

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

(In compliance with a resolution of the Senate)

Information in relation to the abuse of the flag of the United States in subservience to the African slave trade, and the taking away of slaves the property of Portuguese subjects.

MARCH 14, 1844.

Read.

MARCH 21, 1844.

Referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States :

I transmit to the Senate, in answer to their resolution of the 21st ultimo, a report from the Secretary of State, with accompanying papers.

JOHN TYLER.

WASHINGTON, March 9, 1844.

DEPARTMENT OF STATE,

Washington, March 8, 1844.

The Secretary of State, to whom has been referred the resolution of the Senate of the 21st ultimo, requesting the President "to communicate to Congress, as far as he considers consistent with the public interest, any information, which may have reached the Government from its accredited agents, tending to show any abuse of the flag of the United States in subservience to the African slave trade, and in violation of the laws or policy of the Government;" "also, any correspondence which may have taken place between this Government and the minister of Portugal, in relation to the taking away of slaves, the property of Portuguese subjects, from the Territories of that Power, in vessels owned or employed by citizens of the United States"—has the honor to report to the President the accompanying papers.

With reference to the correspondence herewith transmitted, in answer to the second branch of the above-cited resolution, it is proper to state that

the United States attorneys for the districts of Connecticut and Massachusetts have been directed to take whatever measures the laws of the United States will justify, in order to redress the wrong complained of by the minister of Portugal. It is apprehended, however, that those laws afford no adequate remedy in any such case; and it is respectfully suggested that some provision calculated to reach the evil, and either to prevent it, or to punish the wrong doer, is demanded alike by the duty which we owe to foreign nations, and by a just regard to the character of our own country.

JOHN NELSON.

The PRESIDENT OF THE UNITED STATES.

List of accompanying papers.

- Mr. Everett to Mr. Upshur, (8 enclosures)—2d December, 1843—extract.
 Mr. Hunter to Mr. Forsyth—16th April, 1838—extract.
 Mr. Slacum to Mr. Webster, (1 enclosure)—4th September, 1841—copy.
 Mr. Slacum to Mr. Webster, (2 enclosures)—13th September, 1841—copy.
 Mr. Slacum to Mr. Webster, (1 enclosure)—13th September, 1841—copy.
 Mr. Slacum to Mr. Webster, (1 enclosure)—14th September, 1841—copy.
 Mr. Slacum to Mr. Webster—5th October, 1841—copy.
 Mr. Slacum to Mr. Webster, (2 enclosures)—24th November, 1841—copy.
 Mr. Slacum to Mr. Webster—1st May, 1842—copy.
 Mr. Slacum to Mr. Webster, (1 enclosure)—1st July, 1843—copy.
 Mr. Slacum to Mr. Upshur, (1 enclosure)—6th October, 1843—extract.
 Mr. De Figaniere to Mr. Upshur, (enclosures)—10th July, 1843—extract.
 Mr. Upshur to Mr. De Figaniere—12th October, 1843—extract.
 Mr. De Figaniere to Mr. Upshur—19th October, 1843—copy.
 Mr. Upshur to Mr. De Figaniere, (enclosure)—16th November, 1843—copy.
 Mr. De Figaniere to Mr. Upshur, (enclosures)—23d November, 1843—copy.
 Mr. Upshur to Mr. De Figaniere—29th November, 1841—copy.

Mr. Everett to Mr. Upshur.—[EXTRACT.]

[Participation in the slave trade.]

LONDON, December 2, 1843.

I also forward a note from Lord Aberdeen, accompanied with several letters from the commanding officers of British cruisers in the African seas and the British consul at Bahia, relative to the indirect participation of American citizens in the slave trade. The evil undoubtedly exists, and

might probably be remedied to some extent by the application of existing laws. I presume, however, that, in order to its entire suppression, further legislative measures are necessary. The President, I am aware, has already asked the attention of Congress to the subject. It is greatly to be wished that some law might be passed which would put an effectual stop to the employment of American capital and the participation of American citizens in a traffic condemned by religion and humanity, and revolting to the public feeling of the American people. The strenuous resistance of the United States to the methods by which Great Britain has been so long endeavoring to suppress the trade in slaves, and the great expense to which our Government is put in sustaining a squadron on the coast of Africa, make it equally our duty and our interest to resort to every measure within our own competence to put an effectual stop to this nefarious traffic. I transmit, with the note of Lord Aberdeen on this subject, a copy of my reply.

[COPY.]

[Slave trade.]

FOREIGN OFFICE, *November 22, 1843.*

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acquaint Mr. Everett, envoy extraordinary and minister plenipotentiary of the United States, for the information of his Government, that Her Majesty's Government have recently received from various quarters information that great facilities still continue to be afforded to the trade in slaves, by the use of vessels under the United States flag.

In a report on the state of the slave trade in Brazil, recently received from Her Majesty's commissioners and consul in Rio de Janeiro, it is stated that American shipping is employed in transporting to the coast of Africa merchandise, equipments and other articles necessary for slave-trade operations.

It is further reported, that it is a custom with the slave dealers, in purchasing American vessels, to attach to the purchase a secret condition to the following effect, namely: that a portion of the purchase money shall remain unpaid until the vessel shall have made one or two trips to the coast of Africa, with cargoes of merchandise from the purchaser, under her ostensible American character; after which, a public transfer to the foreign owner takes place. Under this arrangement, the means of purchasing and carrying away the negroes are securely landed on the coast. The slave vessels of Brazil proceed to the place where the living cargoes are awaiting their arrival in barracoons, and within a few hours are loaded and despatched on their return voyage.

Again, in a despatch dated the 30th of May last, Her Majesty's consul at Bahia has reported that a system has been recently introduced there, which greatly facilitates the importation of slaves into that province; that fast-sailing American vessels arrive there from the United States, and, after discharging, are sold to a company of slave dealers, the master engaging to take the vessel to the coast of Africa under American colors;

that a cargo of tobacco or rum is put on board, and sent direct to some well-known depot on the coast, where it is exchanged for slaves; and that the American master then gives up the command, the slaves are put on board, Brazilian colors hoisted, and the vessel sails on her return voyage.

The undersigned transmits herewith to Mr. Everett a copy of the despatch in question. Mr. Everett will observe that Her Majesty's consul, in addition to the general information above recited, has furnished an instance of the course complained of in the case of the American brig "Yankee;" and the undersigned regrets to add, that this is not the only instance of the kind reported to Her Majesty's Government, in which success has attended similar operations.

The undersigned has further the honor to transmit herewith to Mr. Everett a copy of a letter from Commander Wilson, of Her Majesty's ship "Cygnet," dated the 27th of June last, reporting his having visited the American schooner "Leda," W. Pearce, master, on the coast of Africa. In placing this paper in Mr. Everett's hands, the undersigned begs to draw the particular attention of Mr. Everett to the expression of Lieutenant Wilson, that "the 'Leda' was probably interrupted in the act of shipping slaves."

The undersigned also transmits to Mr. Everett a copy of a despatch dated the 25th of August, from Her Majesty's consul at Bahia, reporting that that very vessel, the "Leda," with the same master, had recently landed a cargo of slaves in the vicinity of that city. This practice is, however, not one of recent adoption. The American brig "Sophia" was engaged in transactions precisely similar, as long ago as the year 1840. In that year she was several times boarded by Her Majesty's cruisers; and, on being recognised as an American vessel, was of course not molested by them. Yet this vessel, after having gone to Benguela under American colors, is reported to have sailed from thence on the 21st of May, 1841, with 750 slaves on board.

Again, in the month of May, 1842, Captain Tucker, of Her Majesty's ship "Iris," reported having boarded the American schooner "Illinois," in Whydah roads; but, conceiving her to be *bona fide* American, he in no way interfered with her. However, on the 21st of the same month, that vessel, having in the mean time shipped a cargo of slaves, and having met Her Majesty's ship "Dolphin," ran ashore in order to avoid capture, still with American colors flying, and slaves were seen to be landed from her.

The undersigned transmits, herewith, to Mr. Everett, a copy of Captain Tucker's report on this case.

Again, in a letter dated the 19th of May last, from Captain Foote, the senior officer of Her Majesty's squadron on the west coast of Africa, that officer stated that American vessels are in the habit of coming to the coast of Africa, with slave cargoes and every fitting for slaves. Captain Foote adds, that, if they have not been already sold at the Havana, they are sold at Whydah or Lagos, and are then completely fitted for receiving slaves; the American captain and crew remaining on board until the cruiser is thought to be off the coast watering, and then the Spanish or Portuguese captain and crew go on board, and the Americans either remove to another American vessel in the roads or go on shore, as the occasion may require.

The undersigned does not doubt that, in all these cases, the vessels tak-

ing on-board slaves have previously divested themselves of their American nationality; and he is desirous of being understood as not charging on the American nation the disgrace of actually carrying slaves for purposes of slave trade in American vessels. But Mr. Everett and the United States Government will at once perceive the great impediments which these practices necessarily throw in the way of Her Majesty's cruisers. For, during the outward voyage of all vessels of this class to Africa, they have in every respect the appearance of *bona fide* American vessels, and as such are not amenable to the authority of Her Majesty's cruisers; but if slave equipments were transported to Africa in the vessels of almost any other civilized nation, such vessels would be liable to capture by Her Majesty's cruisers, and to condemnation by the proper tribunal.

The undersigned begs to state to Mr. Everett that Her Majesty's Government place the most implicit reliance on the repeated declarations made by the United States Government, of their desire to discountenance and prohibit all slave trade under their flag; and Her Majesty's Government anticipate the most beneficial results from the employment of the United States squadron on the coast of Africa. But Her Majesty's Government have thought it due to the known humanity and good faith of the Government of the United States not to withhold from them the information contained in this note; and they do not doubt that the United States Government will use their best endeavors to prevent the exertions of Her Majesty's cruisers for the suppression of the slave trade from being crippled by the fraudulent use of the American flag, or by the unjustifiable assumption of American nationality.

The undersigned avails himself of this occasion to renew to Mr. Everett the assurance of his distinguished consideration.

ABERDEEN.

EDWARD EVERETT, Esq., &c.

[COPY.]

HER MAJESTY'S SHIP IRIS, AT SEA,
Lat. 5° 31' N., Long. 1° 47' E., May 22, 1842.

SIR: Having, in my letter of yesterday's date, reported my boarding at Whydah, on the 19th instant, the French brig "Amalie," of Nantes, captain and others of Nantes, owners, J. P. Couronne, captain, under suspicious circumstances, I beg also to report that I boarded there on the same day* the American schooner "Illinois," of Gloucester, near Boston, Parson & Co., owners, J. Swift, master, who was on shore; the mate, who had charge of her, lifted, himself, one of the main hatches, all the hatches being laid on, and tarpaulins covered over them. On my asking him if he had any objection to my looking into the hold, where I found a number of water casks (puncheons) apparently filled with water, being perfectly clean, and without the smell of palm oil, but which he said contained palm oil; and, on my remarking that they were very clean and clear of palm oil, he replied, "they came off so to him, and he took them in as they

were." I perceived, also, one plank on one of the casks near the main hatchway, which was shaped and appeared to have been fitted, as part of a slave deck; the hatch being only partially lifted, I was proscribed confirming my suspicions of her being engaged in the slave trade, being unwilling to give the slightest cause for dissatisfaction to the American Government, by asking the mate to lift the hatch a little higher.

On the 20th, having been drifted to leeward by the current, the Dolphin communicated by signal—light airs and calms; on the 21st, at daylight, the Dolphin and a schooner were in sight; chased the schooner, which, about 9h. 30m., A. M., was observed to hoist her colors, which could not be distinguished from this ship; about 10h. 20m. she was observed to run on shore, and carry away her mainmast; the Dolphin, at about 10h. 50m., was observed to anchor and fire guns; about 0h. 30m., P. M., the Iris anchored, and Lieutenant Cumberland reported the schooner which had run on shore was the American schooner "Illinois," which had been at anchor some days in the roads; that she had, previous to running on shore, American colors flying, and, to his astonishment, instead of anchoring, she was run on shore on purpose, and several slaves were observed to escape from her; upon which, I directed Lieutenant Cumberland to send some Kroomen through the surf to board her, and, if possible, to find her flag and papers, to ascertain if she had changed her nationality, and if there were any poor slaves on board, previous to his firing at and destroying her; and I proceeded on board the merchant vessels named in the

margin, to ascertain their nationality, and to gain all the information possible relating to the schooner, which is as follows: That, about noon on the 20th instant, she (the American schooner Illinois) weighed, and stood out to the southwest under a Spanish flag, returned again towards evening, with the Spanish flag still flying, took in her slaves, and sailed about 10, P. M., and was lost sight of about midnight; was seen again early on this morning, running for the roads, with the American ensign flying, and the brigantine Dolphin and Iris in chase; that she came into the roads and on shore on purpose, and, as they (the informants) supposed, to avoid being captured with slaves on board.

I have the very great pleasure to report that Lieutenant Cumberland, commanding Her Majesty's brigantine Dolphin, executed my orders to send Kroomen to examine the schooner for her national flag and papers, and, for the sake of humanity, if any poor slaves were left on board, previous to firing at and destroying her, performed the duty most completely, and with great judgment and coolness—the surf at the time being high, and breaking on the vessel; and particularly that most painful part of his duty, whilst engaged in the cause of humanity, of protecting his Kroomen from hostile attacks of bodies of armed men who came down and fired upon them, which he dispersed by a few well-directed, and, I believe, not one unnecessary shot.

I have, &c.

WILLIAM TUCKER, *Captain.*

Captain Foote,

H. M. S. Madagascar, senior officer in command.

[COPY.]

[Slave trade.—Separate.]

BRITISH CONSULATE, BAHIA, *May 30, 1843.*

MY LORD: I have the honor to inform your lordship that a system has been recently introduced which greatly facilitates the importation of slaves into this province.

Fast-sailing American vessels arrive here from the United States, and after discharging are sold to a company of slave dealers, the master of the vessel engaging to take her under American colors to the coast of Africa. A cargo of tobacco and rum is put on board by those individuals, and sent direct to some well-known depot on the coast, where it is exchanged for slaves. The American master then gives up the command of the vessel, the slaves are put on board, Brazilian colors are hoisted, and she sails immediately for some port in the Brazils.

