

SEIZURE OF AMERICAN VESSELS—SLAVE TRADE.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of State in relation to the seizure of American vessels by British armed cruisers, under the pretence that they were engaged in the slave trade; and also correspondence with Consul Trist, upon the subject of the slave trade, in compliance with a resolution of the House of Representatives, of the 21st ultimo.

JULY 14, 1841.

Read and laid on the table.

To the Speaker and Members of the House of Representatives.

In compliance with the resolution of the House of Representatives, of the 21st ultimo, I have the honor to submit the accompanying communication from the Secretary of State.

JOHN TYLER.

WASHINGTON, July 14, 1841.

DEPARTMENT OF STATE,

Washington, July 12, 1841.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 21st ultimo, requesting the President "to communicate to that House (if in his opinion the same can be done consistently with the public interests) such authentic information as may be in his possession in relation to the seizure of American vessels by British armed cruisers, under the pretence that such vessels were engaged, or intended to engage, in the slave trade, together with any steps which may have been taken by our Government or its ministers upon that subject; and, also, copies of all correspondence between the Government of the United States and of Great Britain since the 3d of March, 1837, relating to the African slave trade, not communicated with the message of the President of the United States of the 3d of March last, and of all those

parts of the despatches from Nicholas P. Trist, consul of the United States at the Havana, to the Department of State, not contained in the said message of the 3d of March last," has the honor to report to the President the accompanying papers in answer to that resolution.

Respectfully submitted:

DANIEL WEBSTER.

To the President of the United States.

LIST OF PAPERS TRANSMITTED WITH THE PRECEDING REPORT.

Correspondence with the United States Legation at London.

Mr. Forsyth to Mr. Stevenson, 2d March, 1841.

Mr. Stevenson to the Secretary of State, (with enclosures,) 3d March, 1841—Extract.

Same to Mr. Webster, 7th April, 1841—Extract.

Mr. Webster to Mr. Stevenson, 12th April, 1841—Extract.

Mr. Stevenson to Mr. Webster, (with enclosure,) 19th April, 1841—Extract.

Same to same, 14th May, 1841—Extract.

Mr. Webster to Mr. Stevenson, 8th June, 1841—Extract.

Mr. Stevenson to Mr. Webster, 18th June, 1841—Extracts.

Despatches from the Havana Consulate.

Mr. Trist to Mr. Forsyth, 12th February, 1836—Extracts.

Same to same, 29th November, 1836—Extracts.

Same to same, 22d May, 1838—Extracts.

Same to same, 18th December, 1838—Extracts.

Same to same, 12th January, 1839—Extract.

Same to same, (with enclosure,) 20th January, 1839—Extracts.

Same to same, 22d January, 1839—Extract.

Same to same, 25th January, 1839—Extracts.

Same to same, (with enclosures,) 4th May, 1839—Extract.

Same to same, 7th September, 1839—Extracts.

Extract from enclosure No. 1 to Mr. Trist's letter to Mr. Forsyth, of 17th December, 1839.

Mr. Trist to Mr. Forsyth, 10th March, 1840—Extract.

Same to same, (with enclosures,) 10th March, 1840—Extract.

Extract from enclosure No. 6 to Mr. Trist's letter of 21st August, 1840.

Mr. Trist to Mr. Forsyth, (with enclosures,) 28th September, 1840—Extracts.

No. 90. *Mr. Forsyth to Mr. Stevenson.*

DEPARTMENT OF STATE,

Washington, March 2, 1841.

SIR: I transmit to you, herewith, the papers relating to the case of the American barque "Jones," which was forcibly taken possession of at St. Helena, in September last, by Her Britannic Majesty's brigantine, "Dolphin." The circumstances of this seizure, which you will find amply detailed in the protest and other documents herewith communicated, appear to be of an aggravated character, and I am directed by the President to instruct you to address, without delay, to the British Government, a demand for proper redress.

I transmit to you at the same time the papers relating to the seizure of the brig "Tigris" and ship "Seamew." You will receive also for your information and for inquiry, the copy a letter from the master of the barque "William & Frances," detailing an outrage offered to her by an armed force from a vessel supposed to be a British man-of-war, during her voyage from Havana to the river Bras, in October last. By direction of the President you will make the cases of the "Tigris" and "Seamew" the subjects of a similar demand upon the British Government, the persistence of whose cruisers in these unwarrantable proceedings is not only destructive of private interests, but must inevitably destroy the harmony of the two countries.

I am, sir, your obedient servant,

JOHN FORSYTH.

ANDREW STEVENSON, Esq.

Mr. Stevenson to the Secretary of State.—Extract.

LEGATION OF THE UNITED STATES,

London, March 3, 1841.

"I have received the despatches from your Department of the 6th and 7th of January, Nos. 85 and 86, and now enclose a copy of my note to Lord Palmerston transmitting the additional evidence in the case of the brig "Douglas," of Massachusetts. I also transmit the copy of a note in the cases of the "Iago" and "Hero," two American vessels seized and detained by a British cruiser on the African coast, under pretence of being engaged in the slave trade."

[Enclosure.]

Mr. Stevenson to Lord Palmerston.

32 UPPER GROSVENOR ST., *March 1, 1841.*

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, had the honor, on the 13th of November last, of presenting to the notice of Her Majesty's Government, by the direction of the President, a complaint in relation to the seizure and detention of the Ame-

rican brig "Douglas," of Duxbury, Massachusetts, on the African coast, by Lieut. Seagram, of Her Majesty's brigantine, the "Termagant," on the charge of having on board a suspicious cargo, and intended for slave trade.

Since the submission of this case, the undersigned has received two additional documents, herewith enclosed: the one consisting of a letter addressed to the Secretary of State of the United States by A. A. Frazar, the claimant; the other, the copy of a certificate of Lieut. Seagram, under date of the 29th of October, 1839, admitting the seizure and detention of the brig, and her surrender and departure.

In transmitting these papers to Lord Palmerston, the undersigned avails himself of the occasion to express an earnest hope that Her Majesty's Government will not fail to see the justice and importance of coming to an early decision, not only of the present case, but those of a similar character which have heretofore been presented to its consideration.

The undersigned renews to Lord Palmerston assurances of his high consideration.

A. STEVENSON.

[Enclosure.]

Mr. Stevenson to Lord Palmerston.

32 UPPER GROSVENOR STREET, February 27, 1841.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary from the United States, has the honor to acquaint Lord Viscount Palmerston, Her Majesty's principal Secretary of State for Foreign Affairs, that he has received the instructions of his Government to add two other cases to those which he has heretofore presented to the notice of Her Majesty's Government, in relation to the seizure and detention of American vessels on the African coast by British cruisers, on the alleged grounds of being either equipped for or actually engaged in the African slave trade.

It will not be necessary that the undersigned should do more at present than give a brief statement of the facts of these cases, and such as they appear to have been from the documents now transmitted, to manifest the highly improper character of the proceedings in both cases, and insure their prompt consideration by Her Majesty's Government.

The first case is that of an American schooner, the "Iago" of New Orleans, commanded by Captain Adolphe Dupouy.

This vessel sailed from Matanzas in the island of Cuba in November, 1838, for the Cape of Mesurado on the coast of Africa, for the purpose of trading in palm oil, wood, and other African produce.

That, after proceeding on her voyage to different parts of the coast, she arrived at Cape St. Paul, where the captain landed his cargo, and from whence he was preparing to go into the interior of the country to trade, having bought for that purpose a quantity of oil and produce.

That, on the 21st of February, 1839, and whilst within 5° 46' north latitude, and 00.55' east longitude, and whilst Captain Dupouy was on shore, the schooner was boarded by Lieutenant S. Seagram, commanding Her Majesty's brigantine of war, the "Termagant," and during his absence his trunk was broken open, and a sum of money amounting to 116 Spanish doubloons and 54 dollars was taken therefrom, as also his chronometer and

watch, and that a large quantity of wine was drank, destroyed, and lost; that all his men had been conveyed on board the "Termagant" except the mate; that the captain thereupon asked leave of Lieutenant Seagram to search the sailors, and in doing so found upon them a sum amounting to 114 doubloons and 19 dollars, and that the sailors informed him that they had taken the money because they were afraid that they would be set on shore and abandoned, and the schooner destroyed. That all the captain's clothes were left on shore, and have been wholly lost.

That all the crew, and a passenger by the name of Bouyolli, an American citizen and native of the State of Maryland, were put on shore at Cape St. Paul, and that Captain Dupouy was detained and brought to Sierra Leone, where he arrived on the 18th March, 1839.

That Lieutenant Seagram then endeavored to proceed against the Captain of the "Iago" in the British and Spanish mixed court of justice, established in the colony for the prevention of illicit traffic in slaves, but the court would not allow such proceeding; and that accordingly on the 30th March, 1839, Captain Dupouy was put in possession of his vessel, which was done in the presence of four masters of vessels, who signed a receipt for the vessel, and who were present when an inventory was taken of the articles on board the said schooner.

Amongst the documents herewith transmitted are two certificates of Lieutenant Seagram, the one admitting the capture of the vessel, and the other stating the amount of money found in the possession of the crew and left in charge of the prize master.

The other case is that of the schooner "Hero," of New Orleans, commanded by Captain James B. McConnell.

It appears that this schooner sailed from the Havana in June, 1840, with a cargo of assorted merchandise, bound to Wydah on the African coast. That, on her voyage on the 9th of August, she was boarded by Her Majesty's brig the "Lynx," and brought to anchor; her hatches were broken open and overhauled, and the commander of the "Lynx" then determined to send the schooner into Sierra Leone. That after removing a part of the crew of the schooner on board the cruiser, and sending his own men to take charge of the "Hero," who robbed her of a part of her supplies, the commander of the Lynx determined to surrender the schooner and permit her to pursue her voyage. That, on the arrival of the schooner at Wydah, her cargo was found to have been greatly damaged by the crew of the Lynx, during her capture and detention by the British commander.

These are the material facts in relation to the two cases now submitted. The previous communications which the undersigned has had the honor heretofore of addressing to Lord Palmerston on subjects of a similar character, will relieve him from the necessity of recurring to the peculiar circumstances under which these repeated outrages upon the vessels and commerce of American citizens have been perpetrated, or discussing the principles under which Her Majesty's officers have attempted to justify their conduct.

Of the right of one nation to search or detain the ships of any other (who may not be a party to the treaties for the suppression of the slave trade) on the ground of their being engaged in slave trade, the undersigned can only repeat that there is no shadow of pretence for excusing, much less justifying, the exercise of any such right. That it is wholly immaterial,

whether the vessels be equipped for, or actually engaged in slave traffic or not, and consequently the right to search or detain even slave vessels, must be confined to the ships or vessels of those nations with whom it may have treaties on the subject.

This doctrine the undersigned has heretofore asserted in his notes to Lord Palmerston, and especially in that of the 13th of November last, and is believed to have been admitted and sanctioned by Her Majesty's Government in its intercourse with other nations.

He begs leave to refer Lord Palmerston to a recent and strong case, in relation to the Haytian Government, as conclusive on the subject. As late as 1839, that Government passed a law declaring the slave trade piracy, which was submitted for the information of Her Majesty's Government. By that law there was a provision that any vessel, whether Haytian or otherwise, found in the act of slave trading, should be seized and brought in for adjudication and condemnation. In a communication from Lord Palmerston under date of the 27th January, 1840, to the Haytian Government, his Lordship held the following language:

"Her Majesty's Government wish to draw the attention of the Haytian Government to a matter of form in this law, which may possibly give rise to embarrassments. The law enacts that all vessels, whether Haytian or foreign, which may be found in the act of slave trading, shall be seized and brought into a Haytian port. Now, Hayti has undoubtedly a full right to make such an enactment about her own citizens and ships, but Her Majesty's Government apprehend that Hayti has no right so to legislate for the ships and the subjects or citizens of other States. That in time of peace no ships belonging to one State have a right to search and detain ships sailing under the flag of, and belonging to, another State, without the permission of that State, which permission is generally signified by treaty; and if Haytian cruisers were to stop, search, and detain, merchant vessels sailing under the flag of, and belonging to, another country, even though such vessels were engaged in slave trade, the State to which such vessels belonged would have just grounds for demanding satisfaction and reparation from Hayti, unless such State had previously given to Hayti, by treaty, the right of search and detention."

Under this doctrine the two cases now submitted, as well as those which have heretofore been presented, justify the strongest appeal for the interference of Her Majesty's Government.

Of the actual seizure and detention of these vessels, and of their national character, there can be no doubt, some of which were not only turned from their original destination, and their cargoes plundered and destroyed, but actually carried into foreign ports for condemnation, and the lives of the crew sacrificed by the pestilence of the climate and the delay which took place.

