bad as no longer to wear a mask even to those who reside here, and who are at all acquainted with the trade between Brazil and Africa. Upon information showing more than probable grounds, I hesitated not to advise our consul, Mr. Gordon, to cause the arrest of the master, mates, and crew of the brig *Montevideo*, and to hold them in custody on board of the Boston

sloop of war until he could examine into the case. The examination has proceeded to a great length, and I have given to it my personal attention and attendance; and, I must say, it has developed a combination of persons and of means to carry on this infamous traffic, to the utter disgrace of human nature, and to the dishonor of our flag and of all three nations—England, Brazil, and the United States. I have carefully abstained from mentioning names; but I earnestly submit to the department that the attention of Congress ought at once to be called to the amendment of our laws for the suppression of the African slave-trade, and to the crying injustice of punishing the poor ignorant officers and crews of merchant ships for high misdemeanors and felonies, when the ship-owners in the United States, and their *American consignees, factors, and agents* abroad are left almost entirely untouched by penalties for sending the sailors on voyages notoriously for the purposes of the slave-trade. I submit, too, that our consuls should be armed with more authority on this subject. The whole matter is fully treated in the accompanying papers, and I ask that they may be immediately laid before Congress. I cannot do less than justice to Mr. Gordon, our consul, when I say that he has shown every disposition in these cases to do his whole duty. He has acted prudently, and with the soundest discretion, but firmly, and without shrinking from any necessary responsibility. I have advised with him at every step, and he has done nothing without my approbation; and if blame in any respect is attributable to him in the course which he has pursued, of arresting, examining, and sending home these persons, I wish it to be understood that I desire to be considered as sharing with him in all responsibility and in all censure. But I can anticipate nothing else from the President and the whole country, than commendation and approval of what he has done, and is doing, to wipe from our flag and our nation a most foul stain. The persons charged are at present on board the brig *Bainbridge*, and we are waiting only for the arrival of Commodore Turner from the river Plate to determine how and when they shall be sent home. Any disapprobation of Mr. Gordon's course would now be regarded here, as was the removal of Mr. Slocum from office, as nothing less than a sanction of the courses pursued by persons in Brazil to aid and abet the slave-trade. At all hazards, I shall continue in the steps I have taken until peremptorily ordered to desist. There has not been the least objection to my course on the part of this government, and the police lent Mr. Gordon its prompt aid in the arrests.

With the highest personal regard and official respect, I am your obedient servant,

HENRY A. WISE.

HON. JOHN C. CALHOUN,
Secretary of State.

No. 1.

Mr. Wise to Mr. Hamilton.

ENGENHO VELHO, No. 63, *December 1, 1844.*

SIR: My whole time has been occupied lately in attending to the examination held before our consul, in the cases of several persons charged with

the violation of the laws of the United States for the suppression of the African slave-trade. You know how information, in part, was obtained, upon which to institute proceedings. The examination has been so successful in the development of three cases, at least, as to trace the entire connexions of the slave-trade, and to show that whilst the vessels and the flag of the United States are employed for transportation, British brokers are the immediate agents of the slave-dealers in Brazil, in negotiating the charters and sales of these vessels, and British goods chiefly are sent and consigned to make funds for the slave trade on the coast of Africa, and British capital and credit are used here to guaranty the payments. Of these facts, now verified under oath, in the examination going on before the United States consul, I requested Mr. Walsh, the secretary of this legation, to inform you, being too busily engaged myself to see you in person or to address you in writing. By a note of Friday last, Mr. Walsh says, "I saw Mr. Hamilton yesterday, &c. He appears well disposed to act in the matter, and says he will be glad to receive a note from you, communicating all the details which you may possess. Neither he nor Mr. Hesketh had heard of the case of the *Agnes*," &c.

Acting on this message, I proceed to state, as briefly as I can, the general history of these cases, which may serve to illustrate the leading features of the foreign slave-trade, and the perfect affiliation of means between citizens of England, the United States, and Brazil, by which it is carried on. I shall not be precise as to *dates*, because I have not the depositions before me, and they are numerous and very voluminous.

The *Agnes*, a United States merchant vessel, employed in the lawful and regular trade between Rio de Janeiro and Philadelphia, arrived here on the day of . She brought letters from her owners in Philadelphia to her American consignees here, instructing them to procure, if possible, an advantageous charter-party for the vessel. The consignees, as is usual in Rio, employed an English broker by the name of Weetman, of the English firm of Hobkirk & Weetman, to negotiate this charter-party for her. Weetman negotiated it with Manoel Pinto Fonseca, a person whose only known business is that of the foreign African slave-trade, and whose character for slave-dealing is as notorious as any other universally known fact in Rio de Janeiro. It was to commence either here or in Philadelphia—I think at the latter port. The *Agnes* was to return to the United States, ship a cargo for Liverpool, take in a cargo of English goods there, and thence to sail, via Rio de Janeiro, for the coast of Africa. She did return to the United States, took in there a cargo (either for the owners or charterer, or in part for both) of lard, &c., and cleared on or about the 30th of October, 1843, for Liverpool; chartered by the month, at so much per month, until she should arrive on the coast of Africa, and there the charter-party was to determine, or not, as might be agreed upon by the parties. The English broker here was paid a commission for negotiating the charter-party, and the American consignees here were paid commissions for guarantying the stipulated monthly payments, and for remitting them to the United States. On or about the 5th day of December, 1843, she arrived in Liverpool, consigned to persons as yet unknown to me, and there took in a cargo consisting of sundry dry goods, of powder, muskets, bar and hoop iron, and other articles known in the English market, and here particularly, as "coast goods." The papers found on board the "*Sooy*" will show you an exact description, by an Englishman, of the goods suitable

for the slave-trade. On or about the 3d day of January, 1844, she cleared from Liverpool with this cargo for Rio de Janeiro, consigned to American merchants; entered in Franquia; discharged no cargo whatever; took orders from the charterer; remained here only two or three days; cleared, I think, for Montevideo, and sailed direct for Cabinda in Africa; consigned to a certain Cunha, a known agent of Fonseca in the African slave-trade. There she discharged a portion of every species of her cargo, and with the balance sailed to the river Congo, where she discharged all her cargo which she shipped in Liverpool. She was, in all, about six months on the coast of Africa, and during that time made one other trip from Cabinda to Congo and back. During this time the brig Montevideo arrived, in the latter part of 1843, at Rio de Janeiro, consigned to an American house, other than that to which the Agnes was consigned, with like instructions to charter her for the coast of Africa, or to sell her, deliverable on that coast. These consignees also applied to the same English broker, Weetman, and he negotiated a charter party with the same Manoel Pinto Fonseca. It stipulated that the Montevideo should take in a lawful cargo here, for the coast, at \$900 per month, with privilege of examining and rejecting all objectionable bales or boxes, and binding the vessel to take *certain passengers* at the cost of the charterer. On the 11th of February, 1844, she sailed from this port with a cargo sorted for the coast, and with certain Brazilian or Portuguese passengers on board, direct for Cabinda; delivered her cargo to Cunha; and about June or July, 1844, she returned, still under American colors, to Victoria—perhaps in ballast. There, about the first part of August, 1844, she was fitting for the coast, with most of the appliances of the slave-trade, under the superintendence of a man named Sonto, who has heretofore been acting at that port as vice consul of the United States, and whose appointment has, on my application, been since revoked, on the ground of being also a notorious slave-trader. There, also, she took on board, as passengers, a master and crew of Portuguese and Brazilian seamen; and there, for the present, we will leave her, to return to the Agnes, and to recur to other events transpiring.

The master of the Agnes (a man of some such name as Eugene Godet) had, in this time, died on the coast, leaving her in command of her mate. Late in the spring, or early in the summer of 1844, another brig of the United States, the "Sea Eagle," arrived here, and was chartered in the same manner as the Montevideo, through Weetman, for the coast of Africa, to take a lawful cargo at \$900 per month, and to take passengers, &c., &c. The charter-party was with Fonseca also, and was like them all—stereotyped, as it were—as the goods, wares, and merchandise are manufactured "fit for the coast." And she too was consigned to this same Cunha, the agent of Fonseca at Cabinda. She took out hence, as passengers, a Brazilian or Portuguese master and crew; and also took out as passenger a certain Captain Gray, a citizen of the United States, the owner, or agent of the owners of the Agnes, and who came master in her from Philadelphia to this port. This Gray had here, through Weetman, sold the Agnes to Fonseca, deliverable on the coast of Africa, at \$9,000; Weetman receiving, as usual, a commission for the negotiation, and he or her consignees receiving commissions for the guarantee also of the bills drawn by Fonseca or his agent in Africa, payable in Rio de Janeiro, for the amount of the purchase money. When the Sea Eagle arrived at Cabinda, she found the Agnes in that port. Captain Gray had orders or authority to sell the Agnes, in case he could

get \$9,000 ; and Fonseca had advised his agent, Cunha, to bargain for her at that price, as before described. The sale, in fact, was made here by Gray, before he left, the vessel being on the coast of Africa and deliverable there ; but the appearance was kept up of selling her there. As soon as the sale and delivery were effected, (and probably before,) the Brazilian passengers who were taken out in the *Sea Eagle*, in company with Gray, were transferred to the *Agnes* ; water was shipped in the usual pipes, stowed two tiers deep, fore and aft, and the upper tier being "chocked even" with billets of wood ; rush mats were spread over the pipes, and the negro slaves were berthed on these mats, without any regular slave deck. The American flag hauled down, and papers taken off, and name erased or painted over, she sailed on or about the 7th of September, 1844, with about 500 slaves, and landed them on the coast of Brazil, near Cape Frio. It is said Captain Gray and the American crew were transferred to the *Sea Eagle*, which vessel remained at Cabinda until after the arrival of the brig *Montevideo*.

Whilst these events were transpiring at Cabinda, the brig *Montevideo*, having fitted at Victoria, taken in water-pipes, lumber for a slave deck, and a master and crew of Brazilian passengers, was sailing on her second voyage for Africa, and arrived at Cabinda after the *Agnes* had sailed with her cargo of slaves. She delivered a part of her cargo at Cabinda ; she had, in fact, already been sold, through Weetman, to Fonseca, in Rio, in the usual way, for \$9,000, deliverable on the coast of Africa ; and \$4,000 of that sum had been advanced, either by Weetman or her American consignee here, as security, and the one or the other took the bills of Fonseca payable in Rio for \$9,000 ; Weetman receiving commission on the negotiation. She was consigned also to Cunha, to whom she was delivered up ; the Brazilian master and crew whom she took out from Victoria were left in charge of her. The United States flag and papers, and her name, were taken off ; her American master and crew were transferred to the *Sea Eagle*, which carried out the Brazilian crew for the *Agnes*, and brought back the United States masters and crews for both the *Montevideo* and *Agnes*. The *Montevideo* shipped 800 slaves at Cabinda, and landed them, it is said, at Cape Frio. The *Sea Eagle* was ordered by Cunha to Victoria, with the intention to discharge the crews of the *Agnes* and *Montevideo* there ; but the acting vice-consul, Souto, having been stripped of his commission in the mean time, the *Sea Eagle*, with all her passengers, was compelled to sail for Rio to discharge them here. Here the United States consul arrested Pendleton and his crew ; and the master and crew of the *Sea Eagle* and two of the men of the *Agnes* have been examined, and will be sent home as witnesses. And the examination shall proceed, until all the testimony to be obtained in Rio de Janeiro shall be recorded. For the facts detailed, I speak on the authority of the depositions already taken and to be taken.

Aside from these depositions, I have obtained much information, which it is proper you should know.