An instance of this kind has lately been successfully practised.

The American brig "Yankee," after being sold, proceeded to the coast under American colors, with a cargo belonging to individuals engaged in the slave trade, which being exchanged for slaves, they were received on board; and it is said that she has succeeded in landing them at the port of Santos.

The master ("John Goodrich") of the "Yankee" has returned here in a Sardinian brig, and reports having disposed of his vessel on the coast; however, it is well known that the sale was concluded before the vessel left this port.

I have, &c.

EDWARD PORTER, *Consul.*

The Right Hon. the Earl of ABERDEEN, *K. T., &c.*

[COPY.]

H. M. BRIG CYGNET, OFF WHYDAH, *June 27, 1843.*

SIR: I have the honor to acquaint you, for the information of my lords Commissioners of the Admiralty, that on the evening of this day, whilst standing in for Whydah, I observed a suspicious-looking schooner *hove to* in the roads, with American colors flying—this being the method usually adopted by slavers when embarking a cargo of slaves. On approaching her, she filled and made sail along the land, probably being interrupted in the act of shipping slaves. I therefore considered it my duty, in conformity with their lordships' directions on this subject, to ascertain her right to hoist the American flag. On the schooner observing my intentions, she altered her course, and passed within hail, when I sent an officer to examine her papers.

She proved to be the American schooner "Leda," W. Pearce, master, belonging to Gloucester, from Bahia, bound to Lagos. The master did not wish his log to be signed, and the officer immediately returned. This vessel, similar to the Illinois and Shakspeare, the circumstances relating to which have already been fully stated to their lordships, will doubtless,

when an opportunity occurs, pass into other hands, and take a cargo of slaves from the coast.

The master of the *Leda* confessed that his appearance was suspicious, but stated that he had hove to off Whydah for the purpose of procuring an anchor and cable.

I have, &c.

EDMUND WILSON,
Lieutenant and Commander.

SIRREY HERBERT, Esq.,
M. P., Admiralty.

[COPY.]

[Slave trade.—Separate.]

BRITISH CONSULATE, BAHIA, *August 25, 1843.*

Mr. Lord: I regret much to state to your lordship that the slave trade in this province has latterly increased in a very great degree, in consequence of the success which has attended it for some time past. One foreign establishment, for instance, which formerly had but two vessels in this traffic, has increased the number to five. These, with several others, are constantly going to and returning from the coast with slaves.

An instance has lately occurred, in which the American schooner "*Leda*" proceeded to the coast with a general cargo, returning hither with slaves. They were landed in the vicinity of this city; but, the vessel not having any papers, the master was afraid to enter this port.

The President, having been informed of this circumstance, sent a force to seize her; and, being found abandoned, she was brought into this harbor.

The master of the "*Leda*," William Pearce, returned hither in a Swedish brig, and states that he had disposed of his vessel on the coast. It is, however, reported that the mate remained as captain, and that the whole has been a speculation for account of these individuals.

A system is now being practised, of sending newly imported slaves from this to Rio de Janeiro in the steamboats carrying a pendant and conveying the Brazilian Government mails from Rio to Para and intermediate ports. A case has been stated to me, wherein a hundred were thus sent, being shipped here at night, and landed again in the same manner, previous to entering the harbor of Rio.

Her Majesty's brig "*Curlew*" arrived here yesterday from Rio, and is to remain on this station for a short period; but a naval force, to be in any way effective on this coast, ought to consist of fast-sailing vessels, drawing little water, as those engaged in the slave trade are principally small craft, which invariably creep along the shore to escape notice, and the possibility of being followed by Her Majesty's cruisers.

I have, &c.

EDWARD PORTER, *Consul.*

The Right Hon. the Earl of ABERDEEN, *K. T.*

GROSVENOR PLACE, *December 2, 1843.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the receipt of a note from the Earl of Aberdeen, Her Majesty's Principal Secretary of State for Foreign Affairs, of the 22d instant, with its enclosures, relative to the indirect participation of citizens of the United States in the slave trade. The undersigned will avail himself of the first opportunity of forwarding Lord Aberdeen's note, with the papers accompanying it, to Washington, for the information of the Government of the United States.

Lord Aberdeen does not need to be assured of the anxious desire of the Government of the United States that an entire stop should be put to the traffic in slaves, especially so far as their own citizens are concerned. The difficulties are great in the way of accomplishing this end, in reference to modes of pursuing the traffic of which the commencement is lawful, and of which the unlawful portion begins without the limits of the United States, and after transfers of property have taken place that exempt it from the operation of American laws. The existence and magnitude of these difficulties are felt in this country as well as in the United States.

This circumstance, however, is not mentioned by the undersigned as a reason for not endeavoring to effect the great end in view by legislation adapted, as far as possible, to countervail the methods resorted to by slave traders to evade the operation of existing laws. The President of the United States has, on a former occasion, invited the attention of Congress to the subject; and the undersigned is not without hopes that means may be found, as far as American capital or the citizens of the United States are concerned, of putting a final and entire stop to this nefarious traffic.

The undersigned avails himself of this opportunity to renew to the Earl of Aberdeen the assurance of his distinguished consideration.

EDWARD EVERETT.

The Earl of ABERDEEN, &c.

Mr. Hunter to Mr. Forsyth.—[EXTRACT.]

LEGATION OF THE UNITED STATES,

Rio de Janeiro, April 16, 1838.

* * * * *

Cases have arisen here, in regard to the sale and transfer of our *vessels*, in which I have reluctantly yielded to the consul's opinion and practice—an opinion and practice he brought with him, derived from experience, and sustainable by the literal provisions of the statutes. It presents a point of national policy once certainly deemed important, and it may become so again. The question to which I allude arises out of the construction of the proviso to the 2d section of the act concerning the registering and recording of ships and vessels, passed 1792. (See Laws U. S., vol. 2, p. 313.) By that proviso, no ship shall be entitled to the benefit of registry, if owned in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, &c. In practice, no sales are made to citizens of long residence—that is, to *houses* of the highest and longest standing, who are best able to be pur-

chasers. It is with deference submitted, whether the original reasons for the passage of this law have not ceased, and whether its repeal or modification might not be urged on some of the following suggestions:

1. Ship building is that manufacture in which the United States are most eminent and successful.

2. The sale of American ships in this part of the world is an item in our commerce of considerable amount. Why should their sale be obstructed?

3. The law is of easy evasion. An assertion of the original place of residence of the American purchaser in the bill of sale would not be fraudulent in him, would prevent inquiry by the collector, &c.

4. It often prevents a house in business obtaining security for a debt, or prevents advance; or,

5. It obliges the parties to seek a nominal purchaser, who, being but the illegal trustee of the actual purchaser, subjects him to insecurity through a temptation to ill faith. Thus a door is opened to fraud and perjury.

6. The policy of the original law is now obsolete, from the new notions of free trade, the provisions of our modern treaties, &c., placing foreign vessels on an equality, or nearly so, with our own.

7. As to *war*. It provides for itself, and has its own laws, whether we are belligerents or neutrals.

It is far from my intention to magnify the importance of this subject; but, as it is one of frequent occurrence, I conceived it not improper to advert to it.

Mr. Slacum to Mr. Webster.—[COPY.]

No. 35.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, September 4, 1841.

SIR: I have the honor to transmit, herewith, a document relating to certain proceedings on the part of Matthew Hale and W. P. Sumner, master and mate of the brig "Sophia," of New York.

Sumner sailed about three weeks since for Philadelphia, his native place; and Hale embarked, five days ago, for New York, in the barque "Nahant," Huffington, master.

It seems that the "Sophia" arrived at this port during my visit to the United States, under command of Augustus W. Krook, who, by the register, appeared to be the owner, and sailed hence for the coast of Africa, under charge of the said Matthew Hale, the former mate, on the 21st of February last.

Krook, I believe, returned to New York.

Whether the "Sophia" was sold here, deliverable on the coast, or sold upon her arrival there, I have not yet been able to ascertain. My impression, however, is, that she was sold here.

But, be this as it may, on her arrival at Benguela, coast of Africa, she was at once transformed into a slaver, put under the Montevideo or Banda Oriental flag, and loaded with a full cargo of slaves—as near as I can learn, 750.

When the vessel sailed from this port, two Portuguese were *shipped* as *seamen*, who, upon her arrival on the coast, took charge as captain and

mate, to navigate her to Brazil—Matthew Hale and William P. Sumner returning in her as *passengers*.

On the voyage, the Portuguese captain and mate died, when, I understand, Hale took command.

They escaped the British vessels of war, reached the coast, landed about *five hundred* slaves to the north of this port, and burned the vessel.

Hale and Sumner found their way to Bahia, there took passage in a steamer, and arrived here—the former having half the American register in his possession, which he delivered to me.

The document now transmitted is the deposition of Hale and Sumner to the fact of the death of the Portuguese captain, which they made at the request of some members of his family; and although it refers principally to that event, it yet contains the fact that Hale and Sumner were on board.

I have for some time been endeavoring to ascertain the fate of the American crew left on the African coast, and had hoped that some of them would have found their way back; but, from information received this morning, I regret to say, all have perished, with the exception of one man, who is on board the brig "Ceylon," of Salem, Dodgley, master, now on the coast.

The "Ceylon" may be expected at Salem in December or January.

I am obliged to give this hasty and imperfect sketch, as the vessel will sail early in the morning, and I am in hopes she will reach home before the "Nahant."

Should you deem it proper to order the arrest of Hale and Sumner, it would be well that the collector, or other officer at Salem, look out for the arrival of the "Ceylon," as the only witness may be on board.

I much fear that a repetition of the scenes at Havana will be attempted here, but I feel confident I shall be enabled to prevent it. At all events, I will do my duty fearlessly and faithfully.

By Commodore Ridgely, who knows all my views upon these matters, I will do myself the honor to make a full communication upon the subject of the American trade from this place to Africa, accompanied by such suggestions as may appear to me to be worthy of your consideration.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM.

Consul U. S. A.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

Translation of a certified copy of evidence taken before the Portuguese Vice Consul at Rio de Janeiro, proving the death of Joaquim Pedro de Ferreira, a seaman on board the brig Bella Uniao.

Most Illustrious Vice Consul of Portugal:

Donna Henriqueta Emilia de Almeida Ferreira declares that she desires to obtain a certificate of the evidence which she produced in this consulate general of the death of her husband, Joaquim Pedro Ferreira, and, with that object, she prays that you will favor her by ordering a certificate thereof to be made out for her. Let the certificate be delivered, as requested.

MONIZ, *Vice Consul.*

CONSULATE GENERAL OF PORTUGAL, *July 10, 1841.*

I, Francisco João Moniz, vice consul, having charge of the consulate general of Portugal at Rio de Janeiro, do certify, that in the archives of this consulate general is the document of evidence, of which the following is a copy :

Year 1841—*Consulate General of Portugal at Rio de Janeiro.*

Donna Henriqueta Emilia de Almeida Ferreira, justifying Joaquim Pedro Ferreira, a Portuguese subject, deceased, husband of the witness, being the object of the testimony.

PETITION.

Most Illustrious Vice Consul charged with the Consulate General of Portugal at Rio de Janeiro :

Donna Henriqueta Emilia de Almeida Ferreira, widow of Joaquim Pedro Ferreira, who, for the sake of justice, appears to prove the death of her husband before this consulate general, prays you to order her testimony to be taken in favor to her.

ORDER.

Let the testimony be received, as requested.

MONIZ, *Vice Consul.*

RIO DE JANEIRO, July 6, 1841.

Testimony produced by Donna Henriqueta Emilia de Almeida Ferreira, respecting the death of her husband, Joaquim Pedro Ferreira.

On the 6th of July, 1841, at the chancery of this consulate general of Portugal, in Rio de Janeiro, before the vice consul charged with the same consulate general, Donna Henriqueta Emilia de Almeida Ferreira appeared to give testimony, as also the witnesses whose names, ages, and places of birth, appear in the following :

I, José Francisco de Borja Xavier Socin, wrote it.

First witness.—G. W. Sumner, a bachelor, aged 24 years, a pilot, (probably mate,) born in Philadelphia, being sworn on the Holy Gospels, and being questioned as to the contents of the above requisition, which was read to him by me, declared and said : That he, the witness, being a passenger in the Oriental brig Bella Uniao, knows, from his having been present, that Joaquim Pedro Ferreira, a Portuguese subject, husband of the person justifying, died in sight of the island of Trinidad, of an attack of fever, in the month of June last past. And his evidence having been read to him, he found it correct, and signed it.

I, José Francisco de Borja Xavier Socin, wrote it.

FRANCISCO JOAO MONIZ, *Vice Consul.*

G. W. SUMNER.

Second witness.—Matthew Hale, a bachelor, aged 27 years, a native of New York, being sworn on the Holy Gospels, and questioned as to the contents of the above requisition, which was read to him by me, declared and said : That he, the witness, being a passenger in the Oriental brig Bella Uniao, knows, from having been present, that Joaquim Pedro Ferreira, the husband of the person justifying, died on board the said brig, in the month of June last, in sight of the island of Trinidad, of an attack of fever. And his evidence having been read to him, and found correct, he signed it.

I, José Francisco de Borja Xavier Socin, wrote it.

FRANCISCO JOAO MONIZ, *Vice Consul.*

MATTHEW HALE.

Third witness.—Manuel Escorcio, aged 39 years, born in the island of Madeira, a Portuguese subject, by profession a seaman, being sworn on the Holy Gospels, and questioned respecting the contents of the above requisition, which was read to him by me, declared and said: That he, the witness, had been a seaman in the crew of the Oriental brig *Bella Uniao*; that he knows, from having been present, that Joaquim Pedro Ferreira, the husband of the person justifying, died on board the said brig in the month of June last past, in sight of the island of Trinidad, of an attack of fever. And his evidence having been read over to him, and found correct, he signed it.

I, José Francisco de Borja Xavier Socin, wrote it.

FRANCISCO JOAO MONIZ, *Vice Consul.*

MANUEL ESGORCIO made a cross.

Done in compliance with the petition on the second page, after examining various witnesses. Let the person justifying receive the depositions as she asks, and let the present evidence be placed in the archives.