The undersigned has therefore been instructed to bring the whole subject again to the notice of Her Majesty's Government, and to ask that the injuries which have been sustained by these proceedings of Her Majesty's officers, may be adequately redressed, and that suitable measures may be promptly taken to mark with disapprobation and punishment the individuals concerned, in such manner as to prevent their recurrence in future.

The undersigned renews to Lord Palmerston assurances of his high consideration.

A. STEVENSON.

The following memorandum was transmitted with the above, in relation to the schooner "Iago."

List of original documents transmitted with Mr. Stevenson's note of this date, which he requests may be returned.

1. Original, No. 9.
2. Registry of the vessel.
3. List of the crew with consular certificates.
4. Attestations of four Captains or masters of vessels as to the re-delivery of papers and effects to Captain Dupouy, including 114 doubloons and 29 Spanish dollars.
5. Attestation of four Captains or masters of vessels as to the state of the schooner when delivered to Captain Dupouy, together with an inventory of the articles on board, March 31, 1839.
6. Memorandum by Lieutenant Seagram, commanding Her Majesty's brig "Termagant," of articles to be delivered up to the mixed commission court.
7. Statement by Lieutenant Seagram as to the condition of the "Iago" when he fell in with her, and an allegation that she was equipped for the slave trade.
8. Permit of passengers from the Secretary's office at Sierra Leone.

FEBRUARY 27, 1841.

There was also transmitted with the above, a copy of the protest of the captain of the "Iago," and copies of both documents relating to the schooner "Hero," received with Mr. Forsyth's despatch of December 26, 1840.

Mr. Stevenson to Mr. Webster.—Extract.

LEGATION OF THE UNITED STATES,

London, April 7, 1841.

"In relation to the African seizures, I have not yet been able to present the subject to the notice of this Government, owing to the mass of documents transmitted from the Department. To avoid all unnecessary delay, I was forced to employ a confidential clerk, who has been engaged for the last week in transcribing the papers. As soon as they are completed I shall immediately address a note to Lord Palmerston on the subject. I regret, however, to say that the cases which I have heretofore presented, although repeatedly and earnestly pressed upon the attention of the Government, still remain undecided."

Mr. Webster to Mr. Stevenson.—Extract.

DEPARTMENT OF STATE,

Washington, April 12, 1841.

"SIR: Your despatch No. 117, together with the accompanying papers, has been received and laid before the President, by whom I am directed to

convey to you his full approbation of that part of your correspondence with the British Foreign Office which has been brought to his attention regarding certain outrages on the flag of the United States—committed by Her Majesty's cruisers—in the seizure and detention of American vessels on the coast of Africa, on suspicion of their having been concerned in the African slave trade."

Mr. Stevenson to the Secretary of State.—Extract.

LEGATION OF THE UNITED STATES,

London, April 19, 1841.

"In compliance with the instructions received from your predecessor, I addressed to Lord Palmerston a note upon the subject of the seizure, on the African coast, of the four vessels "The Tigris," "Seamew," "Jones," and "William & Frances." A copy of my note I have now the honor to transmit. My previous despatches will have informed you of the steps I had taken on this subject previous to your taking charge of our foreign relations. Most of the cases which have been submitted to this Government, you will see, have remained unanswered, notwithstanding every effort on my part to obtain justice for the claimants and get a decision."

[Enclosure.]

Mr. Stevenson to Lord Palmerston.

32 UPPER GROSVENOR ST., *April 16, 1841.*

MY LORD: It is with unfeigned regret that I have the honor of acquainting your lordship that it has been made my duty again to invite the attention of Her Majesty's Government to the subject of the continued seizure and detention of American vessels by British cruisers on the high seas, and to express the painful surprise with which the Government of the United States have learned that the repeated representations which have heretofore been made on the subject have not only remained without effect in obtaining a favorable decision, but have failed to receive the attention which their importance merited. That a series of such open and unprovoked aggressions as those which have been practised for the last two or three years by Her Majesty's cruisers on the vessels and commerce of the United States, and which were made the subject of complaint, would have been permitted to remain so long undecided, was not to have been anticipated.

On the contrary, my Government had confidently expected that the justice of the demands which had been made would either have been acknowledged or denied, or satisfactory reasons for the delay adduced.

This was to have been expected, not less from the justice of Her Majesty's Government than the respect which was due to that of the United States. Her Majesty's Government, however, have not seen fit to adopt this course, but have permitted a delay to take place of so marked a character as not only to add greatly to the individual injuries which have been

sustained, but to become itself a fit subject of complaint. It is in this view that I have been specially instructed to make another appeal to your lordship; and, in doing so, to accompany it with four additional cases of seizure of American vessels on the African coast, of a character more violent and aggravated than those which I have before had the honor of presenting to the notice of Her Majesty's Government. These are the cases of the brig "Tigris," and ship "Seamew," of Massachusetts, and the barques "Jones," and "William & Frances," of New York. For the more clear and satisfactory understanding of each particular case, I beg leave to refer your lordship to the documents which I have received, copies of which I have now the honor of transmitting. These papers require no comment. I shall therefore refrain from troubling your lordship with a recapitulation of the details which they contain. The only inquiry which I presume it will be necessary to make will be, whether the vessels were the property of American citizens, under the protection of the flag of the United States, and were actually seized and detained by Her Majesty's cruisers. Now, of the national character of the four vessels, your lordship will at once perceive that the evidence is conclusive. They were documented, according to the laws of the United States, as the property of their citizens, and were under the protection of the American flag at the time of seizure. In the case of the "Tigris," she was not only literally captured, but sent with a prize crew from the coast of Africa to the United States for condemnation, upon the alleged ground of having on board an African boy, whom Lieutenant Watson chose to consider as sufficient evidence of her being engaged in the slave trade, and consequently liable to capture and condemnation. This he admits in a letter addressed by him to the officer of the circuit court of the United States, under date of the 19th of October, 1840, a copy of which will be found amongst the papers transmitted. Now, I do not mean to enter into the discussion of the right of Her Majesty's officers to enforce the existing treaties for the suppression of the slave trade against the vessels and citizens of the United States on the high seas. The subject has been too repeatedly urged upon the consideration of your lordship and Her Majesty's Government to render a recapitulation of the arguments necessary or proper. The determination of the United States has been distinctly announced that they could admit no cognizance to be taken by foreign ships of those belonging to their citizens, on the ocean, and under their flag, either for the purpose of ascertaining whether their papers were genuine or forged, or whether the vessels were slavers or not. That the admission of any such pretension would, in effect, be surrendering the right of search.

This opinion, your lordship will find, has been repeatedly made known to Her Majesty's Government, not only in the communications which I have had the honor of addressing to you, but in those of the Secretary of State to Mr. Fox, Her Majesty's minister, and which doubtless were communicated by him for the information of his Government. It becomes my duty therefore, again, distinctly to express to your lordship the fixed determination of my Government, that their flag is to be the safeguard and protection to the persons and property of its citizens and all under it, and that these continued aggressions upon the vessels and commerce of the United States cannot longer be permitted. Nor is there in this course anything which can justly be considered as at all in conflict with the laws and policy of the United States on the subject of the African slave trade.

In prohibiting, under the severest penalties, the participation of their citizens and vessels in that trade, there is no pretence for the exercise of a right of search on the part of foreign nations. The violation of the laws of the United States is a matter exclusively for their own authorities, and however sincere the desire of their Government may be, as in truth it is, to punish those of their citizens who participate in the trade, it cannot permit foreign nations to interfere in the enforcement of their penal laws. Yielding, as the United States readily do, to other nations the undoubted and full exercise of their sovereign rights, their own dignity and security require the vindication of their own. For the abolition of the slave trade, the United States have adopted such measures as were deemed most efficacious and proper. If they have not been such as Her Majesty's Government wished to have been adopted, it may be cause for regret, but not for intervention. Each nation must be left to judge for itself; each be the arbiter of its own justice. This, it is needless to remind your lordship, is an essential right of sovereignty, which no independent nation will consent to yield to another. It should also be borne in mind that, in making the slave trade piracy the Government of the United States have not thereby made it an offence against the law of nations, inasmuch as one nation cannot increase or limit offences against the public law. Reluctant, then, as the United States must always be to take any course which, in the opinion of Her Majesty's Government, might have the effect of throwing obstacles in the way of the total abolition of this inhuman and detestable traffic, it can never consent, even for such a purpose, to allow foreign vessels the right of entering or searching those of the United States, or violating the freedom of her flag. I have accordingly been instructed to bring the subject again under your lordship's notice, and to express the confident expectation of my Government that these outrages upon the vessels and property of its citizens by Her Majesty's naval officers, will not only be disavowed by Her Majesty's Government, and the individuals concerned in their perpetration punished, but that ample redress for the injuries sustained will be made with as little delay as possible. In making this appeal, I need not again remind your lordship of the length of time which has elapsed since many of these cases were presented, or how repeatedly and earnestly they have been pressed upon the consideration of Her Majesty's Government. It must now be apparent, that neither the dignity of the Government of the United States, nor the duty which it owes its citizens, can justify any further delay in their final disposition. Indeed, such continued and unprovoked aggressions upon the rights and persons of American citizens, contrary to every principle of common justice and right, and in violation of all the principles of public law, is becoming a matter of so much importance as to involve considerations of the deepest interest to both Governments, and cannot fail, if longer delayed, to interrupt the amicable relations of two countries which it is so much the desire and interest of both Governments to cultivate and preserve.

I pray your lordship to accept assurances of the distinguished consideration with which I have the honor to be your obedient servant,

A. STEVENSON.

List of documents transmitted with Mr. Stevenson's note to Lord Palmerston, dated April 16, 1841.

Copy of memorial addressed by *Robert Brookhouse* and *William Hunt*, owners of the "*Tigris*," and the "*Seamew*," to the Secretary of State, detailing the particulars of the seizure and detention of those vessels.

Annexed to the same are copies of extracts from a letter received by *Robert Brookhouse* and *William Hunt*, from *Captain James Briant*, of the ship "*Seamew*," dated *Sierra Leone*, November 23, 1840. Also,

Copy of deposition of *Isaac Shreeve*, 2d officer of the "*Seamew*," detailing the particulars of the seizure and detention of that vessel.

Copy of deposition of *Nathan Augustus Frye*, master, and *Thomas Williams*, one of the seamen of the "*Tigris*," detailing the particulars of the seizure and detention of that vessel.

Copy of letter from *Lieutenant Watson*, commanding H. B. M. Brig "*Water Witch*," to the secretary or register of either of the circuit courts of the United States, "in reference to the seizure and detention of the *Tigris*."

Copy of a letter from the consul of the United States at *London*, to the Secretary of State, transmitting four affidavits relative to the case of the barque "*Jones*."

Copy of memorial of the owners of the barque "*Jones*," and depositions of two of the crew relative to her seizure by H. B. M. brig "*Dolphin*."

Copy of letter from the consul of the United States at *St. Helena*, to the Secretary of State, dated October 21, 1840, transmitting documents marked A to F inclusive, relative to the seizure of the barque "*Jones*."

Copy of protest of *James Gilbert*, master, and *Francis W. Sexton*, supercargo of the barque "*Jones*," relative to the same; the original documents referred to being on file in this legation, marked A to A O, inclusive.

Copy of statement detailing an occurrence on board the barque "*William and Frances*," signed *Peter Flowery*, master of the barque.

Mr. Stevenson to Mr. Webster.—Extract.

LEGATION OF THE UNITED STATES,

London, May 14th, 1841.

"In the course of this interview, I took occasion to draw Lord Palmerston's attention to the subject of the African seizures, and again urge upon him the importance of an immediate decision of the cases which had been submitted to Her Majesty's Government. I expressed the continued disappointment of my Government at the delay which had already been allowed to take place, and hoped it would not continue. That the feelings of our people were strongly excited on the subject, and the consequence of any further delay would create unfriendly national feeling. Lord Palmerston promised an early attention to the subject, assuring me at the same time, that Her Majesty's Government was most desirous of repressing all violations of the flag of the United States, by officers of the British navy. That orders had been given, as he had before assured me, to the command-

ants of their cruisers employed for the suppression of the slave trade, not to interfere with vessels belonging to nations with which Great Britain had no treaty giving the right of search. He remarked, however, upon the continued abuse of our flag by nations engaged in the slave trade, and of vessels being built in the United States expressly for this traffic. That unless some measures could be adopted for the purpose of ascertaining whether the vessels and flag were American, the laws and treaties for the suppression of the slave trade, could not be enforced.