The goods and credit of British manufacturers and merchants are liberally and indulgently extended to the Portuguese and Brazilian merchants in Brazil, on long time. The Portuguese and Brazilian merchants ship them in these vessels, chartered by the slave-traders for the coast ; and, in many cases, a single vessel will take out the shipments of some ten or twenty various persons. They are not always loaded by the slave-dealers themselves. Those persons who purchase of the British merchants the "goods fit for the coast," are mostly small dealers ; and the chief security

which the British merchants have for payment is the successful sales of these goods in Africa. If they are captured or destroyed, the British merchants suffer. The consequence, it is said, is, that the English cruisers will not now capture or destroy them, because the blow is found to fall upon the trade and commerce of their own countrymen.

Again: It is asserted here positively, as I have informed you on another occasion, that the British cruisers do not take the proper and active steps to prevent the *shipping* of slaves in *Africa*; and the alleged motive is, that they seem to desire the slaves to be shipped—to be once put on board—in order to obtain the bounty of so many pounds sterling *per capita* for their capture, and to send them, as apprentices, to Demarara and other possessions of Great Britain.

It is alleged, moreover, that the obvious effect, if not design, of the British efforts on the African coast, is not so much to suppress the African slave-trade, as to monopolize the African commerce, and particularly to exclude the trade there of the United States. Further, it is said (and, I am convinced, truly) that the principal trade to and from Africa and Brazil—particularly that part of the coast of the former in and about Cabinda and Congo, with very little exception—is, the buying, selling, and transportation of slaves; and that the entire trade, with very little exception, in dry goods, provisions, crockery, cachaca, muskets, powder, iron, and all other articles, but contributes, and is only auxiliary to the one great business of capturing and enslaving the negroes. This is too notorious to be denied in Rio de Janeiro. The passengers from Brazil (to carry whom is almost always a stipulation of the charter-parties of our vessels) are, mostly, masters and crews of Brazil, taken hence to bring the slave vessels and their cargoes back; and those brought back by our vessels from Africa, are mostly American masters and crews who have carried our vessels out. Those passengers who are not either masters, mates, or of the crews of Brazil or the United States, are either agents or owners of vessels, or are factors, agents, or employees in some capacity or other, of the large, rich, slave-dealers; or are merchants, or their factors and agents, who are going and coming to look after the proceeds of their goods, shipped at immense profit, to make funds for the one great trade in the staple article of slaves. No such thing as *money* proper, or *cash*, is known scarcely among the African tribes on that part of the coast of which I am speaking. They buy and sell by the measure of cotton cloth or of *aqua ardente*. The only medium of exchange among the Africans is in the form of goods, wares, and merchandise, by barter; and that between the agents there, and the large dealers in slaves, or in goods for that market, in this country, is in the form of bills on Brazil. The very ivory, and other products of Africa for export, are brought from the interior to the coast on the heads of the negroes, who are themselves to be shipped as slaves.

It is said that there is not a merchant or dealer of any sort on this whole coast, from Para to Rio Grande, engaged in the trade between Brazil and Africa, who does not, directly or indirectly, participate in the profit or loss of the foreign slave-trade. And there is very little loss in that trade. Nothing is lost if two out of five trips succeed. And that trade has of late rather increased than diminished. It has decreased, perhaps, to Rio de Janeiro, but increased to every other province of Brazil. By the estimation of very good authority, I am informed that there will have probably been imported into Brazil not less than 30,000 slaves the present year of 1844.

Since my arrival in this city, on the 2d of August last, I can specify the vessels which have brought about 3,000 slaves to this coast, between Cape Frio and Victoria. These 3,000 have been brought at a loss to the slave-dealers of the brig Sooy only, which landed her cargo and crew safely; and the vessel herself, I understand, will be claimed of Brazil by her owners, if delivered up by reclamation from the British squadron.

Slave decks are no longer used. The water casks, stowed level, in one or more tiers, according to the size of the vessel, fore and aft, and rush mats spread over them, is the last improvement of fitting a slaver. And they can now ship—indeed, it is proved under oath in this examination, that it took the Montevideo, with a swept hole, from but two to seven hours to ship a cargo of 500 slaves. They have their water-pipes filled and buried in the sand of the beach; and the slaves, the farinha, the jerked beef, the provisions and stores, and the water, are moved, at a moment's warning, in canoes and launches, to the vessel waiting at the distance of a five minutes' row from the shore.

And this, and much more besides, prove that all future efforts will be as vain as the past to arrest the African slave-trade, unless other and entirely new measures are taken.

These facts show you, sir, in the first place, that it is worse than idle for Great Britain to reproach the United States for permitting their flag and their vessels to be the common carriers, as long as British manufacturers, merchants, brokers, and capitalists, are allowed to furnish the very *pabulum* of the slave-trade. Why should the United States most vindictively punish as pirates the poor ignorant masters and mates and crews of their vessels, when they are but the tempted tools of "highly respectable English, American, and Brazilian gentlemen," manufacturers, merchants, capitalists of money and of character, owners of vessels, brokers, and consignees, and large slave dealers, too rich to be within reach of the halter of the law? And *cui bono*, if American merchants and goods are to be driven away, and American consignees, factors, and agents are to be subjected to like penalties as masters, mates, and crews, (which they are not now subjected to,) just to yield the use of our vessels and flag to the consignees, factors, and agents of Great Britain in Brazil?

These questions are asked with no other views than these: To say, first, that neither Great Britain nor the United States are exactly in that blameless position to assume the high tone of casting reproach, or of reading moral lectures in respect to the sin of the African slave-trade, so long as they leave its high places within their respective jurisdiction untouched by the penalties of public law or public opinion; neither can cast the first stone, so long as they are both so equally and deeply inculcated. If they are both acting in good faith, on the elevated grounds of a pure morality, and not on the selfish and base motives of a policy at once hypocritical and inhumane, they will cordially co-operate to make their separate laws, and their separate execution, faithfully contribute to wipe from themselves all cause of reproach, and to confer inestimable blessings on all mankind. And to say, secondly, that, though it may be but an art of the African slave-dealers, in order to divide their opponents, to insinuate that England's only object is to monopolize the African trade; yet, so long as England fails to give better evidence than she has given that such is not her object, it will be more difficult than it otherwise would be in the United States to obtain the enact-

ment and prosecution of such measures as are needed to assist honest efforts to suppress the slave-trade.

If asked what evidence Great Britain ought to give to secure a more cordial co-operation in the United States, I would answer very plainly :

1st. That Great Britain must desist from all attempts or pretensions to visit or search the vessels of the United States. The United States are in all respects competent to superintend and control their own citizens, within their own jurisdiction. They will never yield the position that their flag is *absolute* protection to their vessels in time of peace ; and they will always turn, even from their efforts against the slave-trade, however earnest, to protect the perfect freedom of their commerce and navigation. Whilst they are endeavoring to aid Great Britain in a great moral reform, she must not and ought not to pretend or attempt to injure them in a point they deem vital. As long as she does, they will ever be suspicious of her motives, jealous of her action, and cold to her overtures of union and co-operation, on any subject of national policy or good. The United States, too, will never treat upon that right. It is one upon which they will insist—in peace if they can, and in war if they must.

2d. This cordial co-operation in their separate action once attained—I say in their separate action, because the United States will never concur in anything like the quintuple treaty—they must both cease to rely so much upon African squadrons. As far as naval operations are concerned, more ships are needed on the coast of Brazil than on that of Africa. They are needed for the aid of *ministers* and *consuls* in this country ; and *ministers* and *consuls*, men above price and without fear, *must be well clothed with full powers to arrest culprits, to summon witnesses, and to send culprits and witnesses home.* Forms of proceeding should be adopted for them ; and a lawful latitude given to administer oaths, to require bonds, to take recognizances, and to hold examinations. Here, this civil power is all essential. The ships of war should be rather to hold and transport for trial the culprits, whom they can rarely catch at sea, but whom consuls, fully clothed with the power and authority of magistrates, can easily catch on the land, either of Africa or Brazil.

3d. The laws of both countries must aim their penalties, above all, against the *offenders at home*—the vessel-owners, shippers, manufacturers, merchants, and dealers, and traders there ; and, next to them, against the factors, agents, consignees, brokers, &c., abroad. In respect to all these persons, the laws of the United States are very defective. I cannot speak as to the laws of Great Britain. A master and crew of a United States vessel, chartered in Rio for Africa, may be wholly ignorant of the use to be made of them, until their necks are fairly run into a halter for piracy, and they are compelled, by the necessities of crime, to proceed in their career of guilt ; whilst there is no law to punish the parties of higher degree in criminality—those who plan and profit by their voyage, and its dangers and crimes. After these masters and crews have once been trained in the knowledge of guilt, and are once within the power of the informer, they are compelled to work on in iniquity, at poor wages, until the African fever takes them from the fears and apprehensions of human tribunals before their eternal Judge. They, in truth, demand our sympathy nearly as much as do the captives of African wars, inflamed by Brazilian cachaca, shackled with British iron, armed with British muskets, supplied with British goods, transported in vessels of the United States.

4th. Great Britain should, by all means, change her policy of making apprentices of the Africans captured from the slavers. It is urged with great effect against that policy: If servitude for five or seven years, why not servitude for life? Is not the apprentice system a part of the foreign slave-trade? How does England, then, engage in it? Is it consistent with her treaties? Far better would it be to *restore the captives to their native land; place them in manual labor or other schools at Sierra Leone, or the Cape of Good Hope*, or elsewhere in the British colonies in Africa, and teach them to be the fittest missionaries of civilization and arts, if not of christianity, amongst their benighted brethren. This would be to apply the most effectual *moral power* at once to the seat of the disease, and the root of the evil, in Africa herself; and withdraw the bounties to the officers of the British cruisers, and turn them over to such schools. The United States appropriate funds to restore the Africans captured by their cruisers; but it is doubtful whether they can, under their federal constitution, go as far as desirable in establishing proper institutions in Africa, for the moral reform of the captives.

But I am writing too much, and am too much engaged to write more, or to write with due care. I have written what I have, with the freedom of private correspondence, as man to man, rather than as minister to minister. This was best, perhaps, for the purposes of plain truth. If I have written too plainly, you, I am sure, will pardon an honest zeal for a great good. You are a witness to the integrity of my intentions, and are fully aware of my promptings in the great responsibilities I have of late voluntarily assumed, in endeavoring to snatch my country's flag from its foul prostitution to the foreign slave-trade. Yes, as I said to you verbally, sir, if that flag (to me, in this "strange land," the sacred personification of a patriot's hopes and a patriot's home) were trailing in the dust of victory over it in glorious war, I could weep over it, and love it, and honor it still; but to see it lift its folds, like the bold countenance of a bad woman, over a traffic at once infamous and horrid, is shockingly revolting, and enough to turn its white into its red, with shame. That would be the universal sentiment of my countrymen at home, if they but knew the half of what is notorious in Brazil. They have not been informed of what is passing here; and an appeal there to *public sentiment* will be responded to, authoritatively, by measures stern and salutary; and, sir, let me add, as one of the duties of Great Britain, that the facts, as they are, should be exposed there too. Let her powerful press and her mighty debaters not continue to cry shame upon Brazil, and Spain even, whilst not a finger is pointed to her own manufacturers, merchants, and brokers in the slave-trade, and whilst they are snug and secure in their secret gains. Let names, and facts, and dates, and damning deeds *at home*, be unsparingly exposed before the dread tribunal of that great law-giver to Congresses in the United States, and to Parliaments in England, and to society in both—*public sentiment*; and, my life upon it, with the measures I have described, and a *moral power* in Africa, and *this moral power at home* in England and the United States, true philanthropists will not long have to mourn that, in spite of the efforts and means of the world, the slave-trade goes on increasing, and still increasing. These civil and moral means, and this attention on the part of each nation to itself, and its own correction, will do all that our navies combined have failed even in part to accomplish.

