

CARGOES OF SLAVE SHIPS CONSTITUTION, LOUISA, &c.

---

LETTER

FROM

THE SECRETARY OF STATE,

TRANSMITTING COPIES OF THE DEPOSITIONS OF

GILBERT C. RUSSEL, AND FRANCIS W. ARMSTRONG,

IN RELATION TO

*The Cargoes of the Slave ships Constitution, Louisa and  
Marino, &c.*

Rendered in obedience to a resolution of the House of Representatives, of 5th inst.

---

APRIL 7, 1826.

Read and referred to the Committee on the Slave Trade.

---

WASHINGTON :

PRINTED BY GALES & SEATON.

1826.



The Secretary of State, in pursuance of the resolution of the House of Representatives, of the 5th instant, directing him to lay before that House copies of the depositions of Gilbert C. Russell, and Francis W. Armstrong relative to the origia of the title of the claimants, and the disposal of the cargoes of the Slave ships Constitution, Louisa, and Marino, has the honor to transmit herewith the copies required ; together with the copy of a letter from Marshal Armstrong to this Department, enclosing the originals of the above mentioned depositions.

Respectfully submitted,

H. CLAY.

DEPARTMENT OF STATE,

*Washington, 6th April, 1826.*

## BROWN'S HOTEL,

Washington City, 23d March, 1826.

SIR : Mr. Brent handed me yesterday a letter of the Hon. C. F. Mercer, addressed to you on the 18th instant, requesting you to procure from me a statement of the testimony furnished by the deposition of the late Colonel Easter, recently called for by the House of Representatives. and the evidence of the fact that I forwarded that deposition to the Department of State by mail.

Inclosed, I have the honor of transmitting you the proof called for. I deem it proper, however, to take this occasion for suggesting the probable cause why the deposition did not reach you. On inquiry at the Comptroller's Office, I find that my abstracts, as Marshal, for the June term of our District Court, held at Cahawba, and which were put into the Post Office at Knoxville at the same time, have not reached that Department. On reflection, I find that the Mail had been robbed by a fellow named Fickel, and who has since been convicted at a small town, Blountsville, in the State of Tennessee; he was the deputy Postmaster—I have no doubt but that he destroyed the packages herein alluded to.

I have procured the affidavit of Colonel Russell, which you will also find enclosed. I have the honor to be your obedient servant.

F. W. ARMSTRONG, M. A. D.

To the Honorable

HENRY CLAY, *Secretary of State.*

DISTRICT OF COLUMBIA, }  
County of Washington. } ss.

F. A. Armstrong, Marshal of the District of Alabama, maketh oath, that, some time in the month of May or June last, Colonel Richard J. Easter, related a conversation which took place between William H. Robertson, and himself, in relation to the eighty-four Africans imported in the schooner Constitution, and which had been libelled, and finally ordered by the Supreme Court of the United States to be restored to the Claimants. Believing it to be my duty to communicate the facts thus disclosed to the Government, I requested Colonel Easter to embody in an affidavit the facts communicated, in order that I might transmit the same to the Secretary of State, which he did, and delivered the same to me in the City of Mobile. I retained the deposition until I reached Knoxville, in the State of Tennessee, some time in the latter part of July or first of August last, when I took a copy of the same, and which is now among my papers in the State of Alabama. The original deposition I inclosed to the Hon. Henry Clay, Secretary of State, and deposited the same in the Post Office at that place, and directed to Washington City. The substance of the affidavit is as follows :