"His lordship then expressed an opinion that the right existed of ascertaining in some way or another, the character of the vessel; and that *by her papers, and not the colors or flag which might be displayed.*

"I at once assured him that under no circumstances would the Government of the United States consent to the exercise of the right on the part of any foreign nation, to interrupt, board, or search their vessels on the high seas. That to admit the right of a foreign naval officer to decide upon the genuineness of the papers of American vessels by boarding them, or bringing their captains on board of British cruisers, was in effect allowing the right of search, and therefore utterly indefensible. That my Government would never consent to it under any form, however limited or modified. His lordship said that it could not be regarded as a right of search. That was not desired by Her Majesty's Government. That it was the wish of both Governments to see the traffic in slaves abolished, and he did not see how it ever could be accomplished, unless some mode was adopted of ascertaining the real character of vessels suspected of being slavers, and preventing the abuse of our flag. This was the substance of a brief conversation on the subject."

Mr. Webster to Mr. Stevenson.—Extract.

DEPARTMENT OF STATE,

Washington, June 8, 1841.

"The President has read with interest the account you give of your conversation with Lord Palmerston, on the subject of the harassing visits of American ships by British cruisers on the coast of Africa. With the most earnest desire to suppress the slave trade, the President is strongly impressed with the view which you have presented to the British Government of the objections to such proceedings as have taken place. We wait for the expected written communication from his lordship; and in the meantime you will take notice of the President's language, respecting the subject of the slave trade, in his late message to Congress. The Government of the United States is determined to protect its flag, as well as its character, from any interference in this nefarious traffic."

Mr. Stevenson to Mr. Webster.—Extracts.

LEGATION OF THE UNITED STATES,

London, June 18, 1841.

"In relation to the cases of African seizures, I have been unable to get any answer, although, as you will perceive, I have pressed the subject

with every degree of urgency. I shall make another effort when Lord Palmerston returns to town, to obtain a decision. * * * * *

In connexion with the remarks contained in my last despatch on this subject, I must call the attention of the Government to Lord Palmerston's speech in the debate of the 18th of May relative to the commercial policy if Great Britain, and their foreign relations. You will not fail to mark that part of it which relates to our country—the slave-trade, and the right of search."

DESPATCHES FROM THE HAVANA CONSULATE.

[Of the despatches from Mr. Trist to the Department of State, from which extracts were made in answer to the resolution of the House of Representatives of the 30th of January, 1841, (see House Doc. No. 115, 2d session of the 26th Congress,) the following are the parts not communicated:]

Mr. Trist to Mr. Forsyth.—Extract.

HAVANA, February 12, 1836.

[After the paragraph ending with the words "or on the coast."]

"There is no news of any interest to communicate from this quarter. Various reports have been recently brought from windward of the arrival in the West Indies of Admiral Makau, with his big ships and 'big guns;' but none of them would bear the inquiries which I instituted.

"The day that I arrived at Key West, on my way to this place, (the 21st ultimo,) Commodore Dallas despatched a schooner, with a detachment from his frigate, to take charge of Cape Florida light-house, which had been abandoned by the keeper on account of the near approach of the Indians. On the 5th instant, I received a letter from the collector at Key West, dated January 29, stating that it had been ascertained that the Indians had not visited the light-house, and that the light was rekindled. The next day, the 6th, Captain Joy, of the brig Catharine from Charleston, arrived, and reported that he had passed Cape Florida on the 3d, and seen the American flag flying on the light-house, *Union down*, the usual signal of distress. I immediately wrote to the collector at Key West, but have heard nothing further.

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

"N. P. TRIST."

"POSTSCRIPT, February 29, -'36.—The business still continues. I wrote immediately to Commodore Dallas and to the collector at New Orleans, and have put up in the consulate a notice, (to which the attention of every ship-master will be called on entering,) giving the proper cautions and explanation on the subject.

"The monthly British packet from Falmouth came in yesterday with London dates to the 16th January. The Spectator contains the intelligence that the French Government had signified to Lord Palmerston its readiness to pay the first instalment, on the ground that the President's message at the opening of Congress contained a satisfactory explanation. This is precisely what I have predicted and bet upon for the last two or three weeks; the tone of their press and letter writers, in immediate anticipation of the President's message, having perfectly satisfied me that they intended to do so. My

only apprehension was, that the well-meant interference of Great Britain might have the mischievous effect of deterring them in the hope of getting something more palatable. As there is a possibility, although a *bare* possibility, that this may be your first intelligence of it, I will, if I can, procure the papers (which I have seen and have the promise of) in time to make the extracts and send them to you.

“N. P. T.”

Letter of 29th November, 1836, commences—

“I have the honor to inform you of my arrival here with my family on the 19th instant, after a very rough and unpleasant passage of thirteen days from land to land.

“Previously to leaving here last summer, I took a two years’ lease of a delightful house in a beautiful and healthy situation, distant some miles from the city, and made every arrangement for the comfortable accommodation of my family immediately on our arrival; but these have all been frustrated by the sale of the house, whereof I received notice a about fortnight only before we sailed from the United States. I was at the same time informed that my friends here were making every exertion to secure a house for me, and I trusted that they would succeed in doing so before our arrival. This hope, however, has not been realized: and, as the only alternative to remaining on board the vessel, we have had to put up with the accommodation afforded by two chambers in a boarding-house, for a family consisting of five grown persons and four children, where we are still detained, at a daily expense of \$22 for board alone, owing to the impossibility of finding even a tolerably suitable residence either in the city or its vicinity. This expense, which is considerably swelled by others unavoidably incurred, is so far beyond my means, and the unpleasantness of our situation so great, that to extricate myself from it has necessarily been the object whereby my time has been, and must, I fear, for some days yet continue to be, almost exclusively engrossed. Houses were never in such demand as they are at this moment: a number of persons of my acquaintance whom I left comfortably established, without a thought of changing their residence, have received notice to do so; most of the unoccupied houses which I have myself found, or been informed of, have, on inquiry, proved to be engaged; and the known number of my competitors places me under the necessity of postponing every other object to that of procuring a residence for my family.

“Having troubled you with these remarks as an explanation of my unavoidable delay in devoting myself actively to my public duties, I will now turn to other subjects.

“The perfect confidence expressed by me at Washington that, so long as General Tacon should remain in the post in which he has proved the greatest benefactor to the country, his authority would not be subverted, nor tranquillity in any way disturbed, by a declaration of the Constitution, nor any other movement of the sort, has proved well-founded. Not the slightest symptom of any such proceeding has occurred, although every one says—what is doubtless true—that under any other Captain-General they have ever had, a cry for the Constitution would long since have arisen and been acquiesced in.

"This has actually occurred at St. Jago de Cuba, (commonly called Cuba here,) the capital of the Eastern Department of the island; or rather Lorenzo, Governor of that city, and Commandant General of the Department, took time by the forelock, and proclaimed the Constitution, which he caused to be sworn to by the troops and others, on the 29th of September, in anticipation of any order upon the subject from Spain, or from Gen. Tacon, to whom, in his capacity of Captain General of the island, the Governors of St. Jago, and all other places and departments, are subordinate and responsible, and from whom only they can officially receive even intelligence of any act of the Supreme Government.

"Nor did Lorenzo stop here; but, by addresses to the Audiencia, (or supreme judicial tribunal, which resides at Principe, an inland city,) to the Governor of Principe, to the Commandant General of the Central Department, the Governor of Matanzas, and to other authorities and individuals, he has incited them to throw off the authority of the Captain General and follow his example.

"The measures of the Captain General in reference to this movement, are—

"1st. Two proclamations, (which have not been published here,) under date the 8th of this month, (November,)—the one addressed to the inhabitants of the province of Cuba, the other to the troops of the Eastern Department. These addresses are such as might have been expected from the author: distinguished above all other Spanish productions of this nature that have come under my notice, for the manly simplicity, firmness and moderation, which belong to his character.

"In both he exposes in a clear and concise manner the illegality of the conduct of Lorenzo, and supports his exposition by an appendix containing the royal orders bearing both upon the general principle, (whereby he was governed until he received orders from Spain,) and upon this particular subject. From these, it appears that no act of the Home Government can take effect here until regularly communicated, with directions to that end, to the Captain-General, and by him communicated to his subordinates; and that, by the royal orders of the 19th, 23d, and 25th of August, it was specially ordained, in reference to the Constitution of 1812, established by the decree of the 13th of August for Spain and its adjacent isles, that no change should take place here until this should be determined upon by the Cortes.

"At the close of the proclamation to the inhabitants, he refers to the example of Spanish America, appeals to their dread of anarchy and civil war, and tells them that, for their prevention and the suppression of these baleful measures, he relies upon a loyal and subordinate army, &c., &c., and upon the sanity and love of order of the generality of the inhabitants of that province. The address to the soldiers begins with a reference to a proclamation of Lorenzo of the 20th October, 'wherein I am represented as an infractor of the national will and of the royal deliberation, (resolve,) and you are incited to sedition and disobedience;' and concludes, 'many of you have been the eye-witnesses of the sad results of the work of revolutionists in other parts of America. Be Spaniards and loyal; and when your Captain-General shall call upon you to sustain the throne, *to obey the Queen*, and to maintain the tranquillity of this island in union with the mother country, you cannot fail to execute his orders and march in the path of honor—abandoning any who may pretend to conduct to crime and ignominy.'

"2d. A proclamation under date 17th of November. 'The Captain-General to the corporations, authorities civil and military, chiefs, officers, and soldiers of the province of Cuba, and all its inhabitants.'

"This begins—Governor Don Manuel Lorenzo, failing in all his duties as a Spaniard, as a magistrate, and as a soldier, withdrew himself from the first authority of the island, which in me resides, and ordered, on the 29th of September, that the Constitution of 1812 should be sworn to, &c., &c. In the midst of such disorder, I for a moment thought it possible that, so soon as the voice of Her Majesty the Queen should be heard in these dominions, that chief would concur in doing reverence to it, and would return to the path of duty. With this view I communicated to him, by a courier, on the 22d of October, the royal orders of the 19th and 25th of August, wherein Her Majesty was pleased to ordain that the decree of the 13th of that month should not take effect in this island,' &c. 'But neither has the voice of Her Majesty been listened to, nor has any answer been given to my communication.'

"He then proceeds to declare Lorenzo to be deposed from office—to appoint in his place Brigadier Don Juan de Moya y Morijon, and to call upon them to yield obedience to his orders. A respectable force is already in movement.

"The troops are a model of subordination and discipline: they go in the character of protectors of order and individual security, and their mission is limited to the obtaining of obedience to the Queen, to preserve the integrity of her dominions, and re-establish tranquillity.

"Such is the character of these proclamations, *which have not been published here*, and I have been enabled to see only confidentially. I have not yet seen H. E. My arrival was announced to him in a note, explaining the circumstances in which I found myself, as an apology for not immediately calling. This was replied to on the same day, by an assurance that it would give him great pleasure to see me whenever it should become convenient. Knowing, however, that he was too much engaged, at this particular juncture, to be able to spare even a few minutes without inconvenience, I postponed making my call until last Sunday evening, when I supposed he might be disengaged. Officers were going up and coming down the staircase; the aid in waiting said that H. E. was engaged with officers of "la Expedicion," but he would announce me, which I declined, and left my card.

"The force referred to in the last of these proclamations is called "la Expedicion Pacificadora de la Isla." It is ready to be put in motion, and amounts, so far as I can conjecture, (for these details are never made public, and it would be indelicate in me to appear desirous of knowing them,) to about four thousand men, composed of cavalry, that marched some time since, and foot, the greater part of which will go (if they go at all, which I believe will in a few days prove unnecessary) round Cape Antonio in steamboats and other vessels that were some time since taken for the purpose. They are to be under the command of Brigadier General Gasque, an officer of good reputation; and Colonel Arana, the Secretario Militar of the Gobierno, a man of strong character and good experience, goes as chief of the staff.

"Whether the troops, if brought into the presence of the Constitutionalists, will prove faithful is what I consider the chief problem. The consequence of the common soldier, and of the officers in more immediate contact with him, is immeasurably greater under the Constitution than under

the other system, and this cannot but have a strong influence over their dispositions at such a crisis. So far as I can learn, however, (and my sources of information are by no means undeserving confidence,) the prevailing sentiment, even at Cuba, both among the military and other classes of influence, is now pretty decidedly against Lorenzo; and the probability is, in my opinion, very great that he will, if he has not already done so, conclude to avail himself of the opportunities to escape from a post of so much danger, which General Tacon, with a moderation that does honor to his heart, no less than his head, has left to him. His machinations have produced no effect whatever at any point, and he has been for some time blockaded by both sea and land.