With the highest personal and official esteem, I am, sir, your obedient servant,

HENRY A. WISE.

His Excellency HAMILTON HAMILTON,
&c., &c., &c.

No. 2.

Messrs. Maxwell, Wright, & Co., to Mr. Wise.

RIO DE JANEIRO, November 30, 1844.

SIR: We take the liberty of addressing you for information regarding the legality of disposing of American vessels at this port, deliverable on the coast of Africa or elsewhere, or of taking charters to carry cargoes to the same coast. You are aware that we transact a large American commission business in this city; and as advantageous sales of vessels and charters for the coast of Africa frequently offer, which has been heretofore considered a perfectly legal trade, we are desirous of facilitating the interests of our constituents as far as lies in our power, without violating the laws of the United States: we therefore respectfully beg your opinion on these matters, for our guidance, as well as that of our friends in the United States.

We remain, sir, respectfully, your obedient servants,
 MAXWELL, WRIGHT, & Co.

HON. HENRY A. WISE,
*Minister Plenipotentiary and Envoy Extraordinary
 for the United States near the court of Brazil.*

No. 3.

Mr. Wise to Maxwell, Wright, & Co.

ENGENHO VELHO, No. 63,
 December 9, 1844.

GENTLEMEN: I send you this abstract of such parts of the laws of the United States for the suppression of the slave-trade as may be applicable to most cases likely to arise, either here or at home, in connexion with your business as commission merchants in the city of Rio de Janeiro; together with some of the decisions of our courts, and my opinions upon them, and my comments upon the whole subject.

It has taken much more time and labor than I anticipated when I made the verbal promise to prepare this paper; and yet its many imperfections must be attributed in part to the hurry of complying with your verbal request to furnish it as early as possible; and, if it is too long, its length must be ascribed to the want of time to condense it, and to my great anxiety to leave nothing unsaid which might benefit our merchants here, and their constituents at home, or which might possibly serve the cause of humanity, of good morals, and of our country's honor and laws.

Abstract of the laws of the United States for the suppression of the slave-trade.

| Laws and sections. | Definition of the crimes, in the words of the statutes. | Persons against whom the penalties are enacted. | Penalties. |
|-------------------------|--|--|--|
| Act of 1794, section 1. | <i>To build, fit, equip, load, or otherwise prepare any ship or vessel, within any port or place of the United States; or to cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place, whatever, to be sold or disposed of as slaves.</i> | <i>Citizen or citizens of the United States, or foreigner, or any other person coming into, or residing within the same, for himself or any other person whatsoever, either as master, factor, or owner.</i> | The ship or vessel, her tackle, furniture, apparel, and other appurtenances, shall be forfeited to the United States; and shall be liable to be seized, prosecuted, and condemned, in any of the circuit courts or district court for the district where the said ship or vessel may be found and seized. |
| Act of 1794, section 2. | <i>So building, fitting out, equipping, loading, or otherwise preparing, or sending away any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein.</i> | "All and every person" - - | The person "shall forfeit and pay the sum of \$2,000—one moiety to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same." |
| Act of 1800, section 1. | <i>Directly, or indirectly, to hold or have any right of property in any vessel employed, or made use of, in the transportation or carrying of slaves from one foreign country or place to another.</i> | Any citizen of the United States, or other person residing within the United States. | Any right or property belonging as aforesaid shall be forfeited, and may be libelled and condemned; * * * and such person, transgressing this prohibition, shall also forfeit and pay a sum of money equal to double the value of the right or property in such vessel which he held; and shall also forfeit a sum of money equal to double the value of the interest which he may have had in the slaves which, at any time, may have been transported or carried in such vessel, &c. |
| Act of 1800, section 2. | <i>To serve on board any vessel of the United States employed or made use of in the transportation or carrying of slaves from one foreign country or place to another; voluntarily serving as aforesaid.</i> | Any citizen of the United States, or other person residing therein. | Person liable to be indicted; and, on conviction, liable to a fine not exceeding \$2,000, and to be imprisoned not exceeding two years. |
| Act of 1800, section 3. | <i>To voluntarily serve on board of any foreign ship or vessel which shall be employed in the slave-trade.</i> | Any citizen of the United States - | On conviction, shall be liable to, and suffer the like forfeitures, pains, disabilities, and penalties, as he would have incurred had such ship or vessel been owned or employed, in whole or in part, by any person or persons residing within the United States. |

Act of 1800,
section 4.

Provides for the seizing and taking any vessel "employed in carrying on trade, business, or traffic, contrary" to this act, or that of 1794, by any of the commissioned vessels of the United States. And that it shall, moreover, be the duty of the commanders of such commissioned vessels to apprehend, and take into custody, every person found on board of such vessel so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, in some one of the districts thereof, to be proceeded against in due course of law.

Act of 1818,
section 2.

To build, fit, equip, load, or otherwise prepare any ship or vessel, in any port or place within the jurisdiction of the United States, or cause any such ship or vessel to sail from any port or place whatsoever, within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as slaves, or to be held to service or labor.

Act of 1818,
section 3.

So building, fitting out, equipping, loading, or otherwise preparing or sending away, or causing any of the acts aforesaid to be done, with intent to employ such ship or vessel in such trade or business, or in anywise aiding or abetting therein. (See sec. 2.)

Act of 1818,
section 4.

To take on board, receive, or transport from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, or from sea, any negro, mulatto, or person of color, not being an inhabitant, nor held to service by the laws of either of the States or Territories of the United States, in any ship, vessel, boat, or other water craft, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, or to be aiding or abetting therein.

Act of 1820,
section 4.

To "land from any such ship" or vessel, (a foreign ship or vessel engaged in the slave-trade, in case of a citizen of the United States; or a ship or vessel, owned in the whole or part, or navigated for or in behalf of any citizen or citizens of the United States, in case of "any person whatever,") "and on any foreign shore, to seize any negro or mulatto, not held to service or labor by the laws of either of the States or Terri-

Citizen or citizens of the United States, or any other person or persons, for himself, themselves, or any other person or persons whatsoever, either as master, factor, or owner.

"Every person or persons"

Any citizen or citizens of the United States, or other person or persons resident within the jurisdiction of the same.

Any citizen of the United States, being of the crew or ship's company, of any foreign ship or vessel, engaged in the slave-trade, or—
Any person whatever, being of the crew or ship's company, of any ship or vessel, owned in whole or part

Such ship or vessel so built, &c., her tackle, &c., and lading, shall be forfeited, &c.—one moiety, &c.; and such ship or vessel shall be liable to be seized, prosecuted, and condemned, in any court of the United States having competent jurisdiction.

The persons, on conviction thereof by due course of law, shall severally forfeit and pay a sum not exceeding \$5,000, nor less than \$1,000—one moiety, &c.; and shall, moreover, be imprisoned for a term not exceeding seven years, nor less than three years.

Every such person, on conviction by due course of law, shall severally forfeit and pay a sum not exceeding \$5,000, nor less than \$1,000—one moiety, &c.; and, moreover, shall suffer imprisonment for a term not exceeding seven years, nor less than three years. And every ship or vessel, boat, or other water craft, &c., her tackle, &c., and the goods and effects which shall be found on board the same, &c., shall be forfeited, &c.

Piracy; and, on conviction thereof before the circuit court of the United States for the district wherein he may be brought or found, the person to suffer death.

Abstract of the laws of the United States for the suppression of the slave-trade—Continued.

| Laws and sections. | Definitions of the crimes, in the words of the statutes. | Persons against whom the penalties are enacted. | Penalties. |
|-------------------------|---|---|--|
| Act of 1820, section 5. | <p>teries of the United States, <i>with intent to make such negro or mulatto a slave,</i>" or to "<i>decoy,</i>" or to "<i>forcibly bring or carry,</i>" or to <i>receive such negro or mulatto on board any such ship or vessel, with intent as aforesaid.</i></p> <p>To <i>forcibly confine or detain, or aid and abet in forcibly confining or detaining,</i> on board such ship or vessel, (a <i>foreign ship or vessel, engaged in the slave-trade,</i> in case of a <i>citizen of the United States;</i> or a ship or vessel, owned in the whole or part, or navigated for or in behalf of any citizen or citizens of the <i>United States,</i> in case of "<i>any person whatever,</i>") any negro or mulatto not held to service by the laws of either of the States or Territories of the United States, <i>with intent to make such negro or mulatto a slave;</i> or, <i>on board any such ship or vessel, to offer or attempt to sell, as a slave, any negro or mulatto not held in service as aforesaid;</i> or, <i>on the high seas, or anywhere on tide-water, to transfer or deliver over to any other ship or vessel, any negro or mulatto not held in service as aforesaid, with intent to make such negro or mulatto a slave;</i> or to <i>land or deliver on shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or to have previously sold, such negro or mulatto as a slave.</i></p> | <p>or <i>navigated for or in behalf of any citizen or citizens of the United States.</i></p> <p>Any citizen of the <i>United States, being of the crew or ship's company, of any foreign ship or vessel engaged in the slave-trade, or—</i></p> <p>"<i>Any person whatever,</i>" being of the <i>crew or ship's company of any ship or vessel, owned in whole or part, or navigated for or in behalf of any citizen or citizens of the United States.</i></p> | <p><i>Piracy;</i> and, on conviction thereof before the circuit court of the United States for the district wherein he may be brought or found, the person to suffer <i>death.</i></p> |

Besides the foregoing laws, it is provided by section 1 of the act of March 3, 1819 : " That the President of the United States be, &c., authorized, whenever he shall deem it expedient, to cause any of the armed vessels of the United States to be employed to cruise on any of the coasts of the United States, or territories thereof, or on the coast of Africa, or *elsewhere*, where he may judge *attempts* may be made to carry on the slave-trade by *citizens* or *residents* of the United States, in contravention of the acts of Congress prohibiting the same, and to instruct and direct the commanders of *all* armed vessels of the United States to *seize, take, and bring into any port* of the United States all ships or vessels of the *United States, wheresoever found, which may have taken on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported* any negro, mulatto, or person of color, in violation of any of the provisions of the act, &c., or of any other act, &c., prohibiting the traffic in slaves, to be proceeded against according to law," &c. And provided further, " That the commanders of such commissioned vessels *do cause to be apprehended and taken into custody every person found on board of such vessel so seized and taken, being of the officers or crew thereof, and him or them convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against, in due course of law, in some of the districts thereof.*"

Under these laws, various *decisions of our courts* have been made—some of which it is useful here to cite, showing their proper constructions.

In the case of "the Emily and Caroline," (9 Wheaton's Reports, 381.) the Supreme Court of the United States decided that " An information, under the slave-trade act of 1794, ch. 187, sec. 1, which describes in one count the two distinct acts of *preparing a vessel*, and of *causing her to sail*, pursuing the words of the law, is sufficient ; and the forfeiture is incurred *by the commission of either of these acts*. And, under the above act, it is not necessary, in order to incur the forfeiture, that the vessel should be *completely* fitted and ready for sea. As soon as the preparations have proceeded so far as clearly *to manifest the intention, the right of seizure attaches.*"

Also, in the case of the Plattsburgh, (10 Wheaton's Reports, 133 :) " Under the slave-trade act of 1794, the forfeiture attaches *where the original voyage is commenced in the United States, whether the vessel belong to citizens or foreigners, and whether the act is done suo jure, or by an agent for the benefit of another person, who is not a citizen or resident of the United States.*"

Circumstances of a pretended transfer to a foreign subject, and the commencement of a new voyage in a foreign port, held not to be sufficient to break the continuity of the original adventure, and to avoid the forfeiture. And it is *not necessary*, to incur the forfeiture under the slave-trade acts, that the equipments for the voyage should be completed. It is sufficient if any preparations are made for the *unlawful* purpose. Even if all the equipments are innocent in their nature, and adapted to ordinary voyages, if there is positive proof of a guilty intention, forfeiture will attach.

