

SAMUEL SANDERSON.

[To accompany bill H. R. No. 16.]

DECEMBER 14, 1837.

Reprinted by order of the House of Representatives.

FEBRUARY 4, 1836.

Mr. P. C. FULLER, from the Committee of Claims, made the following
REPORT:

The Committee of Claims, to which was referred the petition of Samuel Sanderson, report:

The petitioner sets forth, that on the 20th of December, 1827, while pursuing his occupation of wrecker, in command of the sloop Surprise, he discovered two vessels aground on the Florida reef: one the Spanish brig Guerrero, freighted with slaves; the other, the British armed schooner Nimble, Lieutenant Holland; that the petitioner and his crew united with others in efforts to save the lives of the crews of the two vessels thus ashore, and of the slaves; and notwithstanding the roughness of the sea, making, as it did, a clean breach over them, the slaves and crews being able to save themselves by holding on to ropes fastened for that purpose, they succeeded in saving all on board; and the petitioner took some of the Guerrero's crew, and 121 of the slaves. These slaves he carried into Key West, and on the 27th of the same month, December, he delivered them to the collector, Mr. Pinckney.

The petitioner also states that much decision and circumspection were necessary to prevent a recapture of the slaves by that part of the Spanish crew taken by him from the wreck; that the schooner Thorn, another wrecker, which took about 250 slaves from the same wreck, was thus recaptured, taken to Cuba, and the slaves there sold; and that the mate of the brig offered the petitioner two doubloons a head for these slaves, on their being landed in Cuba.

The petitioner says that he has received nothing for his services, the expense of sustaining the slaves while in his care, and the hazards and hardships of the rescue. The slaves, having been taken into the custody of the United States, were not libelled, and the petitioner has had, therefore, no opportunity to establish his claim for salvage, as in other cases; and he prays such allowance, by way of salvage, as Congress may think appropriate and just.

The facts set forth in the petition are substantiated by a certified copy of the protest made on the 1st of January, 1828, before Richard Fitzpatrick, then a notary public at Key West, and by the affidavits of John Whalton and of Pardon C. Green.

That the slaves in question were delivered by Captain Sanderson, the petitioner, to the collector at Key West, appears also by an extract of a letter from F. A. Brown, deputy marshal, which is furnished the committee by J. C. Pickett, Fourth Auditor, and to which letter of Mr. Pickett, dated the 25th of January, 1836, the committee beg leave to refer, as well as to the letter of the Secretary of the Navy, dated 26th January, 1834, and to make them part of this report.

The above letters confirm the statements made by the petitioner, and state further, that the slaves so taken by the petitioner were placed at the disposition of the President, some time in 1828, by a decision of the United States court, under the provisions of the act of the 3d of March, 1819. The subject of these blacks was brought to the notice of Congress by the President, in a special message of 30th April, 1828; (see House Journal, 1st session 20th Congress, 650;) and also in the documents accompanying his message of December, of the same year; (see Doc. 2, page 115, report Secretary of Navy.) An appropriation was made in March, 1829, in the "Act making additional appropriations for the support of the navy for the year 1829," for the transportation of these negroes back to Africa. They left the United States in the brig Nautilus, on the 30th September, 1829, and after a long passage, were landed at Liberia.

The Fourth Auditor, in the letter above referred to, states, that while in the custody of the marshal, all the expenses for the clothing, maintenance, and guarding of these blacks, were defrayed by the United States; but that "it does not appear that any thing was paid to Captain Sanderson on any account." Two vessels were chartered, he says, to transport the Africans, from Key West to St. Augustine; for one, six hundred dollars, for the other two hundred and ten dollars were paid. "Nothing has been allowed to the marshal or to any other person, for taking them from the brig into Key West."

Under these circumstances the committee see no good reason why compensation should not be made by the United States to Captain Sanderson, for his services and expenses in relieving the Africans from their perilous condition on board the Guerrero, and delivering them to the proper officers at Key West. It was an act of humanity, and in accordance with the general policy of our Government on this subject. He cannot apply elsewhere for relief; and by taking the immediate control of these blacks, the Government appears to be as fairly chargeable with the expenses defrayed by the petitioner, as those which subsequently accrued, and which it has discharged.

The committee feel, however, some embarrassment in fixing on an appropriate allowance. The petitioner prays "for the same compensation as, by law, would have been given for recapturing the same number of slaves by any armed vessel of the United States;" and assigns, as a reason, that by his vigilance and decision, the same result has accrued to the cause of humanity as if the recapture had been made by a vessel of war.

The committee do not consider this strictly a recapture, inasmuch as the British sloop had not come up with the Guerrero. In the chase, both vessels had grounded. There was, besides, no resistance on the part of the Spanish crew; but, doubtless, a strong anxiety to obtain the relief afforded by the petitioner and his men. This is, however, a distinction

which does not, in the judgment of the committee, involve the leading considerations in the case.

The act of 3d of March, 1819, provides "that a bounty of twenty-five dollars be paid to the officers and crews of the commissioned vessels of the United States, or revenue cutters, for each and every negro, mulatto, or person of color, who shall have been, as herein before provided, delivered to the marshal or agent duly appointed to receive them; and the Secretary of the Treasury is hereby authorized and required to pay," &c. [*Laws U. S.*, vol. 6, p. 436.] Whether the revenue cutter, under the precise circumstances of this case, would have been entitled to claim of the proper department the twenty-five dollars for each African rescued, or not, it appears to the committee that such a claim would have been within the spirit of the law, and that it would be equitable. Taking into consideration, therefore, the fact that the Government vessel would not have been the property of those having charge of it; that the crew would not be in the employ of, and paid by, the master, as in the case before us; that these Africans were supported for about seven days by the petitioner, at his own cost; that he used great exertion in saving them, and commendable vigilance in taking measures to prevent a recapture; and, moreover, resisted the offer of two doubloons a head if he would land the blacks in Cuba, and not carry them to Key West, the committee do not think that strict justice or sound policy would be consulted, by reducing the compensation allowed in this case below the point fixed by law, in cases which, if not precisely the same, are very strongly analogous.

The committee are of opinion that the petitioner is entitled to twenty-five dollars each, for the Africans saved by his efforts, and ask leave to introduce a bill.