"A passport has been sent to him to leave the island, which is to hold good for the space of eight days after it shall have been delivered to him; and more recently the commander of the British frigate *Vestal*, which arrived here from St. Jago a short time after I did, and sailed for the same place, has been authorized to offer to Lorenzo and the persons implicated with him, an opportunity to make their exit, upon such terms in regard to any property they may leave behind, as he will not, I am satisfied, fail to avail himself of. His position is full of peril, and I do not see what he can have to promise himself, under any possible issue, to compensate for the risk he will run by holding out.

"This division of the island is perfectly quiet and flourishing, and will, I am firmly convinced, continue to improve in every respect so long as Tacon shall remain at the helm—that is, so long as he shall be left at it by the Government at home, for there is no danger of its being taken out of his hands in any other way. Even under any successor he may have, although there can be no hope of one at all to compare with him, nor of the continuance of order and security such as he has given them the first taste of, there will still be no danger of *revolution*, unless it be positively induced by *misgovernment*; under even a tolerable state of things, in this respect, a revolution will not arise, for the elements adverse to it are too much stronger than those favorable to it, to allow of any dread of the latter spontaneously assuming the ascendancy. The seeds of revolution are here, as they are everywhere; but the day is quite distant when they can spontaneously germinate. The great danger, the only serious danger that now impends over the island, is that of having the constitution of 1812, or anything of the sort, forced upon it by the northern country. Then, indeed, will ill consequences at once begin to show themselves; nor is there any telling where they will end."

[After the paragraph ending "agent of the same character."]

"From the circumstance of their addressing such a letter to me, and the matter and style of the letter, a pretty just estimate may be formed of the calibre of these gentlemen. Mr. Schenley has been an officer of dragoons—a handsome and showy man, not long married to a young and very handsome daughter of a wealthy baronet of Devonshire, where Mr. S. appears to have been a shooting companion of Lord John Russell, and, by his own intimations, quite an important electioneerer for his lordship. He is a votary of style and rank, and obsequious to men of title; takes great pains and pride in giving stylish dinners, and to show off in every possible way; quite a silly man, very vain, and even aiming at giving himself consequence.

"Dr. Madden arrived during my absence from one of the British islands—

Jamaica, I think—where he has been residing some time in the capacity of one of the many judges between the parties to the apprentice relation established by the abolition act—stipendiary magistrates they are, I believe, called. I have not got personally acquainted with him, but have heard enough to know him to be an enthusiast, not to say fanatic, in the cause of black philanthropy; in other respects a plain, sober man, and quite the reverse of his senior colleague as to style, affectation of rank, and assiduous cultivation of men of title. He has long been known as an author, and his books, of which he has published a number, will give his measure. The last of these, the only one that I have read more than a page or two of, “Residence in the West Indies,” or some such title, is very trashy—sufficiently so to satisfy me that nothing of substance can ever have sprung from the same soil.

“These two foreign residents present a striking contrast to the third from the same nation, Mr. Tolmé, the consul, a regularly bred merchant, (in which capacity he is making a rapid fortune,) who would do honor to any representative capacity that his country would clothe him with: a man of the world and of society, of sterling worth, and the most amiable, unpretending, and actively friendly disposition, and in regard to both information and talents, of a very high order indeed.

“The first draught of my letter had closed with an expression of my regret at the necessity of returning theirs, and of my wish that no misconception might thence arise as to the pleasure I derived from the friendly relations subsisting between our respective countries, and that which I should experience in doing all in my power to strengthen and promote them; but, upon a final perusal of the returned letter, it appeared so very impertinent, (although I was satisfied not designedly so,) particularly the close of the first and last paragraphs, that I thought it unbecoming in me to say anything of the sort.

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

“N. P. TRIST.”

N. P. Trist to Mr. Forsyth—Extracts.

HAVANA, May 22, 1838.

[SIR: I have the honor to enclose the register and crew list of the schooner Washington, of Baltimore,] “of which I have obtained possession under circumstances affording a commentary upon the consular ‘system’ of the United States, which may have the effect of bringing its merits under consideration, particularly in regard to the indefinite multiplication of consuls all of the same rank and authority; which, besides the inevitable effect of associating with the office generally the impressions of utter insignificance made by the circumstances which in so many places surround it, creates an immense corps, each member of which has it in his power to do more to bring the whole into positive discredit and contempt than any ten have to retrieve its character.”

[After the paragraph ending with the words “Portuguese vessels and subjects.”]

“This suspension, by the by, is owing, it seems, to the course pursued by him as Portuguese consul here, having been the cause of bringing to the

notice of his Government the practice of a distinguished member of their consular corps in the United States of fabricating, Portuguese *Patentes*, and selling them at \$1,500 a piece !”

[After the paragraph ending with the words “seemed unavoidable.”]

“Then followed a long string of supplications : He was the father of a family ; he had already lost one vessel in consequence of the course pursued by one consul of the United States (at the Cape Verd Islands, and which I had informed him was unwarrantable ;) and now it would be very hard if I were to make him lose another. This, and much more, I had to listen to ; together with the assurance, that though it was known that an *American* officer could not be bribed like those of some other nations, yet there was nothing in the world that he would not do for me, if I would let the schooner alone ; an assurance that several subsequent occasions were sought to repeat to me in the course of that day and the following.

“I told him that all entreaties were superfluous ; that so far from entertaining any disposition to injure him or any other man, it would be exceedingly painful to me to do so. But my duty must and would be done, whatever it might be ; and my present decided impression was, that it required that I should seize the vessel. However, my knowledge of the circumstances was very imperfect. If they were all known to me, they might perhaps be of a character to show that it was not obligatory upon me to take any step of the sort, at which I should feel sincerely rejoiced. I recommended to him therefore to be frank and candid on the subject ; and I would pledge my word that I would take no advantage of any thing he might confidentially say.

“The first point, that this was the schooner *Washington*, he did not pretend to dispute, (although, of course, it would have been disputed, had matters come to extremities.) I then stated my conviction that she had brought from the coast of Africa her American register. O ! no, Señor, no, Señor ! But he would give me any security I might ask, that the register should be forthcoming in three months. Yes, said I, and in three hours too. At which, a laugh escaped Captain Ghetly, (who was present at the time,) which strengthened my belief upon this point.

“The interview ended with a renewal of entreaties on his part, and on mine of the assurance that if it should prove not to be my duty to molest him, I should be truly glad of it.”

[After the paragraph ending with the words “Tribunal in this island.”]

“Had no other way of avoiding it presented itself, endless delays would have effected the object. But there would have been no necessity for a resort to this expedient. The mere initiatory step of establishing the identity of the vessel in such way as to leave no hole for the court to creep out of, would probably have proved a balk. In a word, had the schooner possessed some peculiarity distinguishing her from every other vessel of her class ; had this peculiarity been known to a hundred persons in Havana ; had those hundred persons been eye-witnesses to the landing of a cargo of slaves from her, and afterwards to the discovery by me of her American register in the trunk of the Spanish or Portuguese captain ; had all these coincidences existed, I entertain but very little doubt, that it

would, nevertheless, have been very clearly established by the legal proceedings, that this could not be the schooner *Washington*, inasmuch as that vessel had been wrecked at such a place, and on such a day and hour; or for some other equally conclusive reason.

"Her seizure—supposing that I should not be balked even at that pass—would have for its immediate effect, to produce here great excitement and even consternation; but it could result in nothing but defeat, and a large claim for damages against our Government.

"I determined, however, to avail myself of the alarm of the owner, to extort from him the American register, which I still felt sure had been brought from Africa; and might, unless I obtained possession of it, be again used in the same way: which was a motive additional to that arising from a sense of the importance of bringing to your knowledge the use that had been made of it, as one of the results—*natural* results, it strikes me—of our consular system. He had been assured by Mr. Ferdinand Clark that I could not seize the vessel, but this had not at all quieted his mind. When, therefore, he came, agitated and trembling, to learn my determination, I informed him that the result of my inquiries was, that I might abstain from any proceeding against him, and that I would do so, but upon one condition—that he would put the register into my hands. He thanked me most gratefully, and departed with the promise that my condition should be complied with, as it was in less than fifteen minutes, by his putting into my hands the register, the crew-list, and the power of attorney executed here by Clark; which power bore no marks of its having been acted under, so that it might, in case of need, have been used in corroboration of either class of documents, as proof that the schooner still remained American, or had become Portuguese.

"This document I returned to the man, retaining the two others which are now enclosed.

"Upon receiving from me the assurance that I would take no advantage of him, Ghetly, the last master, has, I am convinced, answered my inquiries with perfect frankness. He has appeared particularly anxious that I should clearly understand that captain Niell (who, he says, is a poor man with a large family) had no hand in the business, and that no blame can attach to *him*.

"His statement is, that, upon the arrival of the schooner at Bona Vista, it was first determined to send her to Lisbon, to be there put under the Portuguese flag. In consequence of this determination, he was engaged by the man who held the power from Clark, and who was on board as supercargo, to carry her there; which engagement in writing he produced to me. This determination was, however, altered. He was told by the supercargo that his services were not wanted, and subsequently received from him very ill treatment.

"This change of the destination of the vessel was caused by an offer of a Portuguese *Patente* (the same which was brought here) from the *United States vice-consul*, Antonio Joaquin Martinez, who received for it the sum of five hundred dollars. Ghetly then proposed to take charge of the American register, which he insisted should be delivered to him; but the United States vice-consul refused compliance; and the *supercargo* particularly opposed its being done, telling him that they had been required to give security in several thousand dollars for it.

This game with regard to the register affords perhaps the true explana-

tion of an occurrence, which, until now, I had ascribed to mere ignorance in regard to the lawful disposition to be made of the register of a vessel sold; or at least, which I had supposed to have originated in some motive totally different from the solicitude expressed on that occasion, by the consul for the production of the register. I can now see what I did not then imagine, that he might have had a real motive for desiring to obtain possession of it.

"The owner of the *Senhora du Boa Viagem* referred in our first interview, as I have above stated, to his having already lost one vessel, in consequence of the course pursued by another consul of the United States.

"The case is one which has doubtless already been brought to your notice, by the claim of this man for indemnity from our Government; a claim which I told him at the time was in my opinion perfectly clear, if the circumstances were all such as he stated.

"On the 6th of October, 1836, the schooner *Fanny Butler*, of New Orleans, was sold here by the house of Charles Drake & Co., under a power from the owners; the ostensible purchaser (probably not the real) being Captain Allen Richard, a naturalized citizen of the United States. According to custom, the original register was retained at this consulate, to be transmitted to Washington; and the bill of sale, as required by law, recited that register word for word. With this bill of sale as her proper document, so long as she remained American, until she should return to the United States, the vessel cleared from this port, (as has happened in numberless instances of the same sort from all ports where there are American consuls,) and went to one of the Cape Verds, no doubt to be there resold and put under the Portuguese flag. There, the United States consul or vice-consul, (I forget which) refused to recognize her as an American vessel, because she had not an original register; in consequence of which she was seized by the authorities of the place. They first attempted to extort money from the captain (I think he told me, \$1,500 was the sum required;) but he being unwilling or unable to pay it, the matter ended with the confiscation of the vessel: all hands, I suppose, getting a share of the prize money. The consul had the impudence, too, to tell the master, that he would write to Washington, to have me punished for clearing a vessel without a register!

"Such was the statement made to me at the time, so far as I recollect it; and documents in support of which were, I presume, sent from hence to Washington by the parties interested.

"I am, sir, very respectfully your obedient servant,
"N. P. TRIST."

"**POSTSCRIPT, June 11, 1838.**—At the suggestion of Mr. Peter Crusoe, a young gentleman who arrived here some time since from Rio Janeiro, where he had been employed in our consulate, and whom I have taken as an additional assistant, I have adopted the practice there observed in regard to register, which is, to cut them in two, and deliver one-half to the master, with a certificate attached, and retain the other half for transmission to Washington.

"This mode affords so obvious and effectual security against abuse on the part of either the master or the consul, that I am surprised it did not suggest itself to me.

"I now send the register of the schooner *Racer*, which has been sold

here, *without any bill of sale being passed in this office*: the only instance of the sort that, to my knowledge, has ever occurred.

When the master of the *Racer* produced here the crew list transmitted with him, No. 41, of which it in part forms the subject, he remarked that he would take his register. But the circumstances of the case, together with the occurrence in regard to the register of the *Washington*, induced Mr. Crusoe to say that it was better he should leave it in the consulate, to be transmitted by me to Washington.

This happened before he had made to me the suggestion above mentioned, about cutting the register in two.

N. P. T.

Letter of December 18, 1838.

[After the paragraph ending with the words "penitentiary offence."]

"Sometime ago, Lord Palmerston was reported to have predicted upon the floor of the House of Commons, that before long the slave trade would be carried on under the American flag. Knowing somewhat more of those who have the American flag in keeping than his lordship probably does, his prophecy did not strike me as particularly deserving attention, especially as I could form some conjecture as to the impulses which gave it birth. Not so, however, the slave traders of Havana. Profiting by his lordship's hint, they have come to the determination," &c.