Again : in the case of the Alexander, (3 Mason, 175 :) " The 1st section of the slave-trade act of May 10, 1800, ch. 205, prohibits *not merely the transportation of slaves, but the being employed in the business of the slave-trade ; and therefore a vessel caught in such trade, though before she has taken on board any slaves, is liable to forfeiture.*"

Under the act of the 20th of April, 1818, in the case of the United States vs. Gooding, (12 Wheaton, 460,) Judge Story, in delivering the opinion of

the court, said : "If the vessel actually sailed on her voyage from Baltimore for the purpose of employment in the slave-trade, her fitment was complete for all the purposes of the act. It is by no means necessary that every equipment for a slave voyage should have been taken on board at Baltimore, or, indeed, that any equipments exclusively applicable to such a voyage should have been on board. The presence of such equipments may furnish strong presumptive proof of the object of the voyage, but they do not constitute the offence. It is the act combined with the intent, and not either separately, which is punishable. Whether the fitting out be fully adequate for the purposes of a slave voyage, may, as matter of presumption, be more or less conclusive ; but, if the intent of the fitment be to carry on a slave voyage, and the vessel depart on the voyage, her fitting out is complete, so far as the parties deem it necessary for their object, and the statute reaches the case. But we are also of opinion, that any preparations for a slave voyage which clearly manifest or accompany the illegal intent, even though incomplete and imperfect, and before the departure of the vessel from the port, do yet constitute a fitting out within the proviso of the statute." * * *

"In either view, therefore, a complete equipment is not necessary to be proved; but any partial preparation which demonstrates or accompanies the illegal intent, will bring the case within the statute," &c.

Again : on another point in this case, he said : "The fifth instruction turns upon a doctrine applicable to *principal and accessory* in cases of felony, either at the common law or by statute. The present is the case of a *misdemeanor*, and the doctrine, therefore, cannot be applied to it ; for, in cases of *misdemeanors*, all those who are concerned in *aiding and abetting*, as well as in perpetrating the act, are *principals*. Under such circumstances, there is no room for the question of actual or constructive presence or absence ; for, whether present or absent, all are *principals*. They may be indicted and punished accordingly. Nor is the trial or conviction of an actor indispensable to furnish a right to try the person who aids or abets the act ; each, in the eye of the law, is deemed guilty as a *principal*."

"We do not consider that the terms *aid and abet*, used in this statute, are used as technical phrases belonging to the common law ; because the offence is not made a felony, and, therefore, the words require no such interpretation. The statute punishes them as *substantive* offences, and not as *accessorial* ; and the words are, therefore, to be understood as in the common parlance, and *import assistance, co operation, and encouragement*."

Again : on another point in the case, he says : "The building of a ship is not an act more certain in its nature than the fitting out of a ship. The particular preparations are matters of evidence, and not of averment. Every man may well be presumed to know what are the *fitments* of a vessel for a voyage, without more particularity. The objection proceeds upon the supposition that *ordinary equipments* only, though combined with the illegal intent, are not within the act ; and that *extraordinary equipments* only for such a voyage are provided for. This has already been shown to be an incorrect exposition of the statute. It imputes no guilt to any particulars of the equipment, BUT TO THE ACT COMBINED WITH THE ILLEGAL INTENT."

In this case, it was also decided that, in prosecutions under these acts for *building, fitting, equipping, loading, or otherwise preparing any ship or vessel, or for causing any ship or vessel to sail, or sending away any ship or*

vessel, or causing any of the acts aforesaid to be done, &c., "it is necessary that the indictment should aver that the vessel was built, fitted out, &c., or caused to sail or be sent away, *within the jurisdiction of the United States.*"

Under the 4th section of the act of 1818, in the case of the *Merino*, (9 Wheaton, 391,) it was decided "that the prohibitions extend as well to the *carrying* of slaves on *freight*, as to cases where the persons transported are the property of citizens of the United States; and to the carrying of them from one port to another of the same foreign empire, as well as from one foreign country to another."

Such are some of the provisions of our statutes, and such some of the principles of the decisions of our highest courts. Under their guidance, I venture to respond to your written inquiries:

"1st. Regarding the legality of disposing of American vessels (vessels of the United States) at this port, deliverable on the coast of Africa or elsewhere.

"2d. Regarding the legality of taking charters to carry cargoes to the same coast.

"3d. Regarding the best mode of facilitating the interests of your constituents (persons of business in the United States, whose agents or consignees you are) as far as lies in your power, without violating the laws of the United States," in respect to "advantageous sales and charters of vessels for the coast of Africa," which "frequently offer," and "which have heretofore been considered a perfectly legal trade."

And you desire my "opinion on these points for your guidance, as well as that of your friends in the United States." That opinion—given, it must be understood, as one entirely unofficial—is:

1st. That, *if done in good faith*, a vessel of the United States may be legally sold at this port, deliverable on the coast of Africa or elsewhere.

2d. That, *if done in good faith*, charters may be legally taken at this port, to carry cargoes to the same coast; but,

3d. That it is the true interest of your constituents to know, and your true interest and duty to inform them and yourselves of the true state of the trade, in the sale or charter of vessels, and in the transportation of passengers and crews, and of goods, wares, and merchandise, as it exists between the coasts of Africa and Brazil; and further to inform them and yourselves of the legal principles and facts of cases as they may arise under that state of trade.

1. If a person knowingly and wilfully does an *unlawful act*, he or she is liable for all the consequences of it, *whether intending them or not*.

So, if a person does *an act lawful in itself, with an unlawful intent*, he or she is liable for the *unlawful consequences* of it, which *do* follow, and which he *intended* to follow from it.

The charge of a lawful act, as aiding or abetting an unlawful act, must be sustained, therefore, by showing *both* that it was *intended* to aid and abet the unlawful act, and that it *did* aid and abet the unlawful act.—And when this is shown, the act, which is *in itself lawful*, becomes *unlawful* by its *intentional connexion with crime*.

It will be for our courts, then, to decide if any citizen of the United States, for himself or any other person whatsoever, either as master, factor, or owner, engaged in the business of chartering here any ships or vessels, or of selling here any ships or vessels deliverable on the coast of Africa,

shall, in the course of his business or otherwise, *knowingly and wilfully cause any ship or vessel of the United States to sail from any port or place in the United States*, for the purpose of carrying on, and she does actually carry on, *any trade or traffic in slaves to any foreign country, or for the purpose of procuring, and she does actually procure, from any foreign kingdom, place, or country, the inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of as slaves, whether the case would not come within the 1st section of the act of 1794, and whether the vessel would not be forfeited.* My opinion is, that the case is within the statute.

II. If any citizen of the United States, carrying on such business of chartering and selling vessels in Brazil, for such purposes as those above named, shall thereby, or otherwise, *in any way aid or abet, and intend to aid and abet the building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel from any port or place, knowing or intending that the same shall be employed in such trade or business*, contrary to the true intent and meaning of this act, it will be for the courts to decide whether the case does not come under the 2d section of the act of 1794, and whether the persons severally shall not pay a fine of \$2,000, &c.

This section varies materially from the 3d section of the act of 1818 (which, at first sight, appears to be a transcript of it) in two important particulars:

1. This section says, "*so building, &c., any ship or vessel,*" &c.

The 3d section of the act of 1818 says, "So building, &c., or causing the acts aforesaid to be done," (i. e., acts done within the jurisdiction of the United States.) "*with intent to employ such ship or vessel,*" (i. e., a ship or vessel built, fitted, &c., *in any port or place within, &c., the United States.*)

Under the 3d section of the act of 1818, in the case of Gooding, already referred to, Judge Story decided that the words "*such ship or vessel*" must refer to a ship or vessel so built, fitted out, &c., *within the jurisdiction of the United States.* He says, "There is no certainty" (under this section, of course) "that the legislature meant to prohibit the sailing of any vessel on a slave voyage, which had not been built, fitted out, &c., *within the jurisdiction of the United States.*" And he adds, "It is remarkable that in the slave-trade acts of 1794 and 1800, the word 'such' is omitted, and seems to have been introduced into the act of 1818 *ex industria.*"

Quere: Under the 2d section of the act of 1794, *is there not a certainty that the legislature meant to prohibit the sailing of any vessel?* I think there is.

2. The acts of 1794 and 1818 differ in another important particular, in these sections:

The 2d section of the act of 1794 reads "*so building, &c., any ship or vessel, knowing, &c., that the same shall be employed,*" &c.

The 3d section of the act of 1818 reads: "So building, &c., *with intent to employ such ship or vessel,*" &c.

Under this section of the act of 1818, in the same case of Gooding, the court decided that the count of the indictment charging in the words "*with the intent that she should be employed,*" was fatal error.

Judge Story said: "There is a clear distinction between causing a vessel to sail, or to be sent away, *with intent to employ her in the slave-trade.*

and *with intent that she should be employed in that trade.* The former applies to an intent of the *party causing the act*; the latter to *the employment of the vessel, whether by himself or a stranger.*"

Quere: Whether such a count, under the 2d section of the act of 1794, would be erroneous? I think not; and I therefore give it as my opinion, that it is unlawful, under the 2d section of the act of 1794, for any citizen of the United States to build, fit out, equip, load, or otherwise prepare, or send away, *any ship or vessel from any port or place whatever*, knowing or intending *that the same shall be employed in such trade or business* as that of any trade or *traffic in slaves to any foreign country*, or for the purpose of procuring, &c., *or in any ways to aid and abet therein.*

III. It would be prudent for you and your constituents to look well to the intendment of the 1st section of the act of 1800, which makes it "unlawful for any citizen of the United States directly or indirectly to *hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another.*"

If an owner, master, factor, or consignee, should take a charter for a vessel of the United States here for the coast of Africa, and should sell her, deliverable on said coast, as usual, at the expiration of the charter party, binding her to take a cargo (no matter of what) which he or they should know was for the purposes of the slave-trade, and binding her to take over *passengers*, knowing them to be sent over for the purpose of bringing back that or any other vessel with a cargo of slaves to Brazil or elsewhere; and to sail said vessel from Brazil under the flag of the United States, knowing the purpose of so doing to be that of protecting the vessel and cargo from the right of visit and search on the voyage to Africa; and to deliver said vessel on the said coast, knowing that her delivery was for the purpose of shipping slaves on board of her, and for the purpose of transporting slaves in her to a foreign place or country; and knowing that the master and crew of that vessel were to be brought back in another vessel of the United States, chartered by the charterer or purchaser of the first vessel, and at his cost and charge; and the master, owner, agent, factor, or consignee of that other vessel should know that such was the purpose for which she was also chartered—

Quere: Whether either or both of these vessels would not, in the contemplation of this section of the law of 1800, be so "*employed*" or "*made use of*" in the transportation or carrying of slaves from one foreign country or place to another;" as to bring either or both cases within the true intent and meaning of the law? My opinion is, that the statute reaches both such cases. I do not mean to say that it would be necessary for the parties knowingly to do all the acts I have specified for examples, in order to bring them clearly within the law. I have put the supposed cases so full, merely because the acts supposed are as they usually occur here. (See the decision already referred to, "the Alexander," 3 Mason, 175.) This section prohibits not merely the transportation of slaves, but *the being employed in the business of the slave-trade*; and, therefore, a vessel caught in such trade, *though before she has taken on board any slaves*, is liable to forfeiture. And Mr. Justice Washington, in delivering the opinion of the court in the case of "the Merino," &c., (9 Wheaton, 391,) in view of the point made by counsel, whether the acts of 1800 and 1818 ought to be construed so as not to prohibit citizens of the United States from being concerned in the re-

removal of *persons already slaves* in a foreign country, from that country to another, said: "The language of the acts of 1800 and 1818 leaves no reasonable doubt that the intention of the legislature was to prevent *citizens of, or residents* within the United States, *from affording any facilities* to this trade, although they should have no interest or property in the slaves themselves, and *although they should not be immediately instrumental to the transportation of them from their native country.*"

IV. Then, quere: Whether a citizen or resident of the United States voluntarily serving on board any vessel chartered or sold, as in the cases above supposed, knowing how she was to be employed or made use of, as aforesaid, would not come within the 2d section of the act of 1800, *even though he did not voluntarily serve on board such vessel whilst "actually transporting or carrying slaves," &c.?* Under the above decisions, I think he would. The language of the 2d section is precisely that of the language of the 1st: "*Any vessel employed or made use of in the transportation,*" &c. If, then, "*a vessel caught in the trade, though before she has taken on board any slaves,*" is liable to the forfeiture under the 1st section; so would the person, it seems to me, *voluntarily serving on board of her, and knowing her employment and use,* be liable to the forfeitures, pains, and penalties of the 2d section.