FRANCISCO JOAO MONIZ, *Vice Consul.*

CONSULATE GENERAL OF PORTUGAL AT RIO DE JANEIRO, July 8, 1841.

And nothing more is contained in this document of evidence, of which I caused the present copy to be made, signed by myself, and sealed with the seal of the consulate of Portugal, at Rio de Janeiro, on the 10th of July, 1841.

FRANCISCO JOAO MONIZ, *Vice Consul.*

[Seal of the royal arms.]

And nothing more is contained in this document, which I deliver to the person requiring it, through the undersigned notary, well and faithfully extracted, and signed by myself, in this court, and city of Rio de Janeiro, on the 26th of August, 1841:

I, Joaquim José de Castro, wrote and signed it.

[A flourish, and name illegible.]

JOAQUIM JOSE DE CASTRO.

[COPY.]

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

I, the undersigned, consul of the United States at the city of Rio de Janeiro, hereby [certify] the signature affixed to the foregoing document to be that of Joaquim José de Castro, notary public of this city, and that faith and credit ought to be given to the same.

In testimony whereof, I hereunto set my hand, and affix the seal of this office, this 4th day of September, 1841.

GEORGE W. SLACUM,
Consul U. S. A.

Mr. Slacum to Mr. Webster.—[COPY.]

No. 36.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, September 13, 1841.

SIR: With reference to my last despatch, No. 35, duplicate enclosed, I have the honor to transmit two depositions in regard to the American crew of the brig "Sophia," Hale, master.

By these documents you will perceive that four of the unfortunate seamen are accounted for; the fifth, I am told, died on shore at Benguela, and the sixth and last was taken on board the brig "Ceylon," of Salem.

I hope both Hale and Sumner may be arrested, as it will be for them to show in what capacity and under what circumstances they made the voyage in the slaver "Bella União," formerly the "Sophia," of New York.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM,

Consul U. S. A.

HON. DANIEL WEBSTER,

Secretary of State, Washington.

[COPY.]

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

Personally appeared before the undersigned, consul of the United States at the city of Rio de Janeiro, Andrew Beauvais, master of the brig "Himmaleh," of New York, who, being duly sworn, deposed as follows: That while said brig was at anchor in Benguela bay, coast of Africa, on or about the 1st of June last past, he found two seamen on the beach in a destitute condition; that the deponent was induced, from a feeling of charity, to take them on board, when they represented themselves to be a part of the crew of the brig "Sophia," of New York, Matthew Hale, master; that they, with the rest of the crew, had been put on shore, the "Sophia" having been sold for a slaver. And deponent further said, that one of the seamen so taken on board the "Himmaleh" died while the vessel remained at Benguela, and the other at Angola; that the aforesaid seamen declared to deponent that the said brig "Sophia" did take in a cargo of slaves at Benguela, and sailed for the coast of Brazil, under the Banda Oriental flag, the aforesaid Matthew Hale, and William P. Sumner, the mate, being on board at the time of her departure.

A. BEAUVAIS.

Sworn before me, this 11th day of September, 1841.

GEORGE W. SLACUM,

Consul U. S. A.

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

I, the undersigned, consul of the United States at the city of Rio de Janeiro, hereby certify the foregoing to be a true and faithful copy of the original on record at this consulate.

Given under my hand and seal of office, this 13th day of September, 1841.

GEORGE W. SLACUM,

Consul U. S. A.

[COPY.]

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

Personally appeared before the undersigned, consul of the United States at the city of Rio de Janeiro, W. E. Newcomb, master of the brig "William Jones," of New York, who, being duly sworn, declared as follows: That while said brig was at anchor in Benguela bay, coast of Africa, on or about the 1st of July last past, he (declarant) was solicited to take on board two destitute American seamen, found on the beach, and who stated they were part of the crew of the brig "Sophia," of New York, Matthew Hale, master; that they, with the rest of the crew, were landed at that place, the "Sophia" having been converted into a slaver. And declarant further said, that he did take the aforesaid seamen on board the "William Jones," as an act of humanity, and with the intention of conveying them to Rio de Janeiro, to be placed under the protection of the American consul; that, at the time of receiving the aforesaid seamen on board, they were in a weak and sickly condition, and, notwithstanding all care and aid on the part of the declarant, they both died, the one on the 14th and the other on the 23d day out.

W. E. NEWCOMB.

Sworn before me, this 10th day of September, 1841.

GEORGE W. SLACUM,
*Consul U. S. A.*CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States at the city of Rio de Janeiro, hereby certify the foregoing to be a true and faithful copy of the original on record at this consulate.

Given under my hand and seal of office, this 13th day of September, 1841.

GEORGE W. SLACUM,
Consul U. S. A.

Mr. Slacum to Mr. Webster.—[COPY.]

No. 37.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, September 13, 1841.

SIR: Herewith I have the honor to transmit the deposition of Benjamin Lombard, Nicholas Lasher, and John Brown, late seamen on board the brig "Solon," of Baltimore.

This vessel, per register, belonged to Messrs. Benjamin C. Buck & Son, of Baltimore. She arrived at this port, from Baltimore, on the 23d of February last, under command of Charles Brown, and sailed hence for the coast of Africa on the 4th of April following, under charge of W. C. Wright, former mate.

From the deposition of the seamen, I think there can be no doubt she was at one time intended for and actually commenced fitting as a slaver. Indeed, Captain Beauvais, of the brig "Himmaleh," whose name appears to the deposition in the case of the "Sophia," and is referred to in the one

enclosed, intimates a confirmation of the statement made by Lombard, Lasher, and Brown; and I have no doubt, were he brought before a competent tribunal, he would prove much more.

The "Solon" returned here but a few days after her arrival; and while I was endeavoring to trace her proceedings, she was ostensibly sold by her consignee, transferred to a Brazilian, and her register surrendered. There can be but little doubt, however, that she was sold *secretly* before she went to Africa, and sailed under a charter-party.

An investigation of the case at home, and a reference to the books of Buck & Son, will, I think, prove the fact that the proceeds of the "Solon" were remitted when Brown left the vessel. W. C. Wright sailed two days since, in the brig "Fabian," for Baltimore, and Captain Beauvais will soon sail for New York.

Should the testimony of Beauvais be required, he may be heard of at the counting house of Messrs. Goodhue & Co., of New York.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM,
Consul U. S. A.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

[COPY.]

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

Personally appeared before the undersigned, consul of the United States at the city of Rio de Janeiro, Benjamin Lombard, John Brown, and Nicholas Lasher, seamen on board the brig "Solon," of Baltimore, W. C. Wright, master, who, being duly sworn upon the Holy Evangelists of Almighty God, deposed and said as follows: That they (deponents) sailed from the port of Rio de Janeiro on board said brig, in capacity aforesaid, on or about the fourth day of April last past, on a voyage to the coast of Africa; that they arrived at the port of Angola on or about the 28th day of May following; that the second or third day thereafter they commenced discharging cargo, consisting of pipes of aqua ardente, or brandy, casks of wine, bales and boxes of dry goods, tobacco, and rice. And deponents further said, that, on the departure of said brig from Rio de Janeiro, on the aforesaid intended voyage, there went as passengers two Portuguese, Salquir and José; that these two persons lived in the cabin during the outward voyage, but, on the arrival of the vessel at Angola, the said Salquir left the vessel and lived on shore, for the purpose, as deponents heard and believe, of furnishing and arranging fixtures for the vessel as a slaver; that the said José remained on board, giving directions for stowing the hold and placing the large water butts when they were brought on board; that he (the said José) went to market for the ship, and acted otherwise as though he had authority.

And deponents further declared and said, that while at anchor in the aforesaid port of Angola, four large water butts, supposed to contain four common hogsheads of water each, were brought on board upon two different occasions—that is, two on one night and two on the succeeding night; that great secrecy was observed, the awning let down on one side,

and the butts taken in on the same side, to prevent being seen from Portuguese vessels of war lying near; that the crew of the said brig Solon were not called to assist in taking in the butts on the first night, that work having been done by negroes from the shore.

And deponents further declared, that the said brig was measured from the butts up to the beam by an iron hoop straightened, and the hatches measured fore and aft and thwartships, all under the direction of the said José; and, further, that the said John Brown was ordered by the said Wright to make a number of bungs for water casks, and several boxes for pumps; and that, in obedience to such order, he (the said Brown) did make boxes sufficient for eight pumps, and, with the rest of the crew, about fifty bungs for water pipes.

That these indications and preparations left no doubt on the minds of deponents that the said brig "Solon" was being fitted for a slaver, especially as the said José told deponent, (John Brown,) who understands Portuguese, that such was the fact.

And deponent (John Brown) further declared, that the said José told him that the brig was to be sent down the coast to Cabinda, to take in a cargo of slaves, and that the aforesaid Salquir was to take command, and he (the said José) to act as mate of the said brig "Solon" on her return voyage to Brazil. * * * That they, (deponents,) with the remainder of the original crew, were to be put on shore at Cabinda, and their places supplied by a Portuguese crew, to be sent down from Angola.

And deponents further declared, that during the time of the preparations before described, the American flag was flying on board said brig, and that she retained her American character. And deponents further said, that they heard and believe that the preparations and fittings were suspended, and the slave voyage abandoned, by the advice of Captain Beauvais, of the American brig "Himmaleh," just arrived on the coast. And further deponents said not.

BENJAMIN LOMBARD.
NICHOLAS LASHER.
JOHN BROWN, his + mark.

Witness to signature of John Brown.

C. FEARON.

Sworn before me, this 27th day of August, 1841.

GEORGE W. SLACUM,
Consul U. S. A.

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

I, the undersigned, consul of the United States at the city of Rio de Janeiro, hereby certify the foregoing to be a true and faithful copy of the original on record at this consulate.

Given under my hand and seal of office, this sixth day of September, 1841.

GEORGE W. SLACUM,
Consul U. S. A.

Mr. Slacum to Mr. Webster.

No. 38.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, September 14, 1841.

Sir: The communications which I had the honor to address to you yesterday had reference to the cases of the "Sophia" and "Solon." I will now take leave to submit to your consideration the case of the brig "Pilgrim" of Portsmouth, New Hampshire. By the date of the enclosed correspondence between our chargé d'affaires, Mr. Hunter, and myself, you will perceive that it took place a short time before my departure for the United States; and I think, had Mr. Hunter taken the same view of the matter that I did, a stop wou'd have been put to these secret sales and open charter-parties, and that our flag would no longer be prostituted to the interests of foreigners.

The "Pilgrim" arrived here in the year 1840, consigned to Mr. James Birkhead, of this city, merchant; she was the property of Mark Sheafe, of Portsmouth, New Hampshire; and Theodore Sheafe came out as supercargo. The vessel sailed hence for the river Platte, with her original outward cargo on board.

At Montevideo, Theodore Sheafe fell dead in the street, and the consignees of the "Pilgrim" at that port despatched her to Rio de Janeiro; on her arrival here, she was again consigned to Mr. Birkhead, and loaded for the coast of Africa. When her lading was completed, the master, a young man named Hill, called at the consulate, and stated that he had purchased the vessel; that she was then loaded on freight; and that he wished the register and vessel transferred to him, as he was ready to clear. I remarked to him, that it would be necessary, in the first place, to show me his authority to sell, as I was aware of the sudden death of Mr. Theodore Sheafe, and supposed the power he held ceased upon that event. The master then produced authority, given to him in case of accident to Mr. Sheafe; but upon reading his letter of instructions from Mark Sheafe, the owner, I observed he (the master) was upon monthly wages of \$45; and as the brig had been out from Portsmouth only five months, I expressed my surprise at his good fortune, and requested to see the consignee.

Mr. Birkhead soon appeared, and confirmed the sale; upon which, I asked if he had any objection to make oath to the fact. This he declined; and, after some conversation, admitted that the vessel was sold to a foreigner; that he had received the purchase money; that the vessel was fitted out, and her expenses paid, by the foreign purchaser; and that she sailed at his (the foreigner's) risk; but added, that the purchase was not complete, as no bill of sale or transfer had been made, and none would be made until the vessel's return. I replied, that, under these circumstances, I could not give up the register and clear the vessel; that the sale was complete, the equitable interest being vested in the foreigner; that she was to all intents and purposes his vessel, and that he had given a valuable consideration. The case was then submitted to Mr. Hunter, who, aware of all the facts and arguments here related, decided against my position.

An interview was then had by Mr. Hunter with the foreign purchaser and Mr. Birkhead, at the counting house of the latter; after which, Mr. Hunter informed me the sale had been cancelled, and a charter-party entered into; and that I would not be justified in withholding the papers of the vessel. She was accordingly cleared for Africa; returned here after my departure; was sold to an American captain named Haley; loaded, I

understand, by the first purchaser; cleared for St. Thomas, coast of Africa; but found her way to St. Thomas, West Indies, where Haley sold vessel and cargo—the vessel to his brother, who reached New Orleans, and there obtained a new register; and the “Pilgrim” sailed sometime since from Boston, on a foreign voyage.

Haley, no doubt, covered the property for the foreigner; and, as all the papers were in his name, the foreigner, who I believe to be Brazilian, has lost vessel and cargo.

During my absence, two other vessels, the brigs. “William Jones” and “Himmaleh,” owned by Messrs. Goodhue & Co., New York, have been chartered, and made the voyage to Africa. They returned a few days ago, and have surrendered their registers, under a sale alleged to have been made since their arrival.

I present these cases for your consideration, as well to show the plan that has been pursued during my absence as to suggest those measures which, in my opinion, will enable me to check it:

1. To oblige, by law, every master and consignee, or agent, upon clearing a vessel from any port in Brazil for the coast of Africa, to make oath, before the consul, that the persons named in the register are the true and only owners of the vessel at that time, and for the said intended voyage; and that no other person has any interest, direct or indirect, in her.

2. To oblige, in like manner, the master to present to the consul his manifest, and make oath to the truth of it.

3. To oblige, in like manner, the master to swear that the vessel is actually bound to the port cleared for.

It occurs to me, that something like the above would go far to prevent these abuses of the American flag and register.

I understand that very high prices are paid for an American vessel, by Brazilians and Portuguese, whenever they can induce the master to give them the use of the register; and in some cases they even give security for the forfeiture of the bond at home. Of course, I cannot detect these bargains; for, while the sale is secret and confidential between the parties, a charter-party is always ready to be exhibited.