[After the paragraph ending "without waiting."]

"On my way out, meeting Colonel Somera, who had returned from my office, and gave for his reason for not waiting for me there, the notice I had sent of my intention to go from the Governor's to see Captain McKenney, I took the opportunity to remind him of the grounds afforded by my general course, and sentiments for confidence in my disposition to pursue on all occasions the most conciliatory line of conduct that was consistent with my path of duty, and to inculcate in him the vital importance of not yielding to the irritation which I had perceived that the affair had given rise to.

"I then called upon a Spanish friend close by, whose near official and personal relations to his excellency would, I knew, enable him to exercise a good influence in the matter whatever turn it might take, and explained it to him. Sincerely desirous to avoid, if possible, any aggravation of the mortification which it had occasioned, I was anxious that I should be left free to do so by their abstaining from any expression of anger or peremptoriness. To this anxiety I did not, however, make any allusion, but confined myself to pointing out in the most general manner the importance of repressing all irritation in a case of the sort."

[In the next paragraph after the words "a post captain in the navy," the following is omitted:]

"Famed for his hot head and a very generous and manly disposition, and with whom I am upon the more friendly terms from a little collision in which his honest and straight-forward manliness had shone out."

[After the paragraph ending "to notice and dispute."]

"Here then was a critical point in the affair. I felt very little doubt (particularly after what I had learned from Captain McKenney) that, if insisted upon as a previous condition to a compliance with his excellency's request, a pledge could be extorted from him that the vessel and crew

should be taken into custody. But this course could not be pursued without greatly augmenting whatever sense of humiliation the occasion had awakened. I determined, therefore, to adopt that which will be seen from my second letter to the Captain-General, (enclosure No. 5,) and told my visitor that the assurance given by him should be fulfilled, and that he might say to his excellency that my course would be such as to satisfy him."

[After the paragraph ending "most anxious to have secured."]

"He [Captain Howell] is a reckless, drunken desperado or braggadocio, who, at least, affects the desperado, the hero in the case of the brig Antelope, which I reported some months ago. In consequence of the complaint of his conduct to his crew, made by me on that occasion, he was stopped here by the authorities. What has become of his case, or what proceedings have been instituted against him, I have not the slightest idea. Brutal as was his conduct, had he applied to me in a proper manner, I should have inquired into his business for him. But he never made any application to that effect. He seems to have entertained the notion that he could make me 'pay for all,' and to have contented himself with getting drunk every day, and spending his time in raving against me; stalking into the consulate every day or two, to demand of the vice-consul if there was 'any news for him;' and on one occasion, of which I heard, behaving in a very insulting manner, by slamming down a newspaper before him on the table where he was writing, and telling him to 'read that.'

"A month or more ago, being in my outer office, giving some directions to Mr. Smith at his table, I raised my head, and there was Captain Howell within three feet of me, with his hat on, and apparently about half drunk. He stared me full in the face without saying a word; and, after submitting to this as long as I thought becoming, I asked what he wanted. 'To have a talk with you.' 'On what subject?' 'I want to settle our business.' I replied that I had no business to settle with him; and that if this was the only object for which he came, he would do me the favor to leave my office. 'Perhaps I wont.' 'Then,' I replied, 'I shall be under the necessity of trying whether there are means to protect it from such insult.' I returned to my desk, intending to send for a peace-officer so soon as Mr. Crusoe, who was absent, should return. But Captain Howell spared me the trouble, by taking himself off.

"I saw nothing of him for some weeks afterwards, when, accompanying Captain Babbitt, of the United States ship Boston, to pay a visit of ceremony to the Captain General, upon my accidentally looking round, as we passed the sentry at the door of the ante-chamber, who should be at my back but Captain Howell, evidently intending to follow as one of the party. I stopped long enough to inform the sentinel that he had no right to be so considered, and passed on. On our return, we passed him engaged in conversation with two of the aids, the purport or result of which I, of course, never bestowed a thought upon. There is no difficulty in obtaining access to the Captain-General; and if he had applied to me to facilitate it, I should have done so. But, from his character and past deportment, it was too obviously his intention on this occasion to make a disgraceful scene, to admit of any hesitation as to my proper course.

"Nothing more was heard of him until a few days before his appearance as master and sole owner of the brig Thomas, when he called to inquire of my vice-consul if it was requisite for him to take out a passport

to leave here for Key West. Upon being informed that it was, he demanded to be provided with one, and was told that passports were granted by the Gobierno, and not by the consulate. From this inquiry, I presumed his intention to be to escape from the island; and, as he was every hour reflecting fresh disgrace upon the character of the American ship-master, I thought it a happy riddance."

Letter of January 12, 1839.

[After the words "full explanation of," in second paragraph.]

"At present I must, for want of time, be brief.

"To one whose position has been such as not to oblige him to see behind the scenes, the acting of which you here have a specimen is likely to appear enigmatical. Not so, however, is it to me; nor would it be to you, had the full occupation resulting from my endeavor to discharge the duties of my post, allowed me any time to expend upon subjects of mere curiosity; if, indeed, with leisure ever so abundant, a sense of fitness in regard to occupations for functionaries of the American Government would not have effectually conspired with my estimate of the value of my own time, no less than of yours, to prevent my offering for your entertainment a view of stage-machinery, designed solely for *domestic* purposes, by individuals in possession of the administration of a foreign Government, with whose *international* doings, even *I* had no official concern whatever.

Without the key to the puzzle, such conduct as that here pursued by the agents of the British Government, must seem incomprehensible. Supposing them, as it is natural to do, seriously intent upon giving effect to that public sentiment in the British people to which they owe their official existence; or, at least, exempt from a disposition to frustrate or postpone the fulfilment of the noble object upon which so large an amount of philanthropic zeal has for a long period been and still is expended—their mode of proceeding can occasion nothing but bewilderment to the spectator. Incapacity, the natural explanation of the use of ill-adapted means to professed ends, fails when that ill-adaptation becomes so extreme and flagrant that no denseness of stupidity can be supposed impervious to it. We must, then, be content to remain bewildered, or seek some other explanation.

Of this nature is the case presented by the course of these agents and of their immediate employers, in all its bearings, of which the present is but one. Supposing them really intent upon the object to which they owe their employment, and to which they of course pay a formulary devotion—the extinction of the slave trade at the earliest possible moment—and as a means to that end, upon obtaining the co-operation of our Government, is any degree of incapacity sufficient to account for the use of such means as communications of this nature? Putting out of view the acquired qualifications for delicate international trusts, can any understanding be supposed so obtuse as not to be fully aware of the fact that, if such means could exercise any influence whatever upon the conduct or the disposition of our Government or its officers, that influence could not possibly be other than unfavorable to their professed object?

No such supposition can be made. If the question were put to a man of the most ordinary understanding and limited converse with the world,

he would at once pronounce that the effect, if any, must be that which I have myself experienced—to arouse a spirit of defiance, the natural tendency of which, to awaken a disposition hostile to the very object affording the pretext for the provocation, if unattended with any result of the sort, could fail to produce it only through the operation of sentiments and principles the most fixed and unalterable. Such has been the effect upon me. If any thing could have had the effect to shake mine in regard to the slave trade, that effect would probably have resulted from the feeling of defiance which has been awakened in me, and which these persons and their employers must have known would be awakened in any citizen of the United States.

“The supposition of incapacity failing, the explanation must be sought elsewhere. It is found in the fact, (in regard to which, so far as I know, all intelligent men at this place, who have bestowed any attention upon the subject, are agreed,) that this devotion to the extinction of the slave trade is, on the part of these actors, a mere sham; and worse still, that not only is the parade of zeal made on all occasions by them and their immediate employers, (the ministers I mean, and not the people,) empty cant, but that they are positively averse to the cessation of what, to the minor parties, proves the cause of pleasant official existence, with a snug pension at the end of the vista; and to the more elevated personages affords convenient patronage, in addition to the more important benefit of a sound and not inconsiderable capital to trade on in the House of Commons: all which substantial blessings would vanish into thin air, ‘could the slave trade but be suppressed.’

“This, I am aware from experience, is a startling theory. But it is not the first that is so, and at the same time susceptible of demonstration. Seldom has moral demonstration been clearer or stronger than that for which materials are afforded in abundance by the current history of this matter; the general tenor of its course; the particular incidents and the positions of the actors. Lord Palmerston, having been defeated at the last general election, now retains his seat in the British cabinet, as a member for Tiverton, (a sort of rotten borough with a few hundred voters,) and the individual who patriotically relinquished the honor of this representation, in order that it might acquire new lustre in his lordship’s keeping, is my correspondent, James Kennedy, Esq., (the other signer being, I am persuaded, a *mere* signer in these cases,) decidedly one of the least competent and most positively unfit men whom I have ever known in public life. These are facts. It is moreover said by those whom I believe to speak with knowledge, that Tiverton was and continues to be Lord Palmerston’s sole chance, and also that Mr. K’s influence with him is unbounded; concerning which last particular some incidents have occurred which go to prove that it is true to a most unmanly and *pitiab*le extent, that would reflect disgrace upon the parties, even if they belonged to the Spanish instead of the English Government.

“The plot of the peace enacted here, and upon the other theatres under the same management, is very simple, although its effects are very complex. It consists in getting up occasions for crying out ‘execrable speculations,’ ‘nefarious traffic,’ ‘dens of infamy;’ whereat the worthy zealots in Great Britain are highly edified, and give their votes accordingly, in and out of Parliament.

“The honest enthusiasm of the latter no doubt forced upon the minister

the attempt to prevail upon our Government to become a party to the establishment of the British navy as the great police officer of the high seas; and its success would have proved a not unuseful feather in his cap. But I doubt much if he do not prize its failure still more highly, as an ever ready fountain of *occasions* such as I have referred to. Nor do I doubt that the American consul at Havana would now stand very high indeed in the good graces of "Her Majesty's commissioners" and "my lord," had his sense of the respect due to his country and to the principle of national independence, here and every where, and his contempt for humbug been sufficiently weak, to permit him to take the part proffered him in the vile game, and play into their hands with 'words that cost nothing.' But, whatever might have been the facility of disposition evinced by him on trivial matters, he deemed this one, at least, an unfit subject for diplomatic push-pin. It is one which *must* be *met*; and the sooner the better.

"Here, however, I must for the present close.

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

"N. P. TRIST."

No. 65.—[CONFIDENTIAL.]

[Extracts.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Havana, January 20, 1839.

[After first paragraph, ending "on the coast of Africa."]

"Before entering upon the particulars, I must premise that, although there is no doubt of their truth, and from the time the vessel had been a few hours in port, no difficulty whatever has existed to obtaining information in regard to them from any boatman in the harbor, or any clerk in the street; yet, for any legal purpose, they are mere rumor or hearsay, and absolutely insusceptible here, at least, of being converted into anything else. It is my firm conviction that, were the Captain-General himself to exert all his power with a view to the legal establishment of any one of the facts of the case, whereby any individual should be committed, he would be completely baffled—that not a single person could be found in Havana who, upon being judicially interrogated, would not prove to be entirely without knowledge on the subject; in a word, that were it requisite or desirable to disprove the identity of the vessel even, such would be the judicial result. More, supposing the Captain-General, with every legal and judicial functionary in the island, to be devoted, heart and soul, to having this case judicially established, and a hundred men able and willing to give the amplest testimony in regard to it, not one of them could do so, without sealing his fate. A thousand knives—thousands of knives—would be eager to drink his blood *gratis*; and if to hire a single one, a thousand ounces were the price, they would be subscribed in three hours—nay, gold to any amount would be poured out like water. This will afford you an idea of the state of things here in regard to the slave trade. It is, indeed, owing to this very intensity that information, (*information* as much as you please, a very different thing from legal proof, every where, but to be fully aware of the vastness of the difference one must know Havana)—that *information* concerning any particular connected with it can be so readily obtained; nay, obtrudes itself upon every man who has ears. In regard to a subject upon which so over

whelming a public sentiment prevails, as to render all legal denunciations of it matter for laughter and contempt alone, as essentially and inevitably a mere *pro forma*—make-believe business—what need for mystery? Had not this been so, the judge-commissioners, resident here on the part of the British Government, would have found it necessary to encroach seriously upon more pleasant appropriations of their salaries, or to make heavy draughts upon the secret service fund, to be enabled to make parade of being occupied at something, in return for those salaries, by communicating the information which, as the case has stood, no one could walk the wharf for five minutes a day without gathering. And had not their preposterous and indecent pretensions to depart from the functions proper to them, borne solely upon the feelings of the functionaries of an imbecile and helpless Government, actually dissolved in its rottenness, and been understood by every individual, directly or indirectly interested in the slave trade, to be mere moonshine and veriest humbug, not one of them would have gone home to enjoy the pension due to years spent in the arduous task of catching butterflies by day, and listening to the opera o' nights, in the Condesa de Fernandina's box, (which was the employment of the least idle of them all;) or rather, the first would have received a lesson that would have effectually enlightened every successor as to the propriety of contenting himself, so far as his public acts here went, with the exercise of the functions for which he had been admitted into the country.