V. Under the 3d section of the act of 1800, I cannot conceive of a question. It applies to *a citizen of the United States* voluntarily serving on board of any *foreign* ship or vessel which shall be *employed in the slave-trade*. The wording of this section clearly aids the above construction given by the courts to the whole act.

VI. What I have already said, in commenting upon the 1st and 2d sections of the act of 1794, will illustrate all that I have to say under the 2d and 3d sections of the law of 1818. Under the 2d section of 1818, the charge must be for building, &c., or otherwise preparing any ship or vessel *in any port, &c. of the United States*; or for *causing any such ship, &c. to sail* from any port or place *within the jurisdiction of the United States, for the purpose of procuring, &c.* The offence is chargeable against any citizen or citizens of the United States, or against any other person or persons, *for himself, themselves, or any other person or persons whatsoever, either as master, factor, or owner.* Under the 3d section of 1818, the charge must be for building, &c., or otherwise preparing, any ship or vessel, in any port or place within the United States; or for *sending away* any ship or vessel from any port or place *within the United States*; or for *causing* any of the acts aforesaid to be done *with intent to employ such ship or vessel* (so built, fitted, &c., within the United States, or so caused to sail from, or so sent away from any port or place *within the United States*) in such trade or business; or the charge must be for *aiding or abetting* in all or either of the said acts *in anywise*; and the offences therein mentioned are chargeable against "*every person or persons*" offending, whether aliens or citizens.

What would be aiding or abetting, under this section, would depend upon the circumstances of each case. The words are decided not to be technical words, but to be used in their ordinary meaning and acceptation. Every man is supposed to understand what the words ordinarily mean, "*in anywise aiding or abetting therein.*" The only qualification of these words which criminal law would make, is, that there must, in the *aiding and abetting*, as in every other case, be a *criminal or unlawful intent*. The aid-

ers and abettors, under these statutes, are all *principals*.—(See case of Gooding, cited above.) The aiding and abetting of the building, fitting, &c., *without* the jurisdiction of the *United States*, would not, in any way, come under *these sections*; but,

VII. The act of 1818 provides a fourth section, which reaches cases of acts done *without* their jurisdiction. Under this section, the offence is *to take on board, receive, or transport, from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, or from sea, any negro, mulatto, or person of color, not being an inhabitant, nor held to service by the laws of either of the States or Territories of the United States, in any ship, vessel, boat, or other water craft, for the purpose of holding, &c., &c., or to be aiding and abetting therein.*

The offences under this section are chargeable against *any citizen or citizens of the United States*, no matter where they may reside; or against *other persons*, not citizens, *resident* within the jurisdiction of the United States.

As to what acts would constitute *aiding* and *abetting*, I have to make the same remarks as I have already made in my comments on these words,—*any act* aiding and abetting, *with the intent to aid and abet*; the *taking on board*, or the *receiving*, or the *transporting*, &c., in any ship, &c., for the purpose, &c., would be within the statute.—(See, also, the decision in the case of the *Merino*, 9 *Wheaton*, 391, as to the carrying on freight.)

The taking of *charters*, or the *selling* or *sailing* of *vessels*, therefore, as owner, master, agent, or consignee, by a person being a citizen of the United States, either for himself or any other person whatsoever in Brazil, with the intent to aid or abet, and actually aiding and abetting, either of the offences named in the section, would be unlawful; and would subject the party, in any event, to fine and imprisonment, and the ship, vessel, boat, or other water craft, if a ship, vessel, or other water craft belonging to the United States, her tackle, &c., and the goods and effects found on board of the same, to forfeiture.

VIII. The fourth and fifth sections of the act of 1820, apply only to “any citizen of the United States, *being of the crew or ship's company of any foreign ship or vessel* engaged in the slave trade, or to any person whatever, *being of the crew or ship's company of any ship or vessel owned, in whole or part, or navigated for or in behalf of any citizen or citizens of the United States.*”

These are the sections which make the acts therein mentioned *piracy*, punishable by *death*. I will merely observe, that the moral obligation is very great upon owners of vessels, and upon consignees, and all other persons, not to do any act whatever which might, by possibility even, tempt or induce, or which might, in the remotest degree, lay the poor crew or ship's company of any vessel liable to commit the capital offences chargeable under this law. No man's conscience could excuse him for so doing; and to send, charter, or sell vessels to and from the coast of Africa and Brazil, as they are usually sent, sailed, chartered, or sold, with their usual intents and purposes, in very many cases does tempt, and induce, and cause the commission of the capital crime, by persons of the crew or ship's company of vessels, of *piracy*, in *aiding* or *abetting* the *forcibly confining* or *detaining* on board such ship or vessel, negroes or mulattoes not held to service, &c., with intent to make such negro or mulatto a slave.

Such are the laws and the decisions, gentlemen, as applicable, in general,

to the cases on which you ask my opinion. This one rule is deducible from the whole of them :

That *neither* the *charters* nor the *sales* of vessels deliverable on the coast of Africa, are acts in *themselves* unlawful; but *these* acts, and *many others*, *innocent in themselves*, if *coupled with an unlawful intent*, are criminal offences, punishable under the statutes of the United States against the foreign slave-trade.

If you ask *how* the unlawful intent is *proved*, in such cases, my answer is, that I know of but one way in which the criminal law *proves an intent in the human heart or mind*;—that is, by proving the *act alone*, if it be in itself *unlawful*, leaving on the party accused the *onus* of showing that there was no criminal intent in such cases; and by *proving the act, and adequate knowledge of the certain and unlawful tendency and consequences of such act, in case the act was in itself lawful*.

And it is well to note here, briefly, some of the evidence which has been decided to be admissible, in cases under the laws for the suppression of the slave-trade.

In the case of the United States *vs.* Gooding, before cited, a Captain Colt was introduced, and proved the declaration of Hill, the master of the vessel, (the "General Winder," at the island of St. Thomas,) against Gooding, the owner, in Baltimore. He (Gooding) alone, and not Hill, being on trial, objection was made to the admissibility of this testimony; and on the question certified to the Supreme Court, Mr. Justice Story, in delivering the opinion of the court, said :

"The argument is, that the testimony is not admissible, because, in criminal cases, the declarations of the master of the vessel are not evidence to charge the owner with an offence; and that the doctrine of the binding effect of such declarations by known agents, is, and ought to be, confined to civil cases. We cannot yield to the force of the argument. In general, the rules of evidence in criminal and civil cases are the same. Whatever the agent does, *within the scope of his authority, binds his principal, and is deemed his act*. It must, indeed, be shown that the agent has the authority, and that the act is within its scope; but, these being conceded or proved, *either by the course of business, or by express authorization*, the same conclusion arises, in point of law, in both cases. Nor is there any authority for confining the rule to civil cases. On the contrary, it is the known and familiar principle of criminal jurisprudence, that he who *commands or procures* a crime to be done, *if it is done, is guilty of the crime, and the act is his act*. This is so true, *that even the agent may be innocent*, when the *procurer or principal* may be convicted of guilt—as in the case of infants or idiots employed to administer poison. The proof of the command or procurement may be direct or indirect, positive or circumstantial; but this is matter for the consideration of the jury, and not of legal competency. So in cases of conspiracy and riot: when once the conspiracy or combination is established, the act of one conspirator, in the prosecution of the enterprise; is considered the act of all, and is evidence against all; each is deemed to consent to, or command, what is done by any other in furtherance of the common object." The Supreme Court decided that the evidence was properly admitted.

Another point also may be said to have been decided in this case: that the *acts* of the vessel *after* she sailed from the United States, *in a foreign*

port, were admitted as evidence to prove the original unlawful intent with which she fitted out in, and sailed from, the port of the United States.

As to the nature of the evidence, or the quantum of evidence which, in any given case, will be sufficient to prove the act or the unlawful intent, or both, it must depend upon the circumstances of each case. The statute can only provide for the offence, and the nature of the offence; and cannot pretend to lay down the precise state of facts under which it may, or may not, be committed or proved. The facts and the evidence are for the jury to determine on trial.

But there is a general relation of facts which here necessarily presents itself, to which I must allude, and upon which your constituents ought to be thoroughly and universally informed. I mean the notorious state of the trade between the coast of Africa and Brazil, and the well known nature of the business here in chartering vessels of the United States for that coast, and of selling such vessels deliverable there; as they may affect the proof in any case touching any man's *scienter*, or knowledge and intent of unlawful acts in the slave trade, who has lived any time or done any considerable business of that kind in Brazil.

It cannot be denied, and it is no longer to be concealed, (and the sooner all parties, at home and abroad, are informed of it, the better,) that there is *no trade whatever* between the coast of Africa and Brazil but what partakes directly or indirectly of the nature, and of the profits or losses, of the slave-trade. The slave-trade is the main, the staple business; and all other trades, with the slightest exception, is accessory or auxiliary to it, between that coast (particularly the parts about Congo and Cabinda) and Brazil. And no vessels of the United States are chartered for that coast in this country, but to export goods, provisions, and munitions of war, to make funds for the slave-trade; or they are chartered to carry and bring crews of vessels employed in the slave-trade, and to be tenders of those vessels in other respects; or they are chartered to cover their sales, and to obtain the protection of their flag, until they can be delivered on the coast, and ship their cargoes of slaves. And they are chartered by and sold to none, or scarcely ever to any one except notorious slave-dealers; and are consigned, in almost every instance, to their known agents in Africa. And extraordinary prices are given for the vessels and the charters of vessels of the United States, because their national flag alone protects them from visit and search. And all this is so notorious here, and the ways and means of doing this are so well known here—the charter-parties being almost stereotyped—that there is not an intelligent, observing, or inquiring citizen of the United States in Rio de Janeiro, who has resided here three months, but what may be said to know, and could with the legal means easily verify the objects, purposes, and intents for which such charters, and sales of vessels deliverable on the coast of Africa, are made. And the general knowledge and the general intent could, in almost every instance, be proved, if there was full power to compel the attendance of witnesses, and to make them answer under oath.