“ William H. Robertson, a citizen of the city of Mobile, Alabama,

acknowledged to Colonel Easter, that on the night the Constitution was seized at Pensacola with eighty-four Africans on board, he went to his room, wrote a letter or letters, signing the name of De Frias, of Havana, to the said letter or letters, consigning the eighty-four negroes to John Inerarity, and Henry Mitchlett, of Pensacola, with instructions to place said negroes in some part of the interior of Florida; that he caused the letter or letters to be translated into Spanish, after which he went on board the Constitution, placed those *forged* papers in the hands of Daniel F. Walden, who was then the agent on board said vessel, urged Walden to give the letters directly to the Consignees, that they might come forward and claim the property in behalf of De Frias, when in fact the negroes really did belong to Citizens of Louisiana, and that he was part owner himself. The Consignees claimed the property on oath under the authority of the forged letter or letters. Colonel Easter further states in the affidavit that the confession was voluntary on the part of Mr. Robertson; that he never was the counsel of Mr. Robertson, and that he had not been employed in the African cases except by Thomas Shields; that he did not make the disclosure with a view to injure Mr. Robertson, but that he would not be *the depository of any man's villany*.

The above is the substance of the affidavit, as well as my recollection now serves me.

Soon after this affidavit was made. Mr. Robertson called on me, in company with Mr. Acre, and said he understood I was taking testimony to operate against his interest at Washington City, alluding to the bonds on which he was bound for the vessels Louisa and Marino, and their cargoes, from which he was endeavouring to get a release from the government. I told him he was mistaken, and stated to him the substance of Colonel Easter's affidavit, remarking to him that I considered it my duty to forward the affidavit to the Secretary of State. Mr. Robertson complained of Colonel Easter, and said that what he had told him was in confidence, as his lawyer, but did not deny the truth of the facts stated in the affidavit.

My reasons for wishing to forward the affidavit was to prevent the Claimants of the negroes from recovering any part of the sum of 53,000 dollars, which had been awarded to them by Judge Breckenridge, who was appointed a Commissioner under the 9th article of the treaty with Spain, to award damages to such subjects of the King of Spain, as had been injured in their property by the forces of the United States. Walden having received fifty three of the negroes by a decree of the Supreme Court, and having sold them in ten days afterwards, at Mobile, with a view to claim of the Government the difference between the award and the sum the negroes sold for, which was about 33,000 dollars. I told Mr. Robertson, from his own statement to Colonel Easter, they were not entitled to the negroes, and that I should prevent, if possible, their getting any thing from the United States.

F. W. ARMSTRONG, M. A. D.

Sworn to, and subscribed this 22d of March, 1826, before me

R. C. WEIGHTMAN, J. P.

DISTRICT OF COLUMBIA, }  
 Washington County, } ss.

Gilbert C. Russell, of Alabama, came before me R. C. Weightman, a Justice of the Peace, in and for said County, and on oath declares, that in June last, in the City of Mobile, the Marshal of the District of Alabama shewed him the statement of Richard J. Easter, Esq. of said city, in his own proper handwriting, containing the voluntary admissions of a certain William H. Robertson, of said city, also, respecting the *forgeries* and frauds that had been practised by himself, with the aid of others to save the negroes, imported on a vessel called the Constitution, which were seized in the harbour of Pensacola, in the year 1818 : that the Marshal F. W. Armstrong declared his intention to send the said statement of R. J. Easter, to the Secretary of State, of the United States, for the purpose of guarding the Treasury from the fraudulent designs of Robertson, and his coadjutors, that he advised the Marshal to get General Jackson to vouch the character of Easter, so that his statement should have the more weight, that he heard Robertson say a few days afterwards Easter had betrayed confidence, in disclosing what he had told him, but that he did not care.

That the statement of Easter made Robertson to have said that he prepared and furnished Walden, the master of the schooner Constitution, with the letters and papers, shewing that the negroes taken on board that vessel belonged to one Defrias of Havana, and perhaps one David Nagle, in whose hands the libels were filed, praying restitution of the property, and that he [Robertson] gave himself credit for his ingenious dexterity, in saving the property of American citizens who owned the slaves.

The statement of Easter closed by saying, that, although he did not wish to injure Mr. Robertson, he was unwilling to be the depository of any man's villany.

GILBERT C. RUSSELL.

Sworn to and subscribed, this 22d of March, 1826, before me  
 R. C. WEIGHTMAN, J. P.