"Scrupulously respecting, as I have ever shown myself disposed to do, their national rights and feelings; and strictly confining myself, as I have done in my recent proceedings, to our own flag; yet these, having a practical bearing and sensible effect upon the interests and calculations of these people, have, I know, not been unattended with personal risk; which has, I believe, been prevented from becoming very serious solely by the general feeling towards me and my nation, and by the notion which they have taken up gratuitously, (although very naturally for Spaniards,) that I am acting under positive instructions, which bind my hands completely: for how else account for my course, and for the answer, 'absolutely impossible until I receive instructions,' always given by me to the inquiry, although made even through a personal friend, '*persona de muchisima consideracion*,' calling for the express purpose, whether there is *no* way in which one of these vessels can be allowed to clear under the American flag? Without such specific instructions, affording no escape from official responsibility, what course could be supposed possible on the part of a public functionary, but to yield to an *empeño*, or say at once, 'how many ounces,' and let the matter take some course 'less prejudicial to private interests?' Besides the general sentiment in favor of the business, and the countless indirect interests involved in it, does not every body know that the Captain-General himself receives head money, fixed and certain, (which alone was worth a princely fortune to General Vives,) upon every slave landed on the coast: so that the annual yield from this source of income admits of as exact estimate at every counting-house, every 31st of December, as that to the royal customs from the flour duty?"

[After the paragraph ending "to secure the distinction."]

"One of these (which, indeed, had been, on the day before, mentioned in my office in presence of Mr. Kennedy, the British judge-commissioner, by a gentleman with whom he is in very close communication, who evidently had before informed him of it, and than whom he could not have

selected a person more competent to make 'discoveries' for him, a few hours ahead of the common talk of the town, nor one whose well-known character better warrants the idea that no person would be more sure to know nothing of the matter, if called upon to give testimony before a tribunal) particulars was that the name under which the *Venus* had returned to this coast was 'Duquesa de Braganza.'

"This—be it noted as illustrative of the shallow motive of the judge-commissioner in addressing a letter to me on the subject—was many hours before that letter was delivered, and longer still before the ship entered the harbor. The annunciation of this *Portuguese* name by his companion, a Mr. Morrison, proved evidently annoying and disconcerting to the judge, who thereupon, putting on the lowest buffoon character, which is his resource on the, not unfrequent, occasions whether to stand on his heels or his head, involuntarily exclaimed with a forced snicker, 'Oh! oh! oh! that was not to be told;' and, bowing to me, 'you are to receive a letter on the subject.' To which unexpected intelligence I replied, with a dryness ill-harmonizing with his mirthful country boobyism, 'I am sorry to hear it.'

[After paragraph ending "17th of August."]

("This, it may be remarked, affords a fair sample of the immense benefit which would ensue to our seamen, and through them to the navigating interest, if the system were allowed to work, undisturbed by the perverse adherence of a large class of our captains to their rooted habit of getting rid of their men, in defiance of our laws, by devices involving every imaginable shade of dishonesty and brutality.)

"Nor have I been able to glean a single particular tending to the belief that any American citizen had any interest in the ship or voyage, (unless, as is not unlikely, the master's compensation was contingent;) all tends to confirm the contrary, and that the vessel was built for an individual in this city, who would not admit an American partner, if any partner, in his undertakings.

"I would beg leave to suggest, however, that if care were taken to secure the testimony of the two masters, and of the clerks, particularly the corresponding clerks, of the house of Lambert Gittings, (or, if he be the ship-builder, of the house that employed him,) and the matter were so timed as to preclude the fabrication of new letter-books and account-books, a suit for the value of the vessel, under the fourth section of the *act* of December 31, 1792, would probably result in convicting the parties of false swearing in regard to the ownership at the time the register was obtained.

"Possibly, too, the register may have been left on board by Phillips. I think the parties here would be perfectly willing to incur the risk of the \$2,000 forfeit, or even to pay that sum at once, for the benefit that might result from the exhibition of that document in case of need on the return voyage. If this has happened, the bond, under the seventh section of the same act, has become forfeit; and the only question is, whether the return of Phillips to the United States has taken place, or can be proved

"Hon. JOHN FORSYTH, *Secretary of State.*"

[Translation of enclosure No. 2 to Mr. Trist's letter of 20th January, 1839.]

CAPTAINCY OF THE PORT OF HAVANA,

Havana, January 12, 1839.

I enclose to you, sir, a list of the American vessels which have entered this port from half-past ten o'clock, in the morning of the 6th instant, to this day inclusive, agreeably to your official note of this day, to which I now reply, fully satisfying your inquiries.

May God preserve you many years.

JUAN DE MONTANO.

To the CONSUL of the United States of America.

CAPTAINCY OF THE PORT, 1839.

January 6, half-past ten in the morning.—American brig Samos, Captain Brewer, from Boston. American sloop of war Boston, commanded by Captain Babbitt, from Key West. American schooner Eclipse, Captain Philips, from Savannah.

January 7.—American ship St. Thomas, from New York, Captain Hol-dam.

January 8.—American brig Syren, Captain Nicholson, from Boston. American brig Virginia Packet, Captain Waterhouse, from Portland.

January 9.—American brig Sappho, Captain Westcott, from New York.

January 10.—American brig Mary Barnard, Captain Picher, from Savannah. American brig Sebago, Captain Coffin, from Matanzas. American brig Pensacola, Captain Kilgrove, from Portland.

January 11.—American Brig Hector, Captain White, from Boston.

JUAN DE MONTANO.

HAVANA, January 11, 1839.

No. 66.—[CONFIDENTIAL.]

[Extracts.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Havana, January 22, 1839.

[After the paragraph ending "is most prominent."]

"In such manner as the extreme hurry in which I write permits, I will explain the grounds of my conviction as to the necessity of immediate action on this subject.

"First, then, independently of every other consideration, the fixed sentiments of the nation, and the long settled policy of its Government on the subject of the slave trade, both sincerely and earnestly set against it, alike demand that the whole energy of the latter should be steadily exerted to the utter and absolute prevention of its receiving any aid or support from our flag.

"Secondly. National character requires this. If we really cared nothing about the matter, respect for the opinion of the world, whose eyes are fixed upon us, demands that, with such professions upon this subject as stand unrepealed upon our statute book, we should not now afford room or pretext for the charge of indifference to it.

“Thirdly. The position in which we stand towards Great Britain upon this subject. *This is delicate and critical in the extreme.*

“By turning to Kent’s Commentaries, vol. 1, p. 197, or to Wheaton, your memory will be refreshed as to the history of British pretension in this field. They began in the bold exercise of sea police, by the capture of American vessels, the rightfulness of which, first maintained by the vice-admiralty court in the West Indies, was subsequently confirmed by a decision of the court of appeals in England, founded on a wretched begging of the question, or rather juggling of it out of view. From American vessels this new police was extended over Swedish. Here, however, British judges proved so graciously scrupulous in regard to national independence, as to acknowledge that, in matters of *legislation*, England did not mean to set herself up as *custos morum* for the whole world; that although British cruisers could rightfully take upon themselves the execution of laws passed by other nations, yet these were not subject to laws passed by the British Parliament; and, consequently, that, until Sweden should pass laws for the said cruisers to enforce, they could have no ground to interfere with the pursuits of Swedish vessels.

“Such appears to have been the only limitation to the authority of the high constable of the seas, until it was brought under review in the high court of admiralty, by the case of a French ship captured and condemned by the vice-admiralty court at Sierra Leone, for being concerned in the slave trade *contrary to French law!* The appeal seems to have been attended with the effect of forcing the high court at length to meet the question, the first and the only one manifestly presented by the subject, to wit: the right of *jurisdiction*—the right of Great Britain to meddle at all in the execution of French law; instead of dodging it, to be able to get at sophistry in regard to ‘title to *restitution*,’ upon which to ground the decision. Having met the question, there was but one conclusion at which they could arrive, to wit: that the right of search did not exist, and that, consequently, the high constable must confine himself to the limits of his own country.

“Then followed the series of efforts to prevail on us to put ourselves under his guardianship; and these having failed, his devotion to ‘the rights of humanity’ will, I am satisfied, not allow him to rest in inglorious sloth. Another twelve months will not pass before the question will be again brought up with regard to some American vessel (American by flag and document at least) in some ‘vice-admiralty court’ in the West Indies, or at Sierra Leone, or somewhere. The *Venus*, it will be borne in mind, after having been boarded, and her American character ascertained, was nevertheless chased, and, had they been able to come up with her, would doubtless have been captured, without regard to what her national character might at the moment be. And although the fleetness of the vessel happened to prevent the occurrence in this instance, some other occasion will probably arise in which circumstances will prove more favorable.

“How our Government met the question in the original instance I do not know, although it was of a character, even then, to render it unavoidable that we should claim to have something to say as well as the vice-admiralty court. But one thing is very manifest, that, if brought up now, it would wear an essentially different aspect, and a very serious one. Having resisted the entreaties of Great Britain that we would consent to a friendly

arrangement, whereby this right would be given to her, can we submit to its being *taken*?

"On the other hand, consider the position in which such a question would place our Government, not only externally towards Great Britain, and towards the general sentiment of Christendom in regard to the slave trade, but *internally*!

"Am I wrong, then, in attaching immense importance to instant action on the subject? First, as a means to prevent the occurrence of occasions for this question's being forced upon us; and, secondly, if this should prove unavoidable, as a means to put our Government in the right in the eyes of the world, and, what is of greater moment still, in the eyes of our own nation. If this be not effectually done, who can calculate the *internal* consequences of such a question, whether considered in themselves solely, or in the national humiliation which would be their result?

"What a victory this to Lord Palmerston! It would be the 'master-stroke of all, casting in the shade all Turkish and Austrian treaties, and touching what may be emphatically called *the* chord of public sentiment in Great Britain at this day, in a manner that would actually shake the land, and impart to his popularity an ardor and intensity such as few in his post, if any, have ever had to exult in.

"Considering the state of the public mind on this subject in Great Britain, (without reference to what it is in our own country,) what more could any minister desire than to have it ready prepared to be dove-tailed, if necessary, into the Maine boundary or the Canada business? I have for some time past been satisfied that this would be sure to happen the instant that any thing serious should grow out of either of those matters, and that the consciousness of holding such a trump would influence his lordship's game in regard to them, however disposed other considerations might tend to render him not to brag high.

"I will close with suggesting the good effects that would, in *every* point of view, result from promptly dispatching a naval force to the coast of Africa for the *avowed* purpose of preventing the use of the flag of the United States by vessels engaged in the slave trade, or in aiding or abetting it. I will, at an early moment, send you the necessary information in regard to what should be its prescribed cruising ground.

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

"N. P. TRIST.

"Hon. JOHN FORSYTH, *Secretary of State*."

No. 67.

[Extracts.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Havana, January 25, 1839.

[After the words "of these is enclosed," in the first paragraph.]

"The cost of such a masquerade dress, including all expenses attending the voyage in quest of it, appears to be about \$2,000. Such, at least, I have learnt, from good authority, was the cost in the case of one of these schooners, and it may be inferred that it is about the same in other cases. The particular items of which this sum total consists, I did not inquire about."

[After the words in the fourth paragraph, "late the Conchita."]

"in the service of Pedro Martinez & Co., the most distinguished, perhaps, of all the slave traders of this place."

Letter of May 4, 1839.

[After the paragraph ending "taken and brought to trial."]

"So strong are the temptations which the profits of this traffic enable those who engaged in it to hold out to any one whose services they want, that, notwithstanding the severe experience afforded by his first adventure, (he returned from it with the true African pumpkin complexion and glassy eye,) he had just engaged for a second, when death arrested him before the vessel could be got ready. This having removed him beyond the reach of the law, I experience no hesitation in mentioning circumstances which, being of a nature to subject him to suspicions that might get him into difficulty, while they became known to me only under the seal of confidence, which is here attached to every thing connected with this traffic, I should not, during his life, have felt it right to volunteer a disclosure of them. I do so now because they are necessary to *complete* this specimen of 'the business.'