In conclusion, allow me, sir, to apologize for troubling you with so much matter at one time; but the truth is, all these cases, with the exception of the “Pilgrim,” have come upon me at once, which, added to the ordinary occupations of my office, have left me scarcely a moment leisure for the last three weeks.

My anxiety to place within your knowledge transactions so derogatory to our national character must be my excuse for any imperfections you may discover in the communication now made.

It may be proper here to remark, that I do not believe either the “William Jones” or “Himmaleh” to have been engaged in the slave trade, nor do I charge upon the merchants here such a design. I have only stated facts, and drawn such conclusions as I think the facts will warrant.

At foot you will find the names of the consignees of each vessel, who are among our most respectable commercial men.

Commodore Ridgely, who sails in the frigate “Constitution” to-morrow morning, has politely offered to convey these despatches to you; and to him I refer you for any explanations.

I have the honor to be, sir, your most obedient servant;

GEORGE W. SLACUM, *Consul U. S. A.*

Hon. DANIEL WEBSTER, *Secretary of State, Washington.*

Names of consignees.

Brig Sophia, Maxwell, Wright, & Co.
 Brig Pilgrim, } James Birkhead.
 Brig Solon, }
 Brig William Jones, } Forbes, Valentine, & Co.
 Brig Himmaleh, }

[COPY.]

No. 38.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, April 13, 1840.

SIR: In the communication which I held with you respecting the sale of the brig Pilgrim, of Portsmouth, New Hampshire, I stated the admissions of the consignee and master, and submitted the question to your consideration. On the first point, the illegality of the sale, we had one and the same opinion. Upon the second point, I would now respectfully ask, if the vessel again reverts to the original owners, upon the statement of the master and consignee that the sale has been annulled? Or whether such a sale as had been made within the view of our laws deprives the vessel of the use of her American register?

Respectfully, your most obedient servant,

GEORGE W. SLACUM,
Consul U. S. A.

HON. WILLIAM HUNTER.

LEGATION OF THE UNITED STATES,

April 14, 1840.

SIR: In reply to your query respecting the sale of the brig Pilgrim, of Portsmouth, New Hampshire, my opinion is, that the master can repent him of the incomplete verbal sale, annul it, and, restoring himself and vessel to his and her primary condition, be entitled to the American register and every other American privilege.

You will therefore, in my opinion, be justified in the delivery of the vessel's papers, and granting the usual certificate to facilitate her clearance from this port.

Respectfully, yours,

WILLIAM HUNTER.

GEORGE W. SLACUM, Esq.,
Consul United States, Rio.

Mr. Slacum to Mr. Webster.—[COPY.]

No. 42.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, October 5, 1841.

SIR: Respectfully referring to my despatch No. 35, I have the honor to inform you that Victor Alexander, late steward on board the brig Sophia,

Matthew Hale, master, arrived here a few days since, from the coast of Africa. He says he is the only survivor of the unfortunate crew, and confirms the fact that the "Sophia" was fitted as a slaver immediately on her arrival at Benguela, and while Captain Hale continued in command. That she did receive on board a cargo of slaves, and sailed for the coast of Brazil, under command of two Portuguese, who went from this place in her. Alexander further states, that the American flag was hoisted on board the "Sophia" during the time she was being prepared as a slave ship, and up to the night on which the slaves were embarked, and the American crew put on shore; when the Portuguese assumed the command, and hoisted the flag of Montevideo.

I have not been able to take the deposition of this man, owing to the weak state in which he arrived; but, as his physician thinks he will be sufficiently restored in a few days, I will forward the proper document, and detain him to be sent home as a witness, should Hale be arrested.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM,
Consul U. S. A.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Slacum to Mr. Webster.—[COPY.]

No. 43.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, November 24, 1841.

SIR: Respectfully calling your attention to my despatch No. 42, I have the honor to transmit, herewith, the deposition of "Victor Alexander," in the case of the brig "Sophia." This man is now quite recovered, and it is my intention to send him to the United States in the barque "Hortentia," to sail in a few days for Baltimore. I also beg leave to enclose a certified copy of the list of crew on board the "Sophia" when she sailed from this place, as well as her ports of destination, according to her clearance.

In my despatch No. 38 I omitted to state that I had received a letter from the owner of the brig "Pilgrim," in which he says an improper use has been made of the register of that vessel.

I am aware, sir, that the course I have pursued, and intend to pursue, in the discharge of my public duty, will cause me the loss of some friends in this quarter. Such a result is certainly unpleasant; but I cannot consent to retain the friendship or good will of any man, at the high cost of an abandonment of official duty, and the sacrifice of self-respect; nor can I be induced to wink at or pass over acts which, in my opinion, reflect dishonor and discredit upon our common country.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM,
Consul U. S. A.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

[COPY.]

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

Personally appeared before the undersigned, consul of the United States at the city of Rio de Janeiro, "Victor Alexander," late steward of the brig "Sophia," of New York, Matthew Hale, master, who, being duly sworn, deposed as follows: That he (deponent) shipped on board said vessel, in capacity aforesaid, on or about the 21st February last past, on a voyage to the coast of Africa, and back to Rio de Janeiro; that two Portuguese, "Ferreira" and "Joaquim," sailed in said vessel, from the aforesaid port of Rio de Janeiro, as passengers; that they lived in the cabin during the voyage, but, upon the arrival of the vessel at Benguela, coast of Africa, Ferreira lived on shore, while Joaquim remained on board and directed the fitting of the vessel as a slaver. And deponent further said, that, during the time of her being so fitted, Matthew Hale, the American master, and William P. Sumner, the American mate, with the original crew, remained on board; that, soon after the arrival of the vessel at the port of Benguela, eight Portuguese were put on board, and, while the said Joaquim directed the fixtures in the hold, and the erection of the galley, false decks, gratings, storage of water casks, provisions, &c., Hale and Sumner directed the American crew in their work on deck, setting up and repairing rigging, &c.; that, when the vessel was completely fitted as a slaver, he (deponent) with the rest of the original crew, were put on shore and paid off by the said Hale, and their places supplied by a Portuguese crew; that during all this time, that is to say, from the arrival until the departure of the vessel from Benguela, Hale and Sumner remained on board, giving directions as aforesaid, while the American flag was kept flying up to the evening of the sailing of the vessel, when a cargo of slaves was put on board during the night, the said Ferreira having taken charge of the vessel as master, and the said Joaquim as mate.

And deponent further said, that he was on the beach, and saw many of the slaves so embark; that, while on board as steward, he saw the Montevidean flag and a set of Montevidean papers; but, as the vessel sailed in the night, deponent does not know what flag, if any, was hoisted. And deponent further said, that the said Matthew Hale and William P. Sumner did leave the port of Benguela in the aforementioned vessel. And further deponent said not.

VICTOR ALEXANDER, his \dagger mark.

Witness: E. FEARON.

Sworn before me, at Rio de Janeiro, this 11th day of November, 1841.

GEORGE W. SLACUM,

*Consul U. S. A.*CONSULATE OF THE UNITED STATES, *Rio de Janeiro*:

I, the undersigned, consul of the United States at the city of Rio de Janeiro, hereby certify the foregoing to be a true and faithful copy of the original on record at this consulate.

Given under my hand and seal of office, this 16th day of November, 1841.

GEORGE W. SLACUM.

[COPY.]

List of crew on board the brig, "Sophia," of New York, Matthew Hale, master, cleared for Cape de Verdes, via the coast of Africa.

William P. Sumner, first mate; Joaquim José dos Santos, second mate; Victor Alexander, Thomas Frost, William Cavalier, David Lewis, Henry Augustus Miller, Hirman Rirck, Charles Myers, F. Lopes, José Feugeira Pinto, Manuel de Lima, seamen.

MATTHEW HALE.

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

I, the undersigned, consul of the United States at the city of *Rio de Janeiro*, hereby certify the foregoing to be a true and faithful copy of the original list of crew of the American brig "Sophia," at the time of her departure from this port, and also her destination, according to her clearance, taken from the record in this consulate.

Given under my hand and seal of office, this 25th day of November, 1841.

GEORGE W. SLACUM,
Consul U. S. A.

Mr. Slacum to Mr. Webster.—[COPY.]

No. 44.]

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, May 1, 1842.

SIR: Since I last had the honor to address you, under date 24th November, No. 43, the following American vessels have loaded at and cleared from this port for the coast of Africa: Brig "Roxbury," of Baltimore, 215 tons, returned, and loading again; brig "General Pinckney," of Baltimore, 194 tons, returned, and sailed for the United States; brig "Odessa," of New York, 181 tons, returned, and loading for the United States; ship "Robert Bowne," of New York, 504 tons, on her way to India; barque "Sagamore," of New York, 285 tons, expected; barque "John A. Robb," of Baltimore, 273 tons, expected; ship "Whitmore," of New York, 281 tons, sailed lately; brig "Independence," of New York, 149 tons, sailed lately. Two other vessels, viz: the barque "Mary" and brig "Garafnia," both of Baltimore, and owned by E. Robinson, cleared lately, at the custom-house here and at this consulate, for the river Platte, but, from information since received, I am inclined to believe they sailed to the coast of Africa, and I fear that the barque "Mary" is the property of foreigners navigating with the American flag and register.

Reflecting upon the course of our trade to that country, in connexion with important questions now under consideration or discussion at home, I feel induced, by a sense of duty as well as anxiety for our national character, to trespass upon your attention with a few observations upon this delicate subject. Presuming that the right of search will never be granted to Great Britain, but that our Government will establish and maintain its own maritime police, and do all else that the national dignity requires, while at the same time it will go as far as may comport with the

national feeling and interest to evince to other Powers its determination to meet them in the humane work of abolishing the slave trade, I would respectfully suggest, that, with an efficient naval force on the coast of Africa, we should prohibit, by law, all trade or commerce to American vessels between any foreign place and that country. In support of this suggestion, I will endeavor to show, that while the odium attaches to us, no advantage results to the country, if we except the cases wherein a few merchants may be paid for their infamy by high prices for slave *vessels* or large freights for slave *cargoes*. In the first place, I would call your attention to the indirect commerce of Great Britain with the coast of Africa, and fix the point where it stops, and where it is taken up by our own countrymen. Of the vast amount of capital invested, and the great number of English houses supported and enriched by the African trade, this city furnishes abundant proof; samples of "coast goods," as they are called, are sent home to Manchester, where orders are constantly filled, goods manufactured to suit the *taste* or *fancy* of the negroes sent here, and sold by English agents to notorious slave dealers. But, so far as England is concerned, this trade stops here—no English vessel being permitted to carry to Africa such a cargo as she brought from home.

The Portuguese, who were the great *carriers*, have suffered so extensively by British captures, that few or none are willing to undertake such voyages. Brazilian vessels being treated in like manner, the slave dealer has now to look to the commercial marine of the United States to supply his factories on the coast with British manufactures and other products, (articles of exchange for slaves,) or vessels in which to transport the victims of his cupidity and avarice.

Thus, if not prevented by some strong measure, we shall ere long become the common carriers in this shocking traffic. And where, let me ask, (if such a thing should for a moment be taken into the account,) where goes the profit? It accrues to the British manufacturer, the British merchant, and the slave dealer.

That our trade to Africa is increasing, and becoming more important, I am well aware; but let it be bona fide and direct from the United States. There all proper checks and guards may be put upon it; while here, along this whole coast, and in Cuba, no such thing can be done. And among these checks and guards, I would propose, first, that any vessel cleared from the United States for Africa should be obliged by law to return direct, bringing with her the proceeds of her outward cargo, unless it could be established that the vessel had been lost or rendered unseaworthy.

Secondly. To make it *felony* for any master, owner, or agent, to sell an American vessel, at any time or in any place, deliverable on the coast, or to sell such vessel while there, except under an act of condemnation for unseaworthiness.

Once confine the African trade to a direct intercourse between that country and the United States, and, my word for it, a severe blow will be given to the British manufacturer of "coast goods" and the Portuguese and Brazilian slave trader. Their supplies would not only be nearly stopped, but they would be deprived of the means of transporting the slaves.

It certainly is to be lamented, but yet it is true, that many of our vessels are sold on the coast, and fitted out as slavers; and some, I have no doubt, have been sold here, deliverable there.

It is but a few days since the question was asked me by an American merchant of high standing, "what is your opinion of the legality of a sale of an American vessel here, deliverable on the coast?" My answer was, "Could I ascertain the fact of such a sale, I would seize her at all hazards." He replied, "The question is yet an unsettled one." This may be so, but it is settled in my mind. No man could convince me of his ignorance of the object of the purchaser or the innocence of his own intentions.

In all sales of vessels here (I mean bona fide open sales) I cut the register, giving one-half to the master, to cancel his bond at home, and retain the other, safely locked up. By this measure I deprive the vessel of her national character; and although she may be used as a slaver, the disgrace attaches to the flag and papers with which she sails.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM,
Consul U. S. A.

HON. DANIEL WEBSTER,
Secretary of State, Washington.

Mr. Slacum to Mr. Webster.—[COPY.]

No. 65.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, July 1, 1843.

SIR: By reference to my despatch No. 44, under date of 1st May, 1842, you will observe the number of American vessels cleared at this port for the coast of Africa, up to that date. In continuation, I have now the honor to transmit a list of vessels for the same destination since that period. Time and observation have but confirmed the opinions and suggestions I ventured to express in that despatch; and I am entirely convinced that no effectual check can be put upon the slave trade until our vessels are prohibited by law from all commerce between foreign countries (at least where the trade exists) and the coast of Africa. 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 free men and passengers—the master reaping his share of 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, that they spoke only their native language. He (Foster) informed me that the passage money was one hundred dollars per head.

In respectfully urging the adoption of the suggestions which I have made, I would add that, were the trade prohibited to the extent proposed, it

would not only deprive the slave dealer of his supplies, but would increase the export direct from the United States of our own produce and manufactures, in a bona fide and lawful commerce, and obviate in a great degree the necessary exposure of valuable lives in our national marine to that insalubrious climate.

In this connexion, permit me to enclose a certificate, which I am obliged by this Government to give, whenever an American vessel is cleared. By it, you will perceive that I officially certify the vessel to be *at that time* the property of a citizen or citizens of the United States, as well as his or their place of residence.