A vessel is apparently chartered by the month, at so much per month, for the coast, to cover her on the voyage to Africa with the United States flag. The charter-party binds her to take over *passengers*—meaning a Brazilian or Portuguese master and crew, who are in fact to navigate her back with a cargo of slaves, without either flag or papers or nationality, running all risks of capture. But she has, in fact, been actually sold, deliverable on the coast; the whole or the greater part of her purchase money

has been advanced here as security for the sale; her charter and sale have been negotiated by an English broker directly with the slave-dealer, and he gets $2\frac{1}{2}$ per cent. commission. The advance of the purchase money here as security, and the guarantee of the payment of the whole charter and sale, is made; and $2\frac{1}{2}$ per cent. commission is charged for that, besides $2\frac{1}{2}$ per cent. for doing the business, and $2\frac{1}{2}$ per cent. more for remittance to the United States—making 10 per cent., at least, on the whole transaction of charter and sale. The master of the vessel is ordered and authorized to take on the coast, in case it be offered, the sum already bargained and guaranteed to be given here; and the agent of the slave-trading purchaser in Africa is written to, and ordered by him to offer and give the same sum already agreed upon, and partly paid here. The vessel is loaded with English goods “fit for the coast”—*i. e.* with goods which are the medium of exchange there for slaves, (money not being used or known there,) and with Brazilian provisions of jerked beef, black beans, farinha, and cachaca, and sometimes with bar and hoop iron, and with powder and muskets; and there is another vessel chartered in like manner already there, or going, or gone, or soon to go, with a like cargo, to make slave-trade funds, and to supply the slave-trade employees; and, according to her charter-party and a private understanding with the first vessel, to bring back as “*passengers*” the American crew of the first vessel, at the cost of the charterer, and the first is sold and delivered; and her American master and crew have very *particular written* instructions by some business friend here how far to go, exactly, in order to avoid the laws of the United States—to take off the flag, the name on the stern, and the vessel’s papers, and to exercise no act of ownership, and to give no aid or assistance after sale and delivery; and neither before nor after to aid or abet the slave-trade in any way. And in most cases these instructions are very scrupulously followed; and in from two to seven hours after the vessel is sold and delivered, she is loaded to suffocation with hundreds of miserable captives, already on the beach in shackles, who are berthed on water pipes, laid level fore and aft, covered with rush mats, and instantly she sails for the first port she can reach in safety on the coast of Brazil; and her American master and crew are transported to the second vessel, which during the time of her waiting is employed, perhaps, in transporting and carrying supplies along the coast, from slave factory to slave factory—from Cabinda to Cougo, and from Congo to Cabinda—and which, as soon as she gets her returning *passengers*, who have carried a *vessel* over directly to the slavers, and carried the *slavers* themselves over, returns, perhaps, with a *lawful* cargo of wax, ivory, &c., &c., which has been brought from the interior to the coast of Africa, on the heads of the very captives which her consort has just sailed with to the first port in Brazil.

I hesitate not to say, that such acts on the part of all citizens of the United States knowingly engaged in them, in respect to both vessels so used and employed, where they do aid and abet, and are intended to aid and abet the slave-trade, and slaves are taken on board, received or transported, &c., for the purpose of holding, &c., do come within the 4th section of the act of 1818; or in case the person, &c., of the ship’s company, in the case supposed—such acts, if they do aid and abet, and are intended to aid and abet the forcibly detaining or confining on board such vessel any negro, &c., with intent to make such negro, &c., a slave! do come within the 5th section of the act of 1820; and the person or persons so aiding or abetting

are liable to be punished, either by forfeiting and paying severally a sum not exceeding \$5,000 nor less than \$1,000, and by suffering imprisonment for a term not exceeding seven nor less than three years, or by suffering death.

Such is my opinion on the criminal law of the trade, as it is here carried on. I go further, and add, that, in my opinion, such contracts of sales and charter-parties as these, where they can be clearly proved to be made and executed *in fraud of the laws of the United States, and of their settled policy in respect to the suppression of the slave-trade*, are civilly bad, and would not be held good for one instant in the courts of the United States; and, in case they could be reached by those courts, the vessels would be forfeited.

The very act of selling, sailing, and delivering a vessel over on the coast of Africa, though lawful in itself, if done with the unlawful intent I have described of aiding and abetting, and if it does actually aid and abet the slave-trade, becomes criminal, and punishable under the laws of the United States.

I know that these acts have heretofore been considered perfectly lawful. Notwithstanding I had read the correspondence of our former consul, Mr. Slacum, with our government, touching the mode of carrying on the slave-trade between Africa and Brazil; and though the first official act I had to perform was, on his letter to Mr. Proffit, to cause the revocation of the commission of a certain Sonto as United States vice consul at Victoria; and though my predecessor (Mr. Proffit) and others gave me much warning and information on the subject, yet I had no conception of the extent, the universality, and the notoriety of the traffic, until duly called upon to aid in arresting its crimes. To my utter astonishment, I found nothing but error of opinion (both as to morals and legal obligations) upon the whole subject, even amongst the best informed and most respectable American citizens. It is needless to inquire how this state of things came to exist. In the first place, the habitudes of thought and action among our citizens in Brazil in respect to this trade, have been forming for a long time—and, I must add, that they have grown and strengthened by long *neglect* on the part of our government and its proper authorities, whose duty it was to enlighten and instruct our business men, and to prevent errors, and misconceptions, and offences on the part of everybody. The apathy at home on this subject is attributed, justly, to an almost total ignorance of its importance and consequences, and especially of its detail. Neither Congress nor the country have been informed until the correspondence of Mr. Slacum was published; and that, as yet, has not reached the public mind. This will no longer be the case. "The powers that be," and the public too, as far as depends upon me, *shall* be reached in future. Listlessness itself shall be aroused, and the fear of the laws at home and abroad, and full attention everywhere shall be struck by the crowds of culprits arrested and sent home to justice, unless our citizens immediately desist from the practices of this trade.

In the second place, the silence of the State Department, and the professional and official opinions which have been given (that I have seen) on the subject embraced in your note to me, have been, it so happened, though sound in their law as far as they go, of a tendency rather to confirm than to correct errors, because they did not go far enough to meet the cases as they actually arise here. As early as the 16th October, 1839, Mr. Slacum,

then lately in office as consul at Rio de Janeiro, despatched to Mr. Forsyth, Secretary of State, the depositions of the master and crew of the brig "Edwin" of New York, owned by Messrs. Farnham & Fry, of Salem, Mass. In his letter No. 22, he says: "It appears from the verbal statement of the master, that Messrs. Farnham & Co. have had a factory or storehouse for some years past on the coast, at a place called Ambrise, about 60 miles north of Angola, and have had vessels engaged in trading there. I am further informed that the present master of the Edwin had been in charge of the factory for several months, and was relieved by the one who went from the United States in her. The object pursued by these gentlemen, I believe to be trade with the natives for the produce of that country—say ivory, wax, &c. &c., in exchange for cloths, handkerchiefs, beads, &c., suited to their wants and tastes. Ambrise is becoming quite a commercial place—the English having many factories there, like that of Messrs. F. & Co. The Edwin will sail in a few days for Richmond, where the master may be found, should his presence at Washington be deemed necessary." On the 4th September, 1841, he addressed his letter (No. 35) to Mr. Webster, Secretary of State, transmitting a document relating to certain proceedings of Matthew Hale and William P. Sumner, master and mate of the brig *Sophia*, of New York. She was sold, deliverable on the coast; took out *passengers*, who took charge of the vessel, shipped about 750 negroes, and landed about 500 of them to the north of this port, and then burnt the vessel; Hale and Sumner returning in her, and leaving the American crew (all except one) to perish on the coast of Africa. The Portuguese captain and mate died, and Hale and Sumner took charge and navigated her to Brazil. On the 13th September, 1841, Mr. Slacum wrote his letter No. 36, in relation to this case of the *Sophia*, and praying the arrest of Hale and Sumner. On the same day he wrote No. 37, sending certain depositions relating to the case of the "Solon" of Baltimore, owned by Messrs. Benjamin Buck & Son, of Baltimore. She was *secretly* sold before she went to Africa, and sailed under a charter-party after having at one time commenced fitting as a slaver.

On the 14th September, 1841, he wrote concerning the case of the "Pilgrim," owned by Mark Sheefe, of Portsmouth, New Hampshire. This was a case of sale first, and charter afterwards, for the coast; a striking and peculiar case in all its bearings—too various and long in its details to admit of a statement here; but, suffice it to say, that by the very extraordinary steps of selling or chartering in this case, the innocent owner (Mr. Sheefe) was materially injured, and left without a remedy. This letter suggests, also, important regulations for consuls to pursue in such cases; and notices two other cases—the brigs William Jones and Himmaleet, owned by Messrs. Goodhue & Co., of New York; first chartered for the coast, and afterwards sold. On the 5th October, 1841, he wrote No. 42, in relation to the case of the "Sophia"—sending the deposition of Victor Alexander, the only survivor of her crew. On the 24th November, 1841, he wrote No. 43, in relation to the "Sophia," and saying he had received a letter from the owner of the brig "Pilgrim," complaining that an improper use had been made of the register of his vessel. On the 1st May, 1842, (No. 44,) he sent the following list of American vessels, which loaded at and cleared from this port since the 24th November, 1841, up to the 1st May, 1842, for the coast of Africa:

| | | | | | |
|----------------------------------|---|---|----------|---|-----------|
| Brig Roxbury, Baltimore | - | - | - | - | 215 tons. |
| Brig General Pinckney, Baltimore | - | - | - | - | 194 " |
| Brig Odessa, New York | - | - | - | - | 181 " |
| Ship Robert Bowne, New York | - | - | - | - | 504 " |
| Barque Sagamore, New York | - | - | expected | - | 285 " |
| Barque John A. Robb, Baltimore | - | - | do | - | 173 " |
| Ship Whitmore, New York | - | - | - | - | 281 " |
| Barque Independence | - | - | - | - | 149 " |

He adds: "Two other vessels--the barque Mary and brig Garafilia, both of Baltimore, and owned by E. Robinson, cleared lately at the custom-house here, and this consulate, for the river Plate; but, from information since received, I am inclined to believe that they sailed to the coast of Africa; and fear that the barque Mary is the property of foreigners, navigating with the American flag and register." He then describes the course of the African slave-trade, showing how it is openly carried on, and suggests preventive measures.

On the 26th October, 1842, he wrote No. 52, in relation to the Garafilia, (which vessel cleared for Montevideo, but sailed for Africa, and is supposed to have been delivered upon the coast to the slave dealers,) and in relation to the case of the barque Mary. On the 1st July, 1843, he wrote No. 65, giving a list of American vessels cleared at this port for the coast of Africa since 1st May, 1842, and up to 1st July, 1843. In this letter he says:

"The American vessels engaged in the trade between this port and Africa are invariably chartered to slave-dealers; and I have no doubt many of them are the property of those dealers, sailing with the American flag and register, under a charter-party. Some, as the masters inform me, are chartered by the month, for an indefinite time; others, for a fixed period of one year; and when they have served the purposes for which they were intended, in some cases, after several trips to the coast, I am suddenly informed the vessels are just sold, and the registers are then delivered up. In some cases, negroes are brought over in these vessels--say six to ten at a time, with passports from some Portuguese authorities on the coast, as *freemen* and *passengers*--the master reaping his share of the passage money. Captain Ezra Foster, of Beverly, Massachusetts, has, in two instances, brought negroes over under these circumstances; and I am inclined to believe they were slaves, from information received at the time, and that they spoke only their native language. He (Foster) informed me that the passage money was \$100 per head."