"I enclose also the American document carried by Captain Kneass from this port, in the state in which he delivered it up on his return, that is to say, cut in two diagonally, which he stated that he had done upon separating himself from the vessel on the coast of Africa, prior to the taking in of the slaves. I knew, however, that this was not done until after the vessel had safely reached this island. This document is, you will perceive, a bill of sale from Ignacio Badia, attorney of John Wood, to Francisco Alvarez, attorney of John F. Ohl, of Philadelphia."

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

"N. P. TRIST

"Hon. JOHN FORSYTH, *Secretary of State.*"

[Enclosure No. 2 to letter of the 4th May, 1839.]

Bill of sale for a vessel.

Know all men by these presents, that I, Ignacio Badia, in virtue of a power of attorney from John Wood, sole owner of the schooner "John H. Holland" of Key West, a copy of which is hereunto annexed, for and in consideration of the sum of three thousand dollars to me in hand paid at the time of the perfection of these presents, by Francisco Alvarez, attorney of John F. Ohl, of Philadelphia, the receipt whereof is hereby acknowledged, have granted, bargained, sold, assigned, transferred, and set over, and by these presents do grant, bargain, sell, assign, transfer, and set over, unto the said Francisco Alvarez, for John F. Ohl, the said schooner John H. Holland, together with all her masts, yards, sails, rigging, anchors, cables, boats, tackle, apparel, and appurtenances, as she now lays in the harbor of Havana, and is more particularly described in a certificate of registry granted her at the port of Key West in the following words:

No. 15, (Fifteen.)—In pursuance of an act of the Congress of the United States of America entitled, "An act concerning the registering and recording of ships or vessels," John Wood, mariner, having taken or subscribed the oath required by the said act, and having sworn that he is the true and only owner of the ship or vessel called the John H. Holland,

* E Pluribus *
* Unum. *

Seal of the Treasury of the
United States. Signed,
T. L. SMITH, Register.

Seal of the collector of the port
of Key West. Signed,
W. A. WHITEHEAD, Collector.

of Key West, whereof he is at present master, and is a citizen of the United States as he has sworn, and that the said ship or vessel was built at Baltimore, in the State of Maryland, in the year 1833. As also appears by her enrolment (No. 5,) dated April 12, 1837, now surrendered in exchange for this register on transfer of property, &c., and said enrolment having certified that the said ship or vessel has one deck and two masts, and that her length is sixty-seven feet, her breadth eighteen feet seven inches, her depth six feet nine inches, and that she measures seventy-three tons and $\frac{6}{8}$ ths of a ton; that she is a schooner, has a square stern, no galleries, and no figure head; and the said John Wood having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said schooner has been duly registered at the port of Key West.

Given under my hand and seal at the port of Key West this nineteenth day of June, in the year one thousand eight hundred and thirty-eight.

To have and to hold the said schooner John H. Holland, and the appurtenances thereunto belonging, unto the said John F. Ohl, of Philadelphia aforesaid, his executors, administrators, and assigns, to the only proper use and behoof, and as the proper goods and chattels of the said John F. Ohl, his executors, administrators, and assigns, from henceforth forever; and I, the said Ignacio Badia, as attorney aforesaid for my executors and administrators, do hereby covenant and agree to and with the said Francisco Alvarez, as attorney aforesaid, his executors, administrators, and assigns, that at the execution of these presents John Wood is the true and lawful owner of the said schooner called the John H. Holland of Key West, and appurtenances, and that I have full right and authority to sell and dispose of the same, freed from and cleared of all claims, encumbrances, or demands whatsoever.

In witness whereof I have hereunto set my hand and seal at the Havana this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and thirty-eight.

[L. s.]

IGNACIO BADIA.

Signed, sealed, and delivered,
in the presence of

PETER CRUSOE,

Consulate of the U. S. A., Havana.

On the day of the date hereof, before me personally appeared Don Ignacio Badia, subscriber to the foregoing bill of sale and acknowledged the same to be his act and deed.

In testimony whereof I hereunto set my hand and the seal of my office at [L. s.] Havana this 24th day of July, [paper torn,] and of the Independence of the United States the 63d.

N. P. TRIST.

CONSULATE OF THE UNITED STATES OF AMERICA,

Havana, 24th July, 1838.

Fullerton S. Kneass has taken the oath required by law, and is at present master of the within named vessel in lieu of John Wood late master.

[L. s.]

N. P. TRIST.

Letter of September 7, 1839.

[After the words "demand upon the British Government."]

"But for the peculiar form in which these allegations here present themselves, this request would not be made; for it would be inconsistent with the principle which has heretofore governed me, respecting the reception due from an officer of the United States of America, to all manifestations towards himself or his fellow-citizens by any functionary of a foreign State, of that cosmopolitan zeal, for which the Government just named is, at the present day, as it ever has been, so highly distinguished; a zeal which doubtless would, with due encouragement, prove of a sufficiently expansible nature to envelope our navy itself in the folds of its charitable mantle, and have a corner to spare even for any of those *terra firma* concerns which constitute the debateable ground (in the eyes of *Philanthropy*, no doubt one the existence whereof is much to be deplored) of State rights. So long as its impulses had, with respect to myself, appeared only in the shape of proffers of friendly aid, to supply my deficiencies, intellectual, moral, or physical, towards the fulfilment of whatever duties I may be entrusted with, in regard to the acts of my fellow-citizens, or even in the shape of similar boons to our Government in regard to the discharge of its supervisory duties over American consuls, my view of the proper attitude to be maintained towards all such overflowings of international prodigality—inculcating, as it ever has done, the most guarded abstinence on my part from any act which could tend to confound our country among those which are now so unscrupulously profiting by this disposition to relieve them of the trouble and expense of self-government—would have forbidden my taking any step tending to a discussion with that Government in regard to the nature of such of the fruits of its superior vigilance and power as might have been offered for the use of that to which I am responsible. In a word, so long as the friendly communications of its discoveries in regard to the acts and pursuits of American citizens and officers, accompanied with the no less friendly intimations of its hopes and wishes in regard to the proper course to be pursued upon the subject of the American Government or its officers, had been addressed only to themselves—the alleged acts, supposing them real, not constituting a proper subject of discussion between the two Governments or their officers—neither could their reality or their fictitiousness, the sufficiency or defectiveness of the evidence on which the allegations might rest, become a subject of inquiry between them.

When, however, in place of such like manifestations of generous zeal is substituted a denunciation of the Government, thus sought to be patronized through its citizens and officers, when the friendly and rejected boon is, by the alchemy of publication, converted into an accusation in the face of the world, the entire aspect of the subject becomes changed, and, with it, the course which its nature permits. The question presented by it is no longer whether a right shall be recognised expressly or implicitly in a foreign Government to take part, directly or indirectly, in the functions which belong exclusively to our own. The matter of allegation remains the same; but the principle of national independence ceases to be involved in any question that may arise concerning the proper course to be pursued with regard to it. Without the slightest concession of the right of self-govern-

ment, that matter may now be considered, its grave character acknowledged, and the proof demanded of the party bringing the charge."

[After the words "exclusively upon the fact of its publication."]

"that measure of the British Government, whereby, from being one of a series of acts of impertinent and, at worst, indecent intermeddling, only (to which, so long as it had retained that character, I should, however otherwise disposed on my own account, have deemed it inconsistent with just international principles to give even so much countenance as would be implied in making of its grounds a subject of inquiry addressed to that Government) this allegation has been converted into an act of calumny the most reckless and flagitious."

[After the paragraph ending "the deed has been committed".]

"For these grounds, it is—for the conclusive proof possessed by him of the guilt which he has proclaimed—that I beg to call upon Her Majesty's principal Secretary of State for Foreign Affairs. Let the 'blank forms' be forthcoming. Let the uses to which they could be put be specified and explained. Supposing both these things to be done, let the ground be adduced which determined his lordship's judgment to adopt the belief that they had been signed and furnished by me, in preference to the alternative belief that they were forgeries. In a word, let any thing and every thing, in the shape of fact, probability, or possibility, be adduced, which may, in any manner, serve to show that the fact asserted by Lord Palmerston, or a belief which has been asserted by him that the American consul at Havana had also "signed *blank forms*, to be filled up at pleasure by the persons in command of those vessels," is a fact concerning which he possessed proof; or one, a belief in which can possibly be entertained by any person of decent understanding who shall bestow upon the subject ever so little of his attention.

"And here might I rest my defence from this calumny until my call should be answered. In proportion to the gravity of the accusation must, according to the plainest dictate of justice, be the conclusiveness of the proof by which it comes supported; and, if this prove defective, in exact proportion to its defectiveness must be the force of recoil upon the accuser, and the weight of odium for indecent haste, if not reckless malevolence, which must rest upon his head.

"To the operation of this plain truth might the vindication of my character be left; and seeing that, in most cases of this same sort, it must necessarily constitute the only resource of the accused, it might be relied upon in the present without fear as to the result. Fortunately, however, the case is marked by peculiarities which exempt me from all dependence upon this passive defence. I have called for the proof, because it was due to my character to give such a defiance; and because, also, it was only by so doing, that I could place in the light where it will be manifest to all eyes, the utter groundlessness, recklessness, and shamelessness of this accusation. But this course was not requisite to my vindication. I possess abundant materials for one of the most *positive* character.

"The absolute disproof of the calumny is in my hands, and I will use it. The task must, however, be reserved for a future occasion.

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

"N. P. TRIST."

[Enclosure No. 1. to Mr. Trist's letter of 17th December 1839.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Havana, November 4, 1839

[2d Paragraph.—]

"Coming from no less exalted a source than her Britannic Majesty's principal Secretary of State* for Foreign Affairs, this allegation brings with it a weight of authority amounting almost to proof, and demanding at my hands a course that shall correspond to the very extraordinary disadvantage at which alone it can be met.

"An accuser of ordinary standing, it might be sufficient to confront with a challenge to the proof; and under cover of the plain axiom of justice by which this position is prescribed to the accused, I might quietly rest until he should have brought forward those evidences of the existence of which his proclamation of belief in the truth of the charge is a recorded pledge. The present case, however, is one in which this course will not suffice. The official elevation of my accuser affording, as it does, a guarantee of deliberateness and scrupulousness in all his acts, above all in a proceeding of such delicacy and responsibility as that of bringing in the face of the world a charge at once so blasting and so intrinsically improbable against an officer of a foreign Government, forbids that I should allow its influences to work undisturbed, while awaiting to see what materials he may have it in his power to produce to justify the confidence which his word has awakened. It demands that the task of positive disproof, so far as the nature of the subject admits of it, be at once undertaken by me.

(b.) "I confine myself here to this branch of the allegation, for the reason that the other practice therein referred to is of a nature not to require the same sort of notice as that which I am taking of the mate to which it is here yoked.

"Whilst, of the two acts thus coupled together one is of a turpitude too flagrant to escape the dullest eye, the other is by every one, in the slightest degree acquainted with consular functions, or even possessing the most elementary notions regarding the essential rights of a ship-owner or his representative, the master, concerning the mode wherein he may see fit to employ his vessel, seen at a glance to afford no possible ground of imputation against a consul.

"In regard to the one act, if the accusation attach to him, his character is irremediably blasted. Hence, the necessity of seeking testimony that may have a bearing upon the point. In regard to the other act, no such necessity exists; because no one at all acquainted with the relation in which the

* The quarter from which it ostensibly proceeds is more imposing still, being nothing less apparently than the "Imperial Parliament" itself. In truth, however, the agency of this "omnipotent" entity does not in this case extend beyond the mere act of receiving the documents "presented by command of Her Majesty;" an act from which it is impossible that the contents of such documents can derive any additional weight in their logical or moral bearings. Whatever portion of this may be possessed by them must be due solely to the head from which they are to be presumed to have received consideration. That head, in the present instance, is the head of Her Majesty's principal Secretary of State for Foreign Affairs. To all logical and moral intents, the act of publication is his act. From him is all its weight derived; to him does all its responsibility, all moral responsibility at least, attach. The authority belonging to his official station—nothing more, nothing less—is what this accusation does in reality come supported by. This, to be sure, is imposing in a high degree; not, however, so high as would be that attaching to a deliberate act of the British Parliament.

consul stands towards vessels, can fail to be sensible that a more utterly and essentially futile charge cannot be conceived against any officer than that against a consul of having "affixed his name to the papers of vessels about to be engaged in the forbidden traffic in slaves; and that even if the charge were so modified as to impute to him the same act in regard to vessels, *known* or *notoriously known* to be "about to be engaged in the forbidden traffic in slaves," it would still be utterly and essentially futile. No such person but is aware, that either to govern his conduct in regard to vessels by rumor concerning their contemplated employment, or to institute investigations of such subjects, is altogether beyond the province of a consul. Nor can any one fail to perceive that what is in this respect is *right*, for the only possible alternative to it would consist in investing the consul with a degree of discretionary power far exceeding any that is possessed by the highest magistracy, whether executive or judicial, at home.