Well, it may be said there is the register. True; but the register, under the most favorable circumstances, is only prima facie evidence of ownership; and, from my knowledge of the uses to which it has been applied, I have little or no confidence in that document.

My object in submitting this paper for your consideration is to ask, if, upon the clearance of a vessel for the coast of Africa, I have just grounds to suspect that she has been secretly sold, I am not authorized to require proof—that is, the oath of the master to the fact which I am called upon to attest? It certainly so appears to me, although Mr. Hunter, our minister here, has declared a contrary opinion. Surely, it is not *exacting* or unnecessarily multiplying oaths, (a system to which I am as much averse as any one,) but merely requiring proof from the competent party, to enable me to certify a fact which at the time I may doubt.

In conclusion, allow me again respectfully to call your attention to my despatches Nos. 35, 36, 37, 38, 43, and 44; and, should you deem any thing herein contained worthy of notice, to ask your opinion upon the points submitted.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM,

Consul U. S. A.

HON. DANIEL WEBSTER,

Secretary of State, Washington.

List of American vessels cleared for the coast of Africa since 1st May, 1842.

| Date of clearance. | Class. | Name of vessel. | Tons. | Owners, as per register. | Place of residence. | Consignees at Rio de Janeiro. |
|--------------------|----------|-----------------|-------|--------------------------|---------------------|-------------------------------|
| May 9, 1842 | Brig | Roxbury | 215 | R. W. Allen | Baltimore | Forbes, Valentine, & Co. |
| May 21, 1842 | Barque | Rosalba | 201 | Thomas Batelle | New York | Forbes, Valentine, & Co. |
| August 20, 1842 | Brig | Duan | 218 | Bryant & Foster | Beverly | James Birkhead |
| January 14, 1843 | Brig | Kentucky | 223 | Willis & Hart | New York | Maxwell, Wright, & Co. |
| January 26, 1843 | Brig | Porpoise | 160 | G. F. Richardson | Brunswick | Maxwell, Wright, & Co. |
| February 18, 1843 | Barque | Hualco | 279 | W. G. Furber | Belfast | Schroder & Co. |
| February 23, 1843 | Schooner | Rosario | 155 | Jed. Fry and others | New York | James Birkhead. |
| February 25, 1843 | Brig | Duan | 218 | Bryant & Foster | Beverly | James Birkhead. |
| May 27, 1843 | Schooner | Pamelia | 151 | E. G. Kimball | Salem | James Birkhead. |
| June 30, 1843 | Barque | Lucy Penniman | 270 | J. P. Keller and others | Machias | James Birkhead. |
| | Brig | Duan | 218 | Bryant & Foster | Beverly | Maxwell, Wright, & Co. |
| | Brig | Porpoise | 160 | G. F. Richardson | Brunswick | James Birkhead. |

N. B.—The last two are about to sail.

Mr. Slacum to Mr. Upshur.—[COPY.]

No. 71.]

CONSULATE OF THE UNITED STATES,

Rio de Janeiro, October 6, 1843.

SIR: I have the honor to transmit, herewith, the deposition of three seamen, late of the brig "*Pamelia*," of Salem, Massachusetts, thus furnishing another case for the consideration of our Government. This statement, confirmed as it was by the chief mate, goes to show the almost direct manner in which our citizens are "aiding and abetting" the slave trade, and confirms my previous communications upon this subject.

I well remember, before the "*Pamelia*" sailed for Africa, and before her destination was known to me, Ingalls, the master and part owner, transferred the command to Pratt, the chief mate, on the plea of delicate health, and returned to the United States, taking with him, I have now no doubt, the proceeds of the sale of his vessel.

Another case, which occurred at Bahia, has been brought to my notice. It appears that the brig "*Yankee*," owned somewhere to the North, sailed from that port for Africa as an American vessel, under command of the original master, "*Goodrich*," (I believe of New Haven,) was there delivered up, and returned to Brazil in charge of Portuguese, having on board a cargo of nearly seven hundred slaves. That vessel is now in this port, under the name of the "*Seventeenth of March*." This statement I had from one of the crew, an Englishman, who returned in her. The records of the department over which you preside will show the extent to which this business is carried on by our countrymen; and while I find myself powerless to prevent such practices, I feel that I but fulfil my duty in continuing to call attention to the subject.

Another American merchant here, Mr. John Gardner, informed me a day or two since that a very high price had been offered for an American vessel consigned to him, by a notorious slave dealer, if she could be sent to the coast with the American *flag* and *papers*, and there delivered up to his agents. The offer was promptly declined.

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, 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, provisions, 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.

I hope you will not misunderstand me, sir, and think I can for a moment entertain the idea of surrendering the right of "visit and search." No, sir; upon that point, no man can be more firm than myself. I am but endeavoring to show the necessity of further legislative action, if we are to check effectually this infamous trade, and free our common country from the reproach to which it is subjected by a few unworthy citizens.

I will detain you but a moment, to indicate the inutility of the best

efforts of our African squadron to prevent this state of things. For example : a vessel is *chartered* or *secretly* sold here to a slave dealer, to be delivered on the coast ; she carries, as cargo, (and, in some instances, the very persons, as *passengers*, who are to navigate her back,) all the slave dealer requires ; she clears and sails, regularly documented, as an American vessel ; she is overhauled and examined by an American man-of-war ; every thing 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 a new master, takes in slaves, waits 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 a 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, Massachusetts, Captain Ezra Foster, also consigned to Mr. Birkhead ; and the fact was stated to me by the captain himself on his return, alleging that he had been deceived.

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. The question, then, arises, what are the measures to be adopted ? To enact a schedule or tariff of prohibited articles, after the manner of the English and French ; or to prohibit all trade to our vessels between any *foreign* country and Africa. The latter, to my mind, is decidedly to be preferred, for reasons stated in my former despatches, and these reasons are but strengthened and confirmed by daily experience.

In making this communication, I trust, sir, you will perceive no other motive than a sincere desire to fulfil, truly and honorably, my public duty, and, so far as I may, maintain unimpaired our national character.

I have the honor to be, sir, your most obedient servant,

GEORGE W. SLACUM,
Consul U. S. A.

Hon. A. P. UPSHUR,
Secretary of State, Washington.

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

Personally appeared before the undersigned, consul of the United States, Edward Hoppe, Samuel Moses, and Jonathan Patch, late seamen on board the brig “*Pamelia*,” of Salem, Massachusetts, who, being duly sworn, declared : That they sailed in capacity aforesaid on board said vessel, on or about the 27th of May last ; hence to the coast of Africa ; that, after their arrival at Benguela, they, (declarants,) with the rest of the crew, were transferred to a French brig, called the “*Etna*,” in which vessel they arrived in Rio de Janeiro on or about the 7th instant. And declarants further said, that, when they sailed hence, as aforesaid, there went in said brig “*Pamelia*,” as passengers, four Portuguese, whose names declarants do not recollect, one of whom was the purchaser of said vessel, and two of the others captain and mate—the occupation of the third declarants do not

know, but he appeared to be part owner of the cargo, which consisted of farinha, beans, iron crowbars unusually long, spikes, nails, sugar, a quantity of pipes, (seventy, perhaps, in number,) dry goods, such as coarse cloths, flannels, and cottons. And declarants further said, that, when they were transferred, as aforesaid, the Portuguese captain and mate, who went to the coast as passengers, took charge of the "Pamelia," and the other took possession as owner.

EDWARD HOPPE.
SAMUEL MOSES.
JONATHAN PATCH.

Sworn at Rio de Janeiro, this 22d of September, 1843, before me.

GEORGE W. SLACUM,
Consul U. S. A.

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, now on record at this consulate.

Given under my hand and seal of office, this fourth day of November, one thousand eight hundred and forty-three.

GEORGE W. SLACUM,
Consul U. S. A.

Mr. De Figanieri to Mr. Upshur.—[EXTRACT.]

H. M. F. MAJESTY'S LEGATION IN THE UNITED STATES,

Philadelphia, July 10, 1843.

SIR:

I now beg leave to call the attention of the State Department to the enclosed copies of the original documents in the possession of this legation, showing that John Holdridge, master of the American whaling barque, or ship, called the "Romulus," belonging to a port in Connecticut, kidnapped, or carried away in the said vessel, on the 18th of July, 1842, from Maio, one of the Cape Verd islands, a valuable negro man, named Pedro Timas, represented as a good sailor, an excellent swimmer, and a superior diver—having saved some persons from drowning—belonging to Antonio Soares Timas, an inhabitant of the said island of Maio.

It appears that leave was granted the "Romulus" to take in fresh provisions at the island of Maio, for which purpose her boat was sent on shore, going from and returning several times to the vessel, which kept in sight, under sail, near to the said island; that the negro Pedro, who had gone on board on one of the trips, and returned, made another, which proved to be the last, the "Romulus" bearing him away on her voyage.

These facts, which are stated in the petition of the owner of the negro, (enclosed, No. 2,) presented to the Governor General of the islands, are proved by the three certificates (Nos. 1, 2, and 3) annexed to the said petition, of the United States consular agent, the military commander, and the collector of Maio, as well as by the Governor General himself, who, in his despatch of the 31st December, 1842, (enclosed, No. 1,) assures the com-

plaint to be just, and, moreover, that similar robberies had before been committed by American vessels engaged in the whale fishery.

The Queen's Government, relying upon the justice which characterizes the American Government, has directed me to lay these facts before you, in order that felonious acts of the kind referred to may not be committed with impunity; to claim the delivery of the negro Pedro, and compensation to the owner for the injury he has sustained and for the services of his said slave.

I have the honor to be, sir, with great consideration, your most obedient servant,

DE FIGANIERE E MORAO.

HON. ABEL P. UPSHUR,

Secretary of State of the United States.

[COPY.]

[Translation of Portuguese documents accompanying a note from the Portuguese minister, dated July 10, 1843, respecting the alleged abduction of a slave from *Maio*, one of the Cape Verd islands, by J. Holdridge, master of the *Romulus*, of ———.]

From Don F. de P. Bastos, Brigadier and Governor General of the Cape Verd islands, to his Excellency the Minister and Secretary of State for the Marine and Colonies.

HEADQUARTERS OF THE GOVERNMENT IN THE ISLAND OF BOALISTA,

December 31, 1842.

MOST ILLUSTRIOUS AND EXCELLENT SIR: I have the honor to place in the hands of your Excellency the enclosed petition of Antonio Soares Timas, of the island of *Maio*, in which he complains that a whaler from the United States of North America has robbed him of one of his slaves. The necessity of obtaining the requisite evidence of the facts alleged, and the difficulty of communications, have prevented me from hitherto giving to these documents the direction now given. From the information received, I am able to assure your Excellency that the complaint is just; and the more so, as other similar acts, committed also by American vessels employed in the whale fishery, have occurred in the time of some of my predecessors. I hope that your Excellency, taking this subject into the consideration which it merits, will deign to take measures that the person injured may obtain indemnification for the injury sustained by him. For my own part, I have taken measures calculated to render the repetition of such excesses difficult in future.

God preserve your Excellency.

FRANCISCO DE PAULA BASTOS,
Brigadier and Governor General.

Declaration of A. S. Timas, addressed to the Governor General of the Cape Verd islands.

ISLE OF MAIO, July 22, 1842.

MOST ILLUSTRIOUS AND EXCELLENT SIR: Antonio Soares Timas, a resident of the isle of Maio, declares that by the annexed documents, numbered 1, 2, and 3, he proves that John Holdridge, captain of the American whaling vessel *Romulus*, from a port in Connecticut, touched at the port of this island, on the 18th of this present month of July, to obtain refreshments, and robbed him (the deponent) of a slave named Pedro Timas, a man of thirty years old, corpulent, tall, with woolly hair, and little beard, a good seaman, who, while at sea, had saved several persons from death in this island, and an excellent diver, from whose labor the deponent derived his subsistence; and he had rather have lost four hundred milreis than have suffered the robbery thus committed on him by this captain; wherefore, he applies to your Excellency, and prays that you will take this act into consideration, and, extending to him the protection promised by the Government of your Excellency, will give him the justice which he merits, exacting it severely from the United States of America, and will deign to make to that Government the proper demands for satisfaction to the petitioner, for the sake of the dignity of this province and of national right, and in order that the daring insolence of a foreigner on our soil, or on our waters, may not go unpunished. May your Excellency, on seeing what is here submitted, take such measures as may be effectual to obtain justice.

ANTONIO SOARES TIMAS.

No. 1.

From A. S. Timas to the Vice Consul of the United States of America.

ISLE OF MAIO, July 19, 1842.

Antonio Soares Timas, residing in this island, declares that he wishes you, for the sake of obtaining justice for him, to certify, in legal form, here below, what is the name of the vessel, her captain, and of the place to which she belongs, of the American whaling vessel which was in this port near the town yesterday, the 18th July, taking refreshments; and that you will give all other information which may be within the sphere of your functions; and, also, that you will certify whether a slave of the deponent, named Pedro, was carried away on board the boat, by the crew of the vessel, without restoring him to the land; all which certificates and information I pray you to give.

ANTONIO SOARES TIMAS.

ISLE OF MAIO, July 19, 1842.

I, Silverio Antonio Evora, consular agent of the United States of America, do certify that, from a certificate of health presented to me by the mate of the American whaling vessel, it appears that her name is the *Romulus*,

the name of her captain is *John Holdridge*, from the city or port of Connecticut; as to her owner I cannot say, as vessels under sail do not present their papers to this consulate. I also certify, that it is true that the slave of the petitioner embarked, and in my presence, it being the second time that this slave went on board the said schooner, under the pretext of attending to some business. This is all that I can certify; and in testimony, I affix to it the seal of this consulate, and sign it.

SILVERIO ANTONIO EVORA.

No. 2.

From A. S. Timas to Anastacio Florendo de Medina, military commander of the island of Maio.

ISLAND OF MAIO, July 19, 1842.

Antonio Soares Timas, resident in this island, for the sake of obtaining justice, requests your Excellency to certify, in legal form, here underneath, the name of the American whaling vessel which stopped at this port on the 18th instant, to take in refreshments, as also the name of her captain and owner, and of the place to which she belongs, and also to afford any other information which may be in your power; and likewise to certify whether a slave belonging to the petitioner, named Pedro, was carried on board said vessel by her boat's crew, and taken away; of all which I pray your Excellency to furnish me the documents in evidence.