The consul also inquires of the department, whether, in case he has reason to suspect a vessel has been secretly sold, he may not require oath to the fact which is required to attest that the vessel is American property, in addition to the *prima facie* evidence of the register, upon which he could not rely, knowing, as he did, the uses to which registers were applied. The vessels in the list sent by this despatch were:

| Date. | Class and names. | Tons. | Owners. | Residence. | Consignees at Rio de Janeiro. |
|---------|------------------------|-------|---------------------------|-------------|-------------------------------|
| 1842. | | | | | |
| May 9 | Brig Roxbury - | 215 | R. W. Allen - | Baltimore - | Forbes, Valentine, & Co. |
| 21 | Barque Roscilba - | 201 | S. Batette - | New York - | Do. |
| Aug. 20 | Brig Duan - | 218 | Bryant & Foster - | Beverly - | James Birkhead. |
| 1843. | | | | | |
| Jan. 14 | Brig Kentucky - | 223 | Willis & Hart - | New York - | Maxwell, Wright, & Co. |
| 26 | Brig Porpoise - | 160 | G. F. Richardson - | Brunswick - | Do. |
| Feb. 18 | Barque Hualco - | 279 | W. G. Furber - | Belfast - | Schroeder & Co. |
| 23 | Schooner Rosario - | 155 | Benj. Fay and others - | New York - | James Birkhead. |
| 25 | Brig Duan - | 218 | Bryant & Foster - | Beverly - | Do. |
| May 27 | Schooner Parmelia - | 151 | E. G. Kimball - | Salem - | Do. |
| June 30 | Barque Lucy Pennaman - | 270 | J. P. Keller and others - | Machias - | Do. |
| | Brig Duan* - | 218 | Bryant & Foster - | Beverly - | Do. |
| | Brig Porpoise* - | 160 | G. F. Richardson - | Brunswick - | Maxwell, Wright, & Co. |

* These two last are about to sail.

The above was the last letter to Mr. Webster. He had, however, (it must not be omitted,) on the 10th June, 1843, written to him a note, transmitting a copy of a letter addressed by him (Mr. Slacum) to the master of the barque Lucy Pennaman, in answer to certain inquiries made "respecting the charter and sale of vessels for the coast of Africa;" and asking a confirmation of his construction of the laws of the United States for the suppression of the slave trade, (should it be approved,) to enable him to speak and advise by authority. To none of these letters did Mr. Webster (owing to more important calls upon his time and attention, it is presumed) return an answer.

On the 5th of October, 1843, Mr. Slacum wrote to Mr. Upshur (No. 71) in relation to the case of the "Parmelia," showing the almost direct manner in which our citizens are "aiding and abetting the slave-trade, &c.;" in relation to the brig "Yankee," which landed a cargo of nearly seven hundred slaves; and in relation to the vessel "Sterling." In this letter he says:

"To the inquiry, why American vessels are preferred and sought after by the slave-dealers, and why they are willing to pay such high prices for them, it may be answered, that no other flag carries with it the same immunities. The flag of the powers, parties to the quintuple treaty, affords no protection against detention, search, and capture. So with Brazil and Portugal. Hence the slave dealer looks to our commercial marine to enable him to carry on the trade,—I mean so far as regards the transportation hence, to Africa, of the necessary *equipments, provision, water, and vessels*. Having once got these indispensable adjuncts to the traffic to the coast, half the risk is over. He must then take his chance for the other half—that is, the return voyage—and in which he is very often successful. * * *

A vessel is *chartered or secretly sold* to a slave-dealer, to be delivered on the coast. She carries a cargo, and, in some instances, the very persons, as *passengers*, who are to navigate her back—all the slave-dealer requires. She is overhauled and examined by an American man-of-war. Everything appears to be in order and in due form. The cargo, be it what it may, (except slaves, as I understand,) affords no just ground of capture. She passes on, delivers her freight, and returns for another cargo; or is then transferred to new masters, takes in slaves, waits for a propitious moment, makes her escape from the coast under any and all flags, with other papers and a new crew, and runs the hazard for her destined port. It is not long since that an American vessel sailed hence for the coast, having part of her cargo cleared and shipped as *wine*; but, on her arrival there, it turned out to be ninety pipes of fresh water!! A much more valuable article than wine.

"This vessel was the brig Duan, of Beverly, Mass., Captain Ezra Foster, &c. The truth is, all these vessels are either owned by, or are in the service of, the slave-dealers; and the trade will continue until some other measures are adopted by our government to put an end to it."

On the 12th February, 1844, Mr. Slacum addressed to Mr. Upshur letter No. 74, transmitting a deposition in the case of the "brig Hope of New York, Driscoll master." As that case is under trial in the United States now, I abstain from particular observations upon it. The letter, however, states "that the brig *Duan*, of Beverly, Mass., 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 12 months. * * * *

The Porpoise sailed again yesterday for the coast—I suppose to bring back the crews of the Gannecliff and Montevideo—the former having sailed from this port a short time since; the latter sailed yesterday. I also transmit a copy of the shipping articles of the Duan, by which it appears that the voyage had its incipency in the United States.”

On the 6th of December, 1843, Mr. Slacum, it seems, acknowledged, in despatch No. 73, the first answer which he had obtained from any Secretary on these important subjects. Mr. Upshur wrote him despatches of the 1st of July and 18th of September, 1843, sending him an opinion of Mr. Nelson, the Attorney General of the United States, upon his letter of advice to the captain of the Lucy Pennaman.

Mr. Slacum, an unprofessional man, had, in his letter of the 16th May, 1843, said to Captain Keller, of the barque Lucy Pennaman, who made certain written inquiries of him: “Of whatever value my opinion may be, you shall have it with frankness and freedom. In the first place, my opinion is, that any citizen of the United States who may sell an American vessel in this port to a *slave-dealer*, deliverable on the coast of Africa, such citizen is ‘aiding and abetting’ the slave trade. Secondly, that any citizen of the United States who may charter an American vessel to a *slave-dealer*, to deliver at his factory, or to his agents on the coast of Africa, articles of exchange for slaves, food with which to supply them, or implements with which to confine them, such citizen is ‘aiding and abetting’ the slave-trade. *Under such circumstances, no person could convince me of his ignorance of the intentions of the parties or the objects of the voyage.*” This was an honest opinion; and, taken as a whole, as it was meant really to be understood, was correct; but as it stands, mingling law and fact together, it does not really state the true legal propositions. As matter of *fact*, such acts as are mentioned in the opinion do “aid and abet” the slave-trade; but to bring the acts *within the law* of the United States, he ought to have stated more clearly that they must be done with the intent to aid and abet, and that they must actually *aid and abet* the offences named by these laws. But he clearly meant so to state by the words, “*under such circumstances, no person could convince me of his ignorance of the intention of the parties, or the objects of the voyage.*”

The opinion of the Attorney General simply gives the history of the legislation of Congress to suppress the slave trade, and its general effect, and apparently only contradicts the propositions of Mr. Slacum, by laying it down correctly, as law, that the *acts in themselves* will not constitute the crimes, but must be *coupled with the unlawful intents*; and that the proof must depend upon the circumstances of each case. He was doubtless not informed how strong the *acts in themselves* would be *prima-facie* proof of guilt to the mind of any one as well informed as Mr. Slacum upon the course of the slave-trade, the persons engaged, and the means employed in it, and all its notorieties in the city of Rio de Janeiro. The opinion of the Attorney General, whilst correcting the abstract errors in the opinion of Mr. Slacum, was by no means calculated in its effects to correct the concrete errors of the slave trade, though it stated sound law as far as it went, and was doubtless intended to discourage that trade in all its aspects.

For reasons entirely unconnected with this subject, and without imputation either on his official or personal conduct, I believe, Mr. Slacum was removed from his office, and left it on or about April, 1844. The slave-trade has been continued, and been increasing, between Brazil and Africa,

ever since. It has literally continued; for the very vessel the *Montevideo*, which his last letter on the subject of the trade notified the department of, is the vessel the master and crew of which are now here prisoners. The other cases are numerous. The *Gannecliff* has also since landed a cargo of slaves; the *Sooy*, of Newport, Rhode Island, landed another cargo, and was run ashore in chase by a British man-of-war; the *Agnes*, whose voyage had its "incipiency" in the United States, has landed, lately, two cargoes of slaves; and the *Sea Eagle*, of Boston, the tender of the *Agnes* and *Montevideo*, has just sailed on another charter-party to Africa, with *passengers*; the brig *Susan* and *Mary*, or *Susan Mary*, (American,) having sailed on the 21st ultimo for Angola with *passengers*, also, as appears by the following printed advertisement in one of the journals of this city, which shows the openness with which these things are done:

"*Sahidas no dia 21.*

"Angola, brig Amer. *Susan Mary*, 148 tuns, Mr. W. A. Welch, equip. 11. carga varios generos; passags. O. Portugues João Avelino de Aranjó Marinho, Antonio Jozé Tinoco, José Antonio Gaspar, Joaquim Antonio de Lima, Jozé Joaquim de Almeida, Carlota Joaquina Roza, e por ordm Auperion Antonio da Silva Maria Ferreira."

In the 3d place, the state of things here has been produced by the *necessities of business* I may say. The ship-owners at home, in many cases, I hope, ignorant of what enhances the value of ships here, write peremptory orders to the consignees in Brazil to negotiate charter-parties or sales of their vessels. One chief consideration of sending vessels here with cargoes, is to sell the ships; and both are consigned to those who will negotiate charters and sales to the best advantage. If the commission merchants here refuse to obey these orders, they necessarily lose their best customers, and the most profitable part of their business. If they do not touch these negotiations, they will, in fact, be stopped also of their regular and lawful chance of gain. Let the whole country then, at home, be fully informed of the *reason* why vessels are chartered and sold here at extraordinary high prices; that the African slave-trade alone can afford to pay such high prices; that that trade alone does pay them; and that charters and sales here are, in one word, charters and sales to that trade; and that to sell vessels deliverable on the coast, chartered to take *passengers* over, is here notoriously nothing less than to sail a vessel and crew over to Africa, under the protection of the United States flag, with the intent to deliver them for the purposes, and to aid and abet the slave-trade. Let this be known, and then let us see what respectable owners of vessels and cargoes, whose custom is worth having, will make consignees here pay penalty for refusing to aid and abet the slave-trade.

In the 4th place, the *rivalry of trade* has aided to involve our men of business here in the nefarious traffic. Their object, like that of our merchants, has always been to extend American commerce, and to acquire to American enterprise as much of the trade of all the world as is within their reach. They have seen that other merchants (English particularly) have aspired to monopolize the trade of Africa, and, in the race of competition, our merchants have forgotten in a measure the nature of the trade, for the prize of which they have been contending. They should now reflect that

their enterprises in this trade, however worthy they would be of a better trade, are ignoble if unlawful and immoral.

In the 5th place, it is not to be denied that the strongest reason, perhaps, and certainly the baser reason, for this state of things, has been the profits of this, which belong not to a regular and lawful trade. Every brig even, and cargo, chartered and sold for the coast of Africa, is worth to consignees and brokers from \$1,500 to \$3,000. They are gains (to say the least of them) won by ways "not justified by honor," and, as I believe, not justified by law.