ANTONIO SOARES TIMAS.

From A. F. de Medina, military commandant of the isle of Maio.

ISLE OF MAIO, July 19, 1842.

I, Anastacio Florendo de Medina, of the council, captain of infantry of the line, and military commandant of the isle of Maio, &c., do certify that, in the book of entries of vessels arriving at the port of this island, there is no notice of the entrance of the American whaling vessel, as she did not anchor; the mate of the said vessel came on shore in a boat, and was presented to me by the American consul, Silverio Antonio Evora, but he did not tell me the name of the vessel, or of her captain or owner, as he stopped merely in order to obtain refreshments, as is the custom of vessels in all these islands, which I allowed him to do, on declaring all the articles offered for sale at the custom-house of this island, where they were entered, and he then traded with the people; finally, the mate was accompanied by the said vice consul, Silverio Antonio Evora, and several seamen, to the place of embarkation, in order to prevent disorders, in the port, of those seamen, from drunkenness; and thus they returned to their vessel in their boat, without the occurrence of any thing worthy of note; and at the end of an hour it came to my knowledge that the slave of the petitioner, named Pedro, had gone off in that boat. This slave had gone on board various vessels before, and had returned, so as to give no cause for mistrust, whilst he was on board of such boats, as was seen by all who were at Praya, on

the departure of such whaling boats. This is all that I have to certify, respecting the arrival of the said whaling vessel in this port, under the American flag, and of the loss of the slave Pedro, belonging to the petitioner, on the 18th of the present month.

ANASTACIO FLORENDO DE MEDINA.

No. 3.

From Antonio Soares Timas to the director of the custom-house.

ISLE OF MAIO, July 19, 1842.

Antonio Soares Timas, residing in this island, declares that, for the sake of obtaining justice, he requests you to certify, in legal form, here underneath, the name of the American whaling vessel which stopped at this port on the 18th instant, to take in refreshments, as also that of her captain and owner, and of the place to which she belongs, and also to afford any other information which may be within your power and province; and, also, to certify whether a slave named Pedro, belonging to the petitioner, was carried away on board the boat of said vessel, by her crew, and not again returned to the shore; of all which he prays you to give him a certificate and documents in evidence.

ANTONIO SOARES TIMAS.

From L. P. de Mello, acting sub-inspector of the custom-house of the isle of Maio, to A. Soares Timas.

ISLE OF MAIO, July 20, 1842.

I, L. P. de Mello, acting sub-director of the custom-house of the isle of Maio, do attest that, on the 18th instant, at 10 in the morning, or thereabouts, the vice consul of the United States, S. A. Evora, appeared at my residence, accompanied by an American, who declared himself to be the pilot of a whaling vessel, which was lying to off the port of this island, asking a license to take in refreshments in this port, which I granted to the said consul, on his promising to be answerable for the dues to the treasury; and on asking the said consul what was the name of the said vessel, (not in order to give her entrance, but from curiosity, as it is not the custom in this custom-house to give entrance to vessels lying to off the island,) he answered that she was the schooner Romulus, Captain John Holdridge, belonging to the city or port of Connecticut. I moreover attest that I heard of a slave named Pedro, belonging to the petitioner, being carried away in the boat of said vessel, and not having returned to the land. To all which I certify as being true; and in testimony thereof, I affix the seal of this department.

LUIS PEREIRA DE MELLO.

Mr. Upshur to Mr. de Figaniere.—[EXTRACT.]

DEPARTMENT-OF STATE,
Washington, October 12, 1843.

SIR: * * * * * * *

Referring to a former note from you, dated on the 10th July last, calling the attention of the department to certain alleged facts, in evidence of which you enclose documents showing that John Holdridge, master of an American whaling vessel called the *Romulus*, belonging a port in Connecticut, kidnapped or carried away in the said vessel, on the 18th July, 1842, from Maio, one of the Cape de Verd islands, a negro man named Pedro Timas, belonging to Antonio Soares Timas, an inhabitant of the said island, and claiming the delivery of the negro, and compensation to the owner for the injury he has sustained, and for the services of the slave, I beg leave to remark, in reply, that the case presented by the papers, supposing the facts to be as alleged, is that of a felony committed by an American citizen in a foreign country, for which this Government is not responsible. I shall be most happy, however, to afford any aid in my power towards obtaining justice from the individual charged with the offence.

I avail myself of this occasion to renew to you the assurances of my high consideration.

A. P. UPSHUR.

J. C. DE FIGANIERE E MORAO,
Minister Resident of Portugal, Philadelphia.

Mr. De Figaniere to Mr. Upshur.—[COPY.]

H. M. F. MAJESTY'S LEGATION IN THE UNITED STATES,
Philadelphia, October 19, 1843.

SIR: I had the honor to receive your note, dated the 12th instant, acknowledging the receipt of the letter from my sovereign, addressed to the President of the United States, whose reply would be communicated to my Court through the American legation at Lisbon, and referring to my note of the 10th July last, calling the attention of your department to the fact of Captain Holdridge, of the whaling vessel "*Romulus*," having kidnapped and carried away from the island of Maio a valuable negro slave, and claiming his delivery, as well as compensation to the owner for the injury sustained, and for the services of the slave. You are pleased to remark, in reply, that the case presented by the papers, supposing the facts to be as alleged, is that of a felony committed by an American citizen in a foreign country, for which his Government is not responsible; that you would, however, be most happy to afford any aid in your power towards obtaining justice from the individual charged with the offence.

In laying the above case before you, it was not pretended, I beg leave to observe, as it appears to be supposed, that the Government of the United States was responsible for the criminal acts of its citizens in a foreign country. It was with the object of obtaining the aid of this Government in bringing before the proper tribunals one of its own citizens who had offended the first article of the treaty between Portugal and the United

States, and abused the hospitality of a friendly port. It was, moreover, with the intention of giving to this Government an opportunity not only of manifesting its sense of justice, which was not doubted, in the punishment of the accused, and redress to the injured party ; for the crime was committed, as before stated, on board an American vessel, under sail, on the open sea ; therefore, equally subject to the jurisdiction of his own country as that of Portugal, if not specially within that of the former, as a violation of the statute relating to the non-introduction of slaves into the United States, but also to prevent, by such a prosecution, the necessity, on the part of Portugal, arising from repeated offences of the same nature, to enact laws and issue regulations which might be injurious to the navigation interest of the United States, yet indispensable for the security of Portuguese property ; and, finally, the recourse which was sought at the hands of the American Government was no other or more than the Queen's Government would have felt itself bound to grant, under similar circumstances, at the request of a friendly Power ; and Her Majesty's Government will be gratified to learn that you have offered any aid in the power of this Government towards obtaining justice from the individual charged with the offence in question.

Since the receipt of your note, I have been informed that Captain Holdridge sailed in the *Romulus* from the port of Mystic, where the vessel belongs, on the 25th of May, 1842, for the Indian ocean, and will probably not return before the same period of the year 1844, when this legation will avail itself of the aid you are pleased to offer. Meanwhile, should you think it fit, Charles Mallory, one of the owners and sole agent of the *Romulus*, residing in the said port of Mystic, can be intimated by the respective district attorney of the United States of the charge made against the captain of his vessel, and bound, so far as the laws will permit, to deliver the negro, if found on board on the return of the ship, and for other legal consequences, for which, as ship's husband, he may be made amenable in the premises.

I avail myself of this occasion to renew to you the assurances of my high consideration.

DE FIGANIERE E MORAO.

HON. ABEL P. UPSHUR,
Secretary of State of the United States.

Mr. Upshur to Mr. De Figaniere.—[COPY.]

DEPARTMENT OF STATE,
Washington, November 16, 1843.

SIR: The case of the abducted negro, presented in your notes of the 10th July and 19th ultimo, has been laid before the Attorney General of the United States, whose opinion regarding it I have now the honor to transmit. In accordance with the intimation made by the Attorney General, I have this day addressed a letter to Charles Chapman, Esq., United States district attorney for Connecticut, directing him to inquire into the circumstances of the case, in order to enable this Government to afford all

assistance in its power to bring the accused to justice, if the facts alleged be true.

I am, sir, with high consideration, your obedient servant,

A. P. UPSHUR.

The Commander J. C. DE FIGANIERE E MORAO,
Minister Resident of Portugal, Philadelphia.

[COPY.]

ATTORNEY GENERAL'S OFFICE,

November 2, 1843.

SIR: The case referred to my consideration by your communication of the 23d of October, if the testimony furnished by the minister resident of Portugal be accurate, is one of great aggravation, and the wrong inflicted on Antonio Soares Timas, the owner of the abducted slave, should, if possible, be redressed. But I am aware of no authority that can be properly exerted by the Government of the United States adequate to the relief that is sought.

All that can be done is to instruct the district attorney of the United States for the district in which the accused resides to inquire into the facts, and to institute a prosecution, if they will warrant it.

In regard to the property in the negro alleged to have been abducted, the Government of the United States cannot interfere. Its courts are open to the party injured; to them he may safely appeal for the full vindication of his claim to the property, and to the damages consequent upon its withdrawal from his service.

I return herewith the papers, as requested; and have the honor to be, very respectfully, sir, your obedient servant,

JOHN NELSON.

Hon. A. P. UPSHUR,
Secretary of State.

Mr. De Figaniere to Mr. Upshur.—[COPY.]

H. M. F. MAJESTY'S LEGATION IN THE UNITED STATES,

Philadelphia, November 23, 1843.

SIR: I have the honor to acknowledge the receipt of your note, dated the 16th instant, accompanied with a copy of the opinion of the Attorney General of the United States in respect to the abduction of the negro Pedro, the property of Antonio Soares Timas, of the island of Maio, by Captain Holdridge of the American whaling barque the "Romulus," of Mystic, in the State of Connecticut; in which communication you are pleased to inform me of having, in accordance with the intimation made by the Attorney General, directed the district attorney for Connecticut to inquire into the circumstances of the case, in order to enable the Government of the United States to afford all assistance in its power to bring the accused to justice.

I now beg leave to call your attention to another, and a similar case of abduction, committed by Captain Daniel Borden, of the American whaling barque the "Pantheon," of Fall River, in the State of Massachusetts, in December of 1842, while under sail off the town of Praya, of the island of Santiago, in the province of Cape Verd; which is the case I mentioned to you on the 17th instant.

It appears that the said barque "Pantheon" hove in sight of the town of Praya on the 26th of December last; that a boat was sent from her on shore, for the purpose of obtaining fresh provisions, the vessel continuing, however, under sail; the purchases occupying the whole of the day, the boat returning only at night, about seven o'clock. That, while on shore, the crew of the boat tampered with a young, intelligent, and valuable negro, named Marcelino, a journeyman carpenter and sailor, the property of João José Claudio de Lima, merchant of Santiago, and on their return carried the said slave, by stealth, in the boat, wherein was Captain Borden, to the American barque in the offing, which continued its course that night. The owner now claims from this Government 800 milreis for the loss of the property and damages consequent upon its withdrawal from his service, by the master of an American vessel, who escaped beyond the jurisdiction of the province, and could not, therefore, be there arraigned for the crime.

Not doubting that in this instance, also, you will be pleased to direct the proper officers of the United States to inquire into the circumstances of the case, in order to bring the offender to justice, and to obtain the consequent compensation to the injured party, I beg leave to enclose copies of six documents, as per annexed list, which establish the fact of the abduction of the negro, and to state, at the same time, that I have ascertained that the "Pantheon," Captain Borden, sailed from Fall River on the 26th November, 1842, for the Indian ocean, and will probably not return before April or May next; and that Nathan Durfee, of Fall River, is the general agent of the vessel.

I remain, with high consideration, sir, your obedient servant.

DE FIGANIERE E MORAO.

Hon. ABEL P. UPSHUR,
Secretary of State of the United States.

List of the accompanying documents.

No. 1. Letter of the Minister of Marine and Colonies to the Minister of Foreign Affairs, in relation to the abduction of the slave Marcelino, enclosing

No. 2. Letter of the Governor General of the Province of Cape Verd to the Minister of Marine and Colonies, upon the same subject, and transmitting

No. 3. Petition and statement of João José Claudio de Lima, complaining of the abduction of his slave by Captain Borden, of the Pantheon, soliciting the interference of Her Majesty's Government to claim of the American Government compensation for the value of the kidnapped slave, and damages for the loss of his services; and referring, to establish his claim, to

No. 4. Protest made before the proper authority, and in presence of the United States consul;

No. 5. Judicial inquiry of competent witnesses, who depose respecting the abduction, in presence of the said consul; and, lastly,

No. 6. The ratification of the above protest.

DE F.

[COPY.]

[Translation.]

No. 1.

*To the Most Illustrious and Excellent José Joaquim Gomez de Castro,
Department of Marine and Colonies:*

I have the honor to transmit to your Excellency the enclosed copy of the despatch of the Governor General of the province of Cape Verd, (No. 140,) dated the 3d of May last, and the requisition, with documents, wherein João José Claudio de Lima, merchant of the city of Praya, in that province, claims the value of a slave named Marcelino, enticed and carried away on the 26th of December of the past year, by the whaling barque "Pantheon," Captain Daniel Borden, from Fall River, in the United States of America, in order that you may be pleased to address to the Government of that Confederacy a claim for the value of the said slave, whom the claimant values at 800 milreis, taking into consideration the loss of profit and damages consequent upon his abduction; and I pray your excellency to inform me of whatsoever may be done in the matter.

God preserve your Excellency.

JOAQUIM JOSE FALCAO.

DEPARTMENT OF STATE FOR MARINE AND COLONIES,
June 20, 1843.

No. 2.

*To the Most Illustrious and Excellent Minister and Secretary of State
for Marine and Colonies:*

MOST ILLUSTRIOUS AND EXCELLENT SIR: I have the honor to communicate to you the enclosed complaint, made by João José Claudio de Lima, a merchant established in this city, against the Government of the United States of America, on account of the abduction of a slave, who is a carpenter and sailor, committed in December of last year, by the crew of the American barque Pantheon, Captain Daniel Borden, coming from Fall River. The complainant desires that the Government of Her Most Faithful Majesty should make a strong representation to the American Government, through the chargé d'affaires of Portugal in that country; whereupon, I have to inform your Excellency, that, having examined the documents offered by the complainant, it seems to me that it would be not only

an act of justice, but that it would also satisfy a political necessity, if Her Majesty would deign to make the concession solicited.

God preserve you, sir.

FRANCISCO DE PAULA BASTOS,
Brigadier and Governor General.

HEADQUARTERS OF THE GOVERNMENT OF THE PROVINCE OF
VILLA DE PRAYA DE SANTIAGO, May 3, 1843.

—
No. 3.

YOUR MAJESTY : I, João José Claudio de Lima, merchant in the city of Praya de Santiago, in the Cape Verd islands, declare that, on the 26th of December last, the whaling barque Pantheon, from Fall River, in the United States of America, while under sail off this port, sent a boat ashore to buy refreshments, which remained all day, and retired at seven o'clock in the evening. During the stay of this boat on shore, her crew enticed away a young *Latino* slave named Marcelino, by trade a carpenter and sailor, belonging to the petitioner, and carried him furtively on board, and took him to the place whither the vessel was bound, causing the petitioner to lose an annual sum of a hundred and fifty milreis, clear of all expenses, as he earned at least six hundred reis per day. This theft being so notorious, on the following day, within 24 hours, the petitioner protested solemnly against the captain of the said barque, and against whomsoever it might concern, having previously given notice, as by No. 1, to the consul of that nation. He then proceeded to prove legally the truth of the act, by a judicial justification, citing the said consul to the audience, who, from the notoriety of the fact, did not dare to refuse ; and the fact was judged to be proved, as by document No. 2. Furnished with proof so conclusive as well as authentic, and having given another notice to the consul, he rectified his protest against the said captain, people, and persons interested in the said barque, and against the Government of the United States, for the value of the slave, and the interests and damages occasioned, which are estimated by the petitioner at eight hundred milreis, as by document No. 3. As the petitioner has right to indemnification for the loss of his slave, and for the damages occasioned by the theft, and he hopes to receive from your Majesty the protection which is just for his cause, he therefore prays your Majesty to order claim to be made for such indemnification, through the representative of your Majesty's Government in the United States, inasmuch as such proceedings are contrary to the dispositions of public maritime right of all nations. He prays your Majesty to deign to accord your royal beneficence to this case, by ordering a claim to be made on account of the theft, to the injury of the petitioner.

JOAO JOSE CLAUDIO DE LIMA.

VILLA DE PRAYA, May 2, 1843.

No. 4.

PROTEST.

Know all to whom these presents may come: that in the year from the birth of our Lord Jesus Christ 1842, on the 27th of the month of December, in this city of Praya, in the island of Santiago, of Cape Verd, in my office, appeared João José Claudio de Lima, a merchant of this city, known to me as worthy of faith, and in presence of the witnesses hereinafter named, and with the objects here designated, presented the following, to wit :

Most Illustrious Ordinary Judge :

I, João José Claudio de Lima, declare having been yesterday, about 7 o'clock in the evening, robbed of a slave, who is a carpenter and seaman, named Marcelino, who had charge of my boats, by Daniel Borden, captain of the American barque Pantheon, belonging to the port of Fall River, in the United States, who means to justify, and as before to protest against the said captain, on account of the value of the said slave, and against whomsoever he may have the right to protest. He prays your Excellency to be pleased to order that note be taken of this protest in the register of this city, and that the consul of the United States be notified to the effect : all within the space of 24 hours.

Let the protest be received, and the consul be notified.

FREDERICO.

CITY OF PRAYA, *December 27, 1842.*

I certify that notice was given to Fernando Gardiner, consul of the United States of America in this province of Cape Verd, a person whom I know, of the contents of the petition and order, which I read to him ; in proof of which, I sign as directed.

I, José Maria Alves, notary, wrote it.

FERNANDO GARDINER.
JOSE MARIA ALVES.

No. 1,089, page 20.]

CITY OF PRAYA DE SANTIAGO, OF CAPE VERD, *December 27, 1842.*

PRAYA, *December 27, 1842.*

In virtue whereof, he declared, before me, that he protested against Daniel Borden, captain of the barque Pantheon, of Fall River, in the United States of America, against that vessel, against all against whom he may have the right to protest, on account of the value and loss of the labor of the said slave, named Marcelino, a carpenter and seaman, belonging to him ; it being clearly proved that the said captain took him away furtively yesterday, about 7 o'clock in the evening, a little more or less, on board the said vessel, and carried him to the place of his destination, without the consent of him, the protestor, and without a passport. I, as a public person, after giving notice to Fernando Gardiner, consul of the United States in this province, of the order above, accepted his protest against the said Daniel Borden, captain of the barque Pantheon, against that barque, and against every person else against whom he has a right to protest. Witnesses all present.

HILARIO PEREIRA BARRETO,
Officer of the Judge of the said Province of Cape Verd.
JOAO CHRISOSTOMO,
Agent of Causes, and residing in this City of Praya.

I, José Maria Alves, notary public of this city and its vicinity, who wrote and signed this with my hand, as I usually write, in testimony of the truth.

JOSE MARIA ALVES, *Notary.*
 JOAO JOSE CLAUDIO DE LIMA.
 HILARIO PEREIRA BARRETO.
 JOAO CHRISOSTOMO.

Nothing more is contained in this protest, to which I refer, in my office, as I made it out truly and faithfully, and here copied it.

I, José Maria Alves, notary, wrote this, and signed it with my hand, as I usually write, in proof of the truth.

No. 719, page 80.]

JOSE MARIA ALVES. [SEAL.]

PRAYA, *March* 17, 1843.

Cordeiro :

JOAO JOSE ANTONIO FREDERICO,
Institute Judge of this Province.

I certify that the above is the handwriting, as usual, of the notary of this province, José Maria Alves. In proof whereof, I issue the present, signed by me and sealed.

I, José Joaquim Casemiro Gamboa, notary, wrote this.

JOSE JOAQUIM CASEMIRO GAMBOA.
 FREDERICO.

Department of State for Marine and Colonies, June 20, 1843.

MANUEL JORGE D'OLEVEIRA LIMA.

A true copy.—Department of State for Foreign Affairs, September 18, 1843.

ANTONIO JOAQUIM GOMEZ D'OLIVEIRA.

—
 No. 5.

DEPARTMENT OF MARINE AND COLONIES, 1843, DISTRICT OF CAPE VERD.

[Ordinary judge of the township of Santiago, city of Praya—scrivener Alves.]

Civil proceedings of the testimonial petition, in which João José Claudio de Lima is the justifier.

Year of our Lord Jesus Christ 1842, on the thirtieth day of the month of December of the said year, in this town of Praya, of the island of Santiago of Cape Verd, the following petition was actuated (*autuar;*) in testimony whereof, the present was made. I, José Maria Alves, scrivener, wrote it.

ILLUSTRIOUS SIR : João José Claudio de Lima, merchant and proprietor in this island of Santiago of Cape Verd, says that, for the use of his lawful right, he pretends to justify or prove, by the witnesses named in the present list, the following : First, that on yesterday, twenty-sixth instant, no other vessel but the American barque Pantheon, whereof Daniel Borden is master, sailed from this port ; second, that the said barque all day yesterday was under sail off this port, and the captain on shore purchasing refreshments ; (the latter returned at seven o'clock at night in the boat which had brought him on shore ;) and that no other vessel went from Praya to [sea that night but this boat belonging to the aforesaid barque, and that

she came from the port of Fall River, in North America ; third, the captain of the said barque took with him by stealth, when he returned on board, a slave by the name of Marcelino, a carpenter and mariner, belonging to the petitioner : in furtherance of which, he requests you will admit the present justification, appointing the day, and thereby will receive favor.

TOWN OF PRAYA, *December 27, 1842.*

Seal number 1,083; paid twenty reis for the seal.—Praya, December 28, 1842.

Cordeiro—Despatch : Let him justify, and the consul be cited to be present at the administering the oath to the witnesses, and these be notified for the 30th.

FREDERICO.

TOWN OF PRAYA, *December 28, 1842.*

Witnesses.—John Antonio, calker, No. 1 ; Joaquim da Silva, proprietor, No. 2 ; Antonio Guimaraes, proprietor of the barge, No. 3 ; Evaristo Antonio Chaves, custom-house officer, No. 4 ; Pedro Sandez Ribeiro, No. 5 ; Calisto Monteiro, No. 6.

Certificate.—I certify that I notified Ferdinand Gardiner, consul of the United States of America in the province of Cape Verd, a person whom I know, for the contents in the foregoing petition and despatch, which I read to him; [and] at the same time told him that to-day at noon he is to appear at the residence of the ordinary judge of this township, John Joseph Antonio Frederico. In testimony whereof, I have signed these presents.

I, Joseph Maria Alves, scrivener, wrote it.

TOWN OF PRAYA, SANTIAGO, CAPE VERD, *December 30, 1842.*

I declare that I notified personally Ferdinand Gardiner.

JOSEPH MARIA ALVES.

I certify having notified the caulker, John Antonio, personally, for the contents of the petition on the other side ; in testimony whereof, he signed with me.

JOHN ANTONIO.

JOSEPH MARIA ALVES.

TOWN OF PRAYA, *December 30, 1842.*

I certify having cited Joaquim da Silva, proprietor, in his proper person.

JOAQUIM DA SILVA.

JOSEPH MARIA ALVES.

TOWN OF PRAYA, *December 30, 1842.*

I certify having cited Pedro Sandez Ribeiro personally.

PEDRO SANDEZ RIBEIRO.

JOSEPH MARIA ALVES.

TOWN OF PRAYA, *December 30, 1842.*

I certify having notified Calisto Monteiro in his proper person.

CALISTO MONTEIRO, his + mark.

JOSEPH MARIA ALVES.

TOWN OF PRAYA, *December 30, 1842.*

I certify having notified Antonio Guimaracus personally, who signed with a cross.

ANTONIO GUIMARACUS, his + mark.
JOSEPH MARIA ALVES.

PRAYA, *January 12, 1843.*

I certify that I cited in his proper person Evaristo Antonio Chaves, who signed, and I, Joseph Maria Alves, scrivener, who wrote it.

EVARISTO ANTONIO CHAVES.
JOSEPH MARIA ALVES.

PRAYA, *January 12, 1843.*

Act of approbation.--On the thirtieth day of the month of December, 1842, in this town of Praya, of the island of Santiago of Cape Verd, and house of the residence of the ordinary judge of this township, John Joseph Antonio Frederico, being there with me, scrivener, who act under his charge, was present John Joseph Claudius de Lima, merchant of this said town, and said he approved the contents of the justification required in his said petition on the other side, of which I made this act, which he subscribed with the said judge and the witnesses Hilario Pereira Barreto, an officer of the court of the civil judge of this district, and John Chrisostomo, attorney of suits in this town.

I, Joseph Maria Alves, scrivener, who wrote it.

FREDERICO.
JOHN JOSEPH CLAUDIUS DE LIMA.
HILARIO PEREIRA BARRETO.
JOHN CHRISOSTOMO.

[Before] me, sitting, (*assentada*,) this thirtieth day of December of the year 1842, in the town of Praya, of the island of Santiago of Cape Verd, and residence of the ordinary judge of this township, John Joseph Antonio Frederico, being there with me, scrivener, who act under his charge, were examined under oath the following witnesses.

I, Joseph Maria Alves, scrivener, who wrote it.

John Antonio, caulker, born in the kingdom of Portugal, bachelor, and resident of this town, of the age of forty-two years, more or less, a witness sworn on the Holy Evangelists to say the truth and only the truth, to the customary inquiries said nothing; and being asked as to the contents of the petition, which at this time was read to him, said, as to the first point, that he knows that on the 26th of the present month two American vessels were under sail within the bay of this town; one of which was a barque, the other a brig. This continued the next day under sail; the other (the barque) sailed away in the night for its destination, and more saith not. As to the second point, that he knows, from seeing, (dwelling near to the port,) that on that night of the 26th of the present month no other vessel went from the shore towards the sea but the boat of the afore-said barque, which went off at about seven o'clock in the evening, the boat of the brig remaining aground all night; and as to the place from whence the barque came, the witness knows not, and more saith not. Respecting the third point, says, that he knows that meeting on that evening the slave Marcelino, he said to him, to go and examine the boats of his master, which appeared to the witness to be entangled with those of

Gardiner; and the slave answered, that he would shortly go to disentangle them; and, being seven o'clock at night, the captain of the barque having already passed by, the consul and the captain of the brig were embarking. He saw the slave pass in haste with a bundle under the arm; and he, the witness, inquired where he was going at such an hour, to which question he answered, that he was going to examine the boats of his master, and he, the witness, waited for him, that they might return together; but, perceiving that he did not make his appearance, he went to seek him, and not finding any body, he thought he might have taken another road; then he, the witness, continued his walk towards the town; and on hearing the next day of his disappearance, he became convinced that he had gone off by stratagem (*evadir*) with the captain of the barque, and further saith not. And his deposition having been read to him, he found it correct, and subscribed to it, with the said judge and myself.

Joseph Maria Alves, scrivener, who wrote it.

FREDERICO.

John Antonio Joaquim da Silva, proprietor and bachelor, of the age of thirty-six years, more or less, a resident of this town, a witness sworn upon the Holy Evangelists to say the truth, and only the truth, to the customary inquiries said nothing; and being asked as to the petition, which was here read to him, said, as to the first part, that he knows, on the 26th of the present month, two American vessels were under sail within the bay of this town, the one a barque, the other a brig; this continued in sight next day, still under sail; the barque had continued its voyage in the night. On the second part he said, that, having come from the town on that day at the same hour that the captain of the boat was going off, and getting very near to the boat in which the captain was, he saw in her the slave of the petitioner, (*justificante*.) whom he, the witness, knows; and endeavoring to see who it was, could not well discern, it being night; and the next day hearing of the complaint for the disappearance of the slave of the petitioner, (*justificante*.) he then recollected that the person who had endeavored to hide himself from him, the witness, was the slave of the petitioner, (*justificante*.) Respecting the third part he said nothing, having already deposed as to the second; and further saith nought; and this deposition being read to him, he found it correct, and subscribed his name to it, together with the said judge and myself.