And finally, gentlemen, I inform all parties, through you, that this state of things, as respects American citizens, shall not continue to exist, if it is in my power to prevent it. Our present consul, Mr. Gordon, has manifested every disposition (like his predecessor, Mr. Slacum) to do his whole duty on the subject; and I have given him all the aid I could, in the late cases of arrests. I shall continue to go even out of the line of my official duty to prevent future violations of the laws of the United States for the suppression of the African slave-trade by their citizens and under their flag. In all cases, if probable grounds, I will advise and aid arrests by all the means and influence I can exert, without respect to persons; and in all cases, in the language of the 1st section of the act of March 3, 1819, when vessels of the United States "*may have taken on board, or may be intended for the purpose of taking on board, or of transporting, or may have transported, any negro, mulatto, or person of color, in violation*" of any law of the United States against the foreign slave-trade, I will give information to all the "commanders of all armed vessels of the United States," and cause them, if I can, to "seize, take, and carry" "into any port of the United States" "all such ships or vessels *wheresoever found.*" I will not stop with *arrests*, and *seizures*; but offenders will find that arrests and seizures alone, if justified by probable grounds, and made without malice or corrupt motive, will not be any sport for them, even if they escape upon trial; and, though the commanders of our armed vessels may have no special instructions, and though our armed vessels may not be specially fitted out for the purpose, yet the law itself makes it their duty to "cause to be apprehended, and taken into custody, every person found on board of such vessel so seized and taken, being of the officers and crew thereof;" and an order of the President to the contrary (if such an order were to issue) would not relieve them from this imperative duty under the law. If they do not discharge this duty on this station, it shall not be because the responsibility of refusing to discharge it will not be thrown upon them by me in all future cases. But I cannot anticipate that they will fail or refuse to discharge their duty when properly called upon to act in a case demanding their interposition.

I may be aware, it may be said, that this truly will be effectual to prevent unlawful traffic, but it will also arrest all lawful commerce by citizens of the United States between Africa and Brazil. My answer is, gentlemen, that it is for me to do my duty under the law as it is, and to leave the prevention of all consequential evils to the superior wisdom of our lawgivers, the Congress of the United States. It is time—high time—that the attention of Congress was forced to turn towards this subject; to compel attention to it, is one of the main objects of my action. But another, and as good an answer to this, is, that it is matter of much doubt, for the reasons stated, whether there is such a thing as any strictly lawful trade at all carried on by

citizens of the United States between Brazil and Africa. If there is not, then the question is simply whether the whole trade, being all immoral and illegal, shall not be destroyed? Or, if the lawful trade is very inconsiderable, and very nearly allied to an immense unlawful trade, whether it is worth preserving at the expense of national honor, and of great individual crimes?

I am aware, also, it may be said that these attempts to enforce the laws of the United States will have the effect only to drive consignments from American to English houses, and to give to the latter the entire monopoly of the African trade. No one would be more cautious than I would be to abstain from any course which might, in the least, injure lawful American trade; and none could be more anxious than I am to promote it. But a trade which has been denounced as piracy in some of its parts, and as a misdemeanor in all its parts, by our laws, I cannot but seek to arrest and destroy. If it changes its currents into English channels, why, in the name of philanthropy, and of the good morals which England so earnestly invokes against the slave-trade, let them have its bitter waters. But they already furnish the slave-trade its very *pabulum*—its brokers, its exchanges, its goods, wares, and merchandise, and its long credits.

The question is, shall we furnish it the use of our flag for a mere mite of the profits, the mass of which they already enjoy? Rather let them have all the profits, with all the shame, too, say I, of this infamous iniquity! Let us at once withdraw from all competition with them in a *trade of dishonor*, and seek only to excel them in the fair fields of lawful enterprise. But, gentlemen, if there be that sincerity which it professes, in respect to the suppression of the slave-trade, and that efficiency of which it boasts in respect to all its measures, in the British government, we will see whether British subjects will be allowed, any more than American, to carry on this unlawful traffic with impunity. I have taken steps to test both the sincerity and efficiency of that government, as you will see by accompanying copy of a private letter addressed by me to its minister at this court, in whose virtue and intelligence, at all events, I can confidently rely to do whatever can be done to enforce the laws of his government against British subjects who transgress them in Brazil; and at least, if *they are* permitted to engage in this trade with impunity, the argument that if our citizens do not engage in it, they will, and that they will engross all its profits, will not satisfy our violated laws, nor diminish the enormities of the slave-trade, nor wipe its stains from our flag, nor mitigate its guilt in our consciences or before our tribunals of justice.

To commit a crime, because others will if we do not, is not the shadow of an excuse either in law or morals. And, in conclusion, if the question be repeated, as it has been asked, Why I, an American slaveholder, manifest such extraordinary zeal in this subject? the only answer I shall deign to give is, that the fact of my being a slaveholder is itself a pledge and guarantee that I am no *fanatic*, foolishly and wickedly bent upon running a muck against any lawful property or trade; and that I find the same old interest at work here, and now, to fasten American slavery on Brazil, which, in our early history, fastened its condition of a slave State on Virginia: vessels and capital from precisely the same quarter bring the slaves to this country in this age, which carried them to that country in times past. The very lands in the old and new worlds, where "world's conventions" are held, and whence abolition petitions flow, are the lands where there are manu-

facturers of goods "fit for the coast," and where there are owners of vessels to be "chartered and sold, deliverable on the coast of Africa," who "will not eat slave sugar!" It would be too much to say, however, that it must be left to slaveholders to manifest an extraordinary zeal on this subject. Our whole country, with a few exceptions—in every part alike, perhaps—would have me, I am confident, exert every energy in my station to suppress the African slave-trade carried on by our citizens. The courts and the whole country of the United States, I am sure, slaveholding and non-slaveholding, will incline in favor of the law, and against the evils of this trade. No officer need to fear, therefore, that he will not be sustained by both public law and public opinion at home, in the faithful and zealous discharge of his duty in this behalf. Without making any superfluous profession of motives, there is one sentiment alone which is sufficient to inspire me with ardor in the course I have pursued and will pursue. I love *the flag* under which my country has won its national independence and its national respectability, and with which it protects our persons and property, too well to sit still or to sit silent and see its "blessed bunting" openly chartered or sold for the uses of an infamous trade, as fine linen is bought and sold for the uses of prostitution. No, gentlemen, I had often looked at it when waving "over the land of the free and the home of the brave," or when floating over the decks of "the old Constitution," with feelings too near akin to adoration; but until I left the shores of my native land—until I saw it when far off from home and country, in the dim distance at sea, or waving a welcome from the flag-staff of a United States consulate in the western islands of the Atlantic, I never fully understood or fully comprehended its symbol—the essence of which it is the type;—until then, I never realized the substance and the value that there is in it. I knew that it was full of honors, as bright as its stars; I knew that it had a charm in it,—it was always in a halo of glory to my eyes;—and I felt that its very sight inspired heroic inspiration, and that it had made men fight and die for it; but I never knew, until then, that it is more than a pageant—that it is a reality—that there is a *protection to commerce in it, gentlemen*; that there is protection to American citizens in it, gentlemen, all over the world; that there is a moral power, stronger than stout hearts and strong arms, in it; that our homes are in it; that *our whole country* is in it, gentlemen! He who dishonors or insults its sanctity, dishonors all—insults his mother country! I would wage a war to defend the sanctity of its protection to our trade, against any right of visit or search by any power upon earth; and shall our country's own sons be allowed to furnish the only pretext for visit and search, even possibly tenable, by repeatedly, and openly, and notoriously prostituting it, in violation of their country's positive laws, to the purposes of an odious traffic, full of the most abominable crimes? No, gentlemen, that flag is too eloquent an emblem not to speak to me everywhere, and at all times, in its behalf, to save it from pollution. I would not be worthy of the special trust and confidence reposed in me by my country, if I could see it wave its familiar folds (and I never fail to look at it) at the mast-heads of our vessels entering or clearing this beautiful harbor; I could never feel its safe protection over the very office of the legation, in which I am now writing, without the self-examination, "*am I doing my duty?*" Is that flag to be struck, not to an enemy, but to the slave-trade? Is it even placed where it dare not be seen? Has it to be hauled down for the foreigners? Has it to hide its "stars and stripes," in order to evade the

laws of its country—of itself? Has it to do so from oppression, which it has not power to resist? or is it bought and sold for a price of infamy, which should turn it the true color of the pirate's flag—blood-red all over with the blushes of shame?

Gentlemen, gentlemen, I could never look at it again hoisted over a man-of-war, without having tried my utmost to rescue it from this degradation. I could never again hear the anecdote with patriotic pride—that, when one Brazilian slave asks another, "Which of all the national ships lying here are the English most afraid of?" The reply invariably is, "American;" and that they never think of matching a United States frigate in their comparisons against less than an English 74—without feeling that this very impression upon the slaves of Brazil is derived from the safe protection which our flag gives to the African slave-trade against British cruisers. If it did not come within my official duty, I should step aside from my office, as an American citizen, to protect that flag which protects me. My feelings are too closely woven in its very web—too deeply allied in its very red, and its very blue—not to attempt to preserve it from a stain. If the nature of my office was such as to require me to sit supinely and see it dishonored, neither nine thousand dollars nor ninety times nine thousand would hold me still. I would renounce the salary as I would the price of treason; and he comes nothing short, morally, of the guilt of treason, who sells his country's flag with which to violate his country's laws—and that, too, under the safeguard of a principle for which his country has once waged war, and would again, for his very sake, and for the protection of trade and commerce. But neither the honest and direct diplomacy of the United States, nor their good understanding with Brazil, requires, happily, that an American minister here should submit to see his country dishonored by a violation of her flag and her laws. National honor is before everything—treaties and treasures are nothing to it; and the first and greatest duty of a minister abroad is to see that his country's laws are obeyed by her own citizens, and that her honor is respected by all. In these sentiments, gentlemen, I am sure you will concur; and I appeal to you, as American merchants, to aid in carrying them fully out.

If it has been said of British merchants that "their ledger is their Bible, and their money is their God," let it not be said of American merchants in Brazil that they are ready and willing at all times to sell the very "star-spangled banner" at such or such a per cent. of the slave-trade.

"American merchants" is a proud and precious title anywhere, and will become prouder and more precious the more and more that our country and its flag become respected. I know our merchants well; they are free traders; thanks to them for much of the wealth, most of the revenues, many of the blandishments of life, and a great deal of the knowledge of the world, which their love of gain, their enterprise, and risks bring to our country. They do reach very far after the purse strings of commerce; but, as a body, they are highly intelligent, perfectly honorable, and creditable to their country. If actual war should come, they would show out the treasures they have gained by patient and painful toil, and at imminent hazard, as generously as they would their blood, and as freely as any other class of men would, to defend their country's flag.

And will the American merchants in Rio de Janeiro not know when that flag is assailed in its tenderest point of honor?—with the same promptness of patriotism rally to the defence?

Our country is a bounteous mother, gentlemen, in all privileges of freedom to us, her children. She lays wide open the whole field of honorable enterprise before us, stints us in no advantage, watches over us, and guards us by her parental power, and withholds from us nothing that is reasonable, moral, or just. The avenues of lawful commerce with this very country to her citizens, are numberless and immense. She has done everything on her part for us all, in all respects. Are we, then, not called upon as good citizens and dutiful children to uphold her honor and integrity, as she upholds us, and as we would the pride of character of the kindest and best of parents who fondly nurses, protects, and cherishes us? Should we not regard the emblem of her honor, and dignity, and majesty—*her flag*—as a sacred thing, to be kept even more holy than a token for the sake of the very mother who bore us?

Let us unite together, then, gentlemen, as members of the same family, *for the sake of the honor of our house*, and resolve that not only every stain shall be wiped from our national flag, but that in these seas it shall be free from all appearance of any discoloration even of spot or blemish—cleaned pure from all pollution. This conquest over avarice and crime may gain for us no laurels like those of glorious war, but its wreath will be a civic reward to our brows—richer in its proud satisfaction and its precious peace to patriots' bosoms than all the diamonds of Brazil, and all the dust of the "gold coast;" and this victory *for our flag* (though it consecrates it not anew a bloody battle-banner) will shed all over it a moral brightness, which will make its stars reflect a light like the stars of the firmament, and make its blue appear as the blue of azure heaven!

With the sole object of preventing crime for the future, without looking at all to the punishment of the past, I am, gentlemen, your obedient servant,

HENRY A. WISE.

Messrs. MAXWELL, WRIGHT, & Co.,
Rio de Janeiro.