Joseph Maria Alves, scrivener, who wrote it.

FREDERICO.

JOAQUIM DA SILVA.

JOSEPH MARIA ALVES.

Pedro Sandez Ribeiro, unmarried, a husbandman and resident of this town, of the age of twenty-four years, more or less, a witness sworn upon the Holy Evangelists to tell the truth, and only the truth, to the usual questions he said nothing; and being interrogated respecting the petition, which was here read to him, to the first part he said: he knows, from ocular demonstration, that on the 26th day of the present month, no vessel sailed from the port of this town, except an American barque, the name of which he knows not. To the second part he said, he knows, from ocular demonstration, that, on the night of the aforesaid day, no vessel went off from Praya towards the sea, except a

boat belonging to the said barque, which started at about seven o'clock, more or less, that night. To the third, he said, he knows, from ocular demonstration, that the slave Marcelino, belonging to the justifier, (*justificante*), embarked in the said boat of the barque, inasmuch as, at the time they were launching the boat, the slave jumped in the water and swam, as if towards the boats, which were moored together; and when the boat was passing, he held to and got into it; and he, the witness, was not astonished, as he knew he was a sailor, and had the care of the boats of his master, and for that reason said nothing about the matter, not thinking that he had escaped on that occasion; and further saith nought. And this his deposition being read to him, he found it correct, and subscribed his name, together with the judge and myself.

Joseph Maria Alves, scrivener, who wrote it.

FREDERICO.

PEDRO SANDEZ RIBEIRO.

JOSEPH MARIA ALVES.

Calisto, unmarried, a tailor, residing in this town, of the age of thirty-two years, more or less, a witness sworn upon the Holy Evangelists to tell the truth and nothing but the truth, to the usual question said nothing. To the first part says, he knows that, on the 26th of the present month, an American barque only sailed from the port of this town. To the second, that he knows not, after the boat belonging to the barque had gone towards the sea, if any other vessel had or had not gone from Praya in the same direction.

To the third says, that, reaching the town, with Joaquim da Silva, in a barge, they met the boat of the barque starting from the shore towards the sea, and they saw a person swimming in the water, who grasped at the boat, and they went towards him to find out who it was; when, however, they came near, he was already inside the boat, and bent down that he might not be known, but he (the witness) found out, or recognised, who it was, and said to Joaquim da Silva that that person appeared to him to be Marcelino, a slave of the justifier, (*justificante*); and Joaquim da Silva answered, I have not been able to recognise him perfectly, but I think it is he, and when we go up we must communicate this to his master, but, recollecting that his said master had boats moored near shore, and under charge of the said slave, they thought he had perhaps gone to examine the moorings of the boats, which induced them not to make the communication they had first intended making to the owner; and further saith nought; which deposition, being read to him, was found correct; to which he subscribed with a cross, not knowing how to write. I, the said, wrote it.

FREDERICO.

CALISTO MONTEIRO, (a cross.)

JOSEPH MARIA ALVES.

One sitting.

This twelfth day of the month of January, of the year 1843, in this town of Praya, of the island of Santiago of Cape Verd, and residence of the ordinary judge of the township, John Joseph Antonio Frederico, being there with me, scrivener, who act under his charge, were examined by him, the judge, the witnesses hereinafter mentioned, under oath, administered upon the Holy Evangelists; in witness whereof, I continued the present.

I, Joseph Maria Alves, scrivener, who wrote it.

Antonio Guimaracus, unmarried, by trade a fisherman, says he is twenty-

eight years of age, a witness sworn upon the Holy Evangelists to tell the truth, and only the truth, to the usual inquiries said nothing; and being interrogated as to the petition, which was read to him, in respect to the first article, saith nought; as to the second, he says, that on that day, the 26th December, he (the witness) and Joaquim da Silva, and other persons, coming to town in a barge, met a boat rowing towards the barque, which was under sail in the bay of the port of this town, in which was the slave of the justifier, (*justificante*), who was recognised by other persons who were in the barge; but that he (the witness) cannot conscientiously attest it, and on this subject further saith not; in respect to the third, said nothing, having already deposed to the second; adding, that when the slave was recognised by the persons who came in the barge, they affirmed to it before him, (the witness,) and went or rowed towards the boat to ascertain the truth of their supposition; and, after coming in contact with the boat, all the others who were in the barge declared that, in reality, was the slave of the justifier, (*justificante*), the unknown person who went in the boat; and further saith nought; and this, his deposition, being read to him, found it correct; and, not being able to write, signed with a cross, together with the said judge and myself, Joseph Maria Alves, scrivener, who wrote it.

FREDERICO.

ANTONIO GUIMARACUS, (with a cross.)

JOSEPH MARIA ALVES.

Evaristo Antonio Chaves, an officer of the customs of this town, unmarried, and residing in this town, says he is forty years of age, more or less, a witness sworn upon the Holy Evangelists to tell the truth, and only the truth, to the usual inquiries said nothing; and being questioned respecting the contents of the petition, which was here read to him, to the first article he says he knows, by reason of his occupation, and being on duty on that day, that, on the 26th of the last month, the American barque Pantheon, whereof Daniel Borden is captain, was the only vessel which sailed from this port; and further said nought on this head. On the second, says it is true that the said barque, together with an American brig, was under sail within the bay of the port of this town all the day of the 26th of last month, and her boat was on shore until seven o'clock at night, without leaving; and that he (the witness) remained at the custom-house until it left, in order to ascertain if it took in any goods not permitted and after he (the captain) had passed with his boat's crew, together with the consul of his nation, he embarked; then it was that he (the witness) went away; and on this head further said nought. To the third he says, that, immediately after the captain had passed by, and when he (the witness) was going away, he saw an individual run by, whom he could not recognise, who went into the sheds near to the custom-house; and he (the witness) went to see who it was, and found him to be the slave of the justifier, (*justificante*), who immediately walked towards the spot where the boat belonging to the barque was; as he was a person known by him, and trusted by his master, he (the witness) did not take heed, and went his way; and further saith nought. And after this deposition was read to him he found it correct, and subscribed to it, together with the judge and myself, Joseph Maria Alves, scrivener, who wrote it.

FREDERICO.

EVARISTO ANTONIO CHAVES.

JOSEPH MARIA ALVES.

Act of conclusion.—On the 13th day of the month of February, of the year 1843, in the town of Praya, I closed these proceedings before the ordinary judge of this township, John Joseph Antonio Frederico; in testimony whereof, I made this act.

I, Joseph Maria Alvez, scrivener, wrote it.

Concluded on the 13th of February, 1843: to the consul, that he may answer.

FREDERICO.

TOWN OF PRAYA, *February 13, 1843.*

Act of reception.—On the 13th of February, these proceedings were delivered to me, with the foregoing despatch; in testimony whereof, this act was made.

I, Joaquim d'Andrade Carvalho, in the impediment of the scrivener, wrote it.

Examination, (vista.)—And immediately they were sent to the consul for examination, according to the aforesaid decree, (*despacho.*)

I, the said, wrote it.

Examined (*vista*) on the 13th February, 1843: I have nothing to say to these documents.

FERNANDO GARDINER.

TOWN OF PRAYA, SANTIAGO,
February 17, 1843.

Act of reception.—On the same day, month, and year, before mentioned, I received these proceedings, with the answer on the other side; in testimony whereof, I made this act.

I, Joaquim d'Andrade Carvalho, wrote it.

These proceedings are written upon twelve sheets, which must pay the stamp, (*sello.*)

JOAQUIM D'ANDRADE CARVALHO.

TOWN OF PRAYA, *February 20, 1843.*

STAMP VOUCHER No. 474.]

Paid two hundred and forty reis for the stamp.—Cordeiro.

PRAYA, *February 20, 1843.*

Conclusion—And I immediately ended them.

I, the said, wrote it.

Conclusion.—The contents of the petition at folio two, of John Joseph Claudius de Lima, merchant of this town, are established and proved by the testimony of the witnesses by me examined, as contained in these proceedings; and therein interpose my authority, and the justifier (*justificante*) pay the costs.

JOHN JOSEPH ANTONIO FREDERICO.

TOWN OF PRAYA, OF CAPE VERD,
February 20, 1843.

Make public in the hands of the scrivener.

FREDERICO.

Act of making public.—On the same-day, month, and year, these proceedings were delivered to me, with the above decree, by which the said judge ordered this publication, by virtue of my office, (*per publicada uas minsas maos*) I, the said, wrote it. And nothing further was contained in the said proceedings, (*autoz,*) which I here caused faithfully to be copied from the original, to which I refer, and compared with, with the scrivener of the justice of the peace of the parish of our Lady of Grace, of this town of Praya, and found to be correct.

In testimony whereof, we subscribe the present.

I, Joseph Maria Alves, scrivener, who subscribe it and sign.

JOSEPH MARIA ALVES.

I collated and put in order.

JOSEPH MARIA ALVES.

JOAQUIM D'ANDRADE CARVALHO.

No. 721.—Paid 280 reis stamp. Paid 17th of March, 1843.—Cordeiro.

TOWN OF PRAYA, ISLAND OF SANTIAGO, OF CAPE VERD,

February 25, 1843.

John Joseph Antonio Frederico, judge substitute of the civil judge of this district of Cape Verd, &c., do certify, under the testimony of the scrivener of my office, (*de meu cargo,*) that the public signature of the notary public of the said district, Joseph Maria Alves, is genuine and truthful.

In testimony whereof, I have decreed these presents to be made, which I sign and seal.

And I, Joseph Joaquim Casimiro Gamboa, scrivener, who wrote it.

JOHN JOSEPH ANTONIO FREDERICO.

[Place of the public stamp.]

FREDERICO.

MANUEL JORGE D'OLIVEIRA LIMA.

DEPARTMENT OF STATE OF MARINE AND COLONIES, (*Ultramar,*)

June 20, 1843.

A true copy :

ANTONIO JOAQUIM GOMES D'OLIVEIRA.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,

Lisbon, September 18, 1843.

—
No. 6.

Ratification of the Protest.

MOST ILLUSTRIOUS MR. ORDINARY JUDGE : João José Claudio de Lima declares that a slave named Marcelino, by trade a carpenter and seaman, having been stolen from him by Captain Daniel Borden, of the American barque Pantheon, coming from Fall River, in the United States, within the twenty-four hours afterwards he protested, before you, against this act, as appears by the annexed document, No. 1 ; he proceeded to prove the fact, which was admitted by sentence, as by document No. 2 ; and he now ratifies the same protest against the same captain, owner, and others interested

in the said vessel, and against the Government of the said State, for the value of the said slave, the interest and damages, as valued by the petitioner at eight hundred milreis, as the slave gained for him clear every year, after all expenses were paid, a hundred and fifty milreis. He prays you to order that his ratification of the protest may be made known to the said consul.

E. K. M. No. 456.—Paid 20 reis for seal.—Praia, February 18, 1843.—Cordeiro.

Order.—Let it be made as required, and notice given to the consul.

FREDERICO.

CITY OF PRAIA, February 20, 1843.

Ratification of the protest.

On the 7th of March, 1843, in this city of Praya, in the island of Santiago of Cape Verd, at my office, appeared João José Claudio de Lima, a merchant dwelling in this city, and presented me the petition returned by the ordinary judge of this court, João José Antonio Frederico, and declared that he had seen ratified the first protest against the said captain, owners, and others interested in the said vessel, and against the Government of the said State, for the value of the slave, the interest and damages, which the petitioner estimated at eight hundred milreis, as the slave earned for him, clear of all expenses, a hundred and fifty milreis annually, according to his petition; and in proof of which, the said judge summoned the following witnesses, namely: Chistovao Antonio Vasconcellos, residing in this city, and João Chrisostomo, advocate of causes, dwelling also in the same city. I, Jose Maria Alves, notary, wrote this.

FREDERICO.

João José Claudio de Lima, Chrisostomo Antonio de Vasconcellos, João Chrisostomo.

Certificate.—I certify that I went to the house of the American consul, Fernando Gardiner, and there gave him notice of the above protest, on which he did nothing.

Fernando Gardiner signed with me.

HILARIO PEREIRA BARRETO,

Officer to the said Judge.

CITY OF PRAIA, March 7, 1843.

Protest 750.—Paid 200 reis.

Nothing more is contained in the said original papers, to which I refer as being in my power and office; and having compared them with Manuel Correa de Souza, the secretary of the chamber of this city, we found it to be exact, and signed our names. I, José Maria Alves, notary in this city, wrote and signed this with my hand, as usual, in testimony of the truth.

JOSE MARIA ALVES, *Notary,*

MANUEL CORREA DE SOUZA.

And with me,

No. 720.—Paid 80 reis for the seal.

Cordeiro:

JOAO JOSE ANTONIO FREDERICO,

Institute Judge of the Court of this District of Cape Verd.

PRAIA, March 17, 1843.

I certify, on the faith of a notary, that the above is the true signature of the notary, José Maria Alves, of this district; in proof of which, I order the present to be issued, signed and sealed by myself, Jose Joaquim Cazi-miro Gamboa, who wrote it.

JOAO JOSÉ ANTONIO FREDERICO.

DEPARTMENT OF STATE FOR MARINE AND COLONIES,
June 20, 1843.

A true copy :

MANUEL JORGE D'OLIVIEIRA LIMA.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
September 18, 1843.

A true copy :

ANTONIO JOAQUIM GOMES D'OLIVEIRA.

LEGATION IN THE UNITED STATES,
November, 23, 1843.

J. C. DE FIGANIERE E MORAO.

Mr. Upshur to Mr. De Figaniere.—[COPY.]

DEPARTMENT OF STATE,
Washington, November 29, 1843.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, with the accompanying papers, alleging that Captain Borden, of the American whaling barque Pantheon, of Fall River, Massachusetts, during a friendly visit off the town of Praya, of the island of Santiago, in the province of Cape Verd, carried off a slave named Marcelino, the property of João José Claudio de Lima, a merchant and resident of said island. The subject will receive the early attention and consideration of this department.

I avail myself of this occasion to renew to you the assurances of my high and distinguished consideration.

A. P. UPSHUR.

The Commander J. C. DE FIGANIERE E MORAO, &c.,
Philadelphia.