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

"N. P. TRIST."

Letter of 10th March, 1840.

[After the words in the 1st paragraph "U. S. ship Natchez."]

"Commander Page having touched here on the way to the windward islands, my letter was, on that occasion, written in compliance with an indefinite verbal request that I would address one to him.

"To that letter, I will add the substance of a conversation between us which occurred in the presence of two American citizens, Dr. B. Ballard, of Louisiana, and Mr. B. T. Elder, of Baltimore, who chanced to be in my office when Commander Page paid it a visit to ask my opinion as to the course he should pursue under the circumstances supposed in my letter. My reply was, "make a prize of the vessel of course, and send her to the United States." But, he objected, suppose she should show the American flag, and this should afterwards be said to have occurred through mistake! It seemed to him very questionable whether the exhibition of our flag would be sufficient ground to warrant him in detaining her. I answered that I could only say how I would myself act under such circumstances: that if the American flag was once seen flying over the vessel, and she proved to have negroes on board, or to be equipped as a slaver, she should go to the United States, and they might there make to the court any explanations they might have to offer concerning mistakes in hoisting flags or exhibiting papers.

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

"N. P. TRIST."

[Extract.]

"CONSULATE OF THE UNITED STATES OF AMERICA,

"Havana, March 10, 1840.

[After paragraph ending "same month."]

"Besides some views (to which I beg leave earnestly to invite attention) in regard to the importance of the constant presence of a part of our naval force in this port—views which might, not without advantage perhaps, be

extended to other points involving international considerations—this correspondence has served to elicit the truth, so far as known to me, or attainable by me, concerning what is called the slave trade from Cuba to Texas: a subject which, by the publication, official and quasi-official, of fictions colored to a taste of the day, which a class of sinecurists, under a foreign government, find it to their account busily to cater for, has been invested with an ideal importance that renders the truth in regard to it a matter of some value.

“The *notices* to our ship masters, brought into view by this correspondence, it was, at the time they were written, my intention to send copies of to the Department, but this purpose has shared the fate of many others in remaining unfulfilled, owing to the never-ending pressure of matters of great and urgent importance. Their transmission, indeed, (the end for which the first was written having been so fully accomplished, that subsequently to the communications made by me upon the subject at that period, no instance ever recurred, even by rumor, to create any necessity for again touching upon it, though I did so by my second notice, upon the principle that it was better to do what might be superfluous, than fail to convey to any American citizen requiring it so impressive a caution,)—their transmission was altogether without importance, except in the sense that it is important that Government should be kept advised of all doings of its officers, and put in possession of all papers illustrative of the mode in which their duties are discharged—a principle that I have not been unmindful of, but which the circumstances of my position have put it out of my power to act up to, except in but a comparatively small portion even of that class of cases wherein my doing so could conduce to some definite end. And such being the case, I had in this, as in many other instances, to content myself, for the time being, with the consciousness that my duty had been fulfilled and the end secured—reserving the task of laying the proof of this before the Government for the period when it might be engaged in without postponing to it the discharge of obligations of a far more pressing nature. That period has not yet arrived; and my time would still be devoted to what ought to have exclusively occupied every portion of it that could be spared from the current duties of my post—the task of putting the results of my official experience in the shape wherein they might be of avail towards the reform so loudly called for by the interests and the character of our merchant flag—had not the torrent of calumny by which it has been attempted to drown me rendered it unavoidable that an object of high interest to the nation should, for a while, be sacrificed to one so insignificant as the vindication of individual character.

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

“N. P. TRIST.

“Hon. JOHN FORSYTH, *Secretary of State*.

“P. S. In transmitting these notices, I will call attention to the position contained in the third paragraph of the first; a position which, though but a translation of the literal and indubitable meaning of our legislation on the subject, was, so far as I know, there laid down for the first time; and, so far from being generally known, has been unconsciously violated times without number, by the transportation of the (slave) domestics of passengers to and fro between the United States and foreign countries, (the West Indies chiefly;) and, on a large scale, (as some one told me at the

the period when the subject was occupying my attention,) in the transportation from one British colony to another, under the sanction of the British Government, and even in its employment, of blacks 'held to service.'

"N. P. T."

[Enclosure No. 1 to Mr. Trist's letter 10th March.]

UNITED STATES SHIP WARREN,

Havana, November 28, 1839.

[After the words "the United States."]

"I would also request that you will inform me if it be deemed important for the commercial interest of the United States that this ship should continue to remain within this harbor, and your reasons for her detention.

"I am, very respectfully, your obedient servant,

"W. A. SPENCE, *Commander.*"

"To N. P. TRIST, Esq., *Consul of the U. S., at Havana.*"

[Enclosure No. 2 to Mr. Trist's letter of 10th March.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Havana, November 29, 1839.

[After the words "plea of ignorance."]

"2d. Proceeding to your second topic, I am glad of the opportunity which it affords for an expression of my decided opinion, that *this harbor should NEVER be without one of our national vessels.* This was the opinion of my predecessor in office, the late Mr. Shaler; a man to whom it would be difficult to name an equal, whether for extensive experience in such matters in all parts of the globe, or for soundness of judgment. It has been the result also of my own very inferior opportunities for forming one.

"When I say *never*, I mean to be understood literally; for, independently of the general effect attending the presence of a naval force—an effect which is not the less real that it cannot be weighed out by the day or hour—there is scarcely a day in the year when the presence of one of our vessels here would not be attended with some definite benefit to our shipping: there is certainly not a single day in the whole year when something may not happen to make this the case. Our navigation to this port considerably exceeds that of all other nations put together, (Spain included,) thirteen or fourteen in number. The number of entries under our flag, during the past year, exclusive of fishing smacks from Key West, was 753. This fact alone will afford an idea of the number of occurrences of various kinds, in which the presence of a national vessel would be highly useful.

"Take the one subject of insubordinate conduct on the part of sailors. In a port where, as in this, it is impossible to keep liquor from the men, insubordination would, unless repressed, transcend all bounds. For instance: to-day, since I commenced writing this letter, Captain Young, of the barque Clarion, of Philadelphia, who is well known to me, and whom I believe to be a ship-master of the first respectability, has presented himself at the office, in consequence of having just received, while engaged in

discharging cargo at the wharf, a severe blow in the face from one of his sailors in liquor. And upon going back to his ship in quest of his shipping articles, (which I required the exhibition of in every case of the kind,) he returns with the intelligence that the same man has fallen foul of his mate. Occurrences of this kind require, of course, aid from some quarter. But for the presence of a consul, every case requiring or affording room for the interposition of the authorities, would be attended with proceedings involving serious delay and expense, and inconvenience and detriment to all parties, ship-masters, ship-owners, and all interested in the despatch of the vessel; and, of the evils attending them, the sailor's share would assuredly not be the least.

"Most of these cases arise altogether from inebriety; and twenty-four or forty-eight hours' confinement, under the order of the captain of the port, (issued at the request of the consul,) proves sufficient to bring the sailor to his senses. Instead of continuing drunk the whole time, (which the facility of procuring liquor, so long as he remains on board, renders next to certain to a man once brought to that state of excitement and of thirst for more,) he has a chance to become sober; which was all that he required to return cheerfully to his duty, and to remain sober, perhaps, during the remainder of his stay in port.

"In such cases, the presence of a vessel of war would supersede the necessity of calling for the captain of the port's assistance. The man could be taken on board: there to become sober; and, if the case required it, there to receive such punishment as our laws authorize the master of a merchant vessel to inflict: a measure which all prudent masters abstain from in this port, owing to the serious consequences, in the shape of delay and expense attendant upon the proceedings that would take place upon any thing bearing the shape of a disturbance of the peace of the port.

"The same considerations apply with still greater force to cases of revolt.

"There is another view in which the expediency of the constant presence of one of our vessels of war in this port is, to my mind, perfectly obvious. That view relates to their efficiency in protecting our merchantmen *at sea*: indeed, to their efficiency, in all particulars, *as cruisers*. It may seem paradoxical, but I do not hesitate to express my conviction, that, to be at anchor in this harbor, is the proper position for a *cruiser* stationed on this coast. Nay, that one ship, thus anchored, would render more effectual service at sea, in any duty that might be assigned to her, than half a dozen sailing round the island, all the time within a league or two of the shore.

"To act, the commander must have something to act upon. How is he to get it? How is he to obtain information of any thing that may have happened? By bringing to and overhauling every vessel that may come in his way? This would prove intolerably vexatious to commerce, and render a man-of-war a pest instead of a benefit.

"Now, this city is the centre of intelligence in regard to every thing that happens within hundreds of miles of it in all directions. Nothing occurs that does not directly become known here. Not an hour in the day but news comes in by sea and by land from every point of the compass. Look at the mouth of the harbor! Last year *fifteen hundred and thirteen* merchantmen from foreign ports, and coasting vessels without number. What chances do these not afford for obtaining early and definite intelligence of every occurrence that may require action on the part of a naval com-

mander; of any piracy that may have been committed; of any wreck or other disaster that may call for his assistance; nay, of any thing that may as yet be meditated only, here or elsewhere? Suppose him to be sailing to and fro from Cape Antonio to Cape Maize, or even in sight of the Moro, all the while. Here comes in important intelligence for him! Or, here is something hatching in this very port! How is he to know any thing about it? Where are the means to transmit it to him? And supposing these to exist, where is he? Within sight of the Moro, perhaps; but who knows this? Suppose him, on the contrary, to be at anchor here. In a moment his anchor is up, and he is off upon a definite errand.

"Thus much in regard to efficiency in the shape of *action*—of services actually rendered. Now, for a word in regard to efficiency in its other shape, that of an exhibition of readiness for action. We all know that, in time of peace the utility of a naval force consists, not so much in what it does, as in what it prevents; in what it shows that it is ready to do; in the impression which it keeps up of its vigilance and the certainty of its acting should the occasion occur. In this point of view, compare the effectiveness of a vessel lying here, and going out, at short intervals, no one knows where, or on what errand, with that of the same vessel sailing round the island. In the latter case, few ever hear of her, or know that there is such a cruiser. In the former, every one sees her; her activity is constantly present to every mind. She goes out, and no one knows but that something has occurred or is meditated, of which the commander has had intelligence. In this way constant alarm is kept up in the minds of evil-doers.

"Apply to this the supposed case of an American vessel employed to take in negroes at some point on this coast. There is no American man-of-war here to obtain intelligence. What risk does she run of being searched? But suppose that there is a man-of-war in port. What is to secure the master of the merchantman against her commander's knowing all about his intention, or suspecting it in time to be upon him before he shall have run a league on his way to Texas?

"I will here bring this unconscionably long and, I fear, tiresome communication to a close. You are aware how pressed I am for time. But for this cause, my views would have been presented in a much smaller compass. The importance of the subject, in my estimation, must be my apology for inflicting upon you so hurried and crude an attempt to do it justice.

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

"N. P. TRIST.

"WILLIAM A. SPENCE, Esq.

"*Commanding U. S. ship Warren.*"

[Sub-enclosure No. 10 to Mr. Trist's letter of 10th March, 1840.]

[*From an American newspaper.*]

"SLAVERY IN TEXAS.—We observe in many of the petitions which are presented in the House of Representatives by Mr. Adams, that an opinion extensively prevails in the Northern and in some of the Western States, that the foreign slave trade is permitted in the Republic of Texas. Now,

this is so far from the fact, that the Government of Texas has evinced a very laudable desire to prohibit all importations of slaves either from Cuba or from vessels elsewhere engaged in the slave trade. The Government has even gone so far upon this subject as to prohibit the introduction of slaves from the United States, when these slaves shall have been introduced into the United States for the purpose of exportation to Texas. We copy the following act from the last Texas Telegraph :

‘AN ACT supplementary to an act for the punishment of crimes and misdemeanors.

‘SEC. 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled,* That if any person or persons shall introduce any African negro or negroes, contrary to the true intent and meaning of the 9th section of the general provisions of the constitution, declaring the introduction of African negroes into this republic to be piracy, except such as are from the United States of America, and had been held as slaves therein, be considered guilty of piracy ; and upon conviction thereof, before any court having cognizance of the same, shall suffer death without the benefit of clergy.

‘SEC. 2. *Be it further enacted,* That if any person or persons shall introduce into the Republic of Texas any Africans, or any slave or slaves from the United States of America, except such slave or slaves as were previously introduced and held in slavery in that republic, in conformity with the laws of that Government, shall be deemed guilty of piracy, and upon conviction thereof, before any court having cognizance of the same, shall suffer death.

‘IRA INGRAM,

‘*Speaker of the House of Representatives.*

‘RICHARD ELLIS,

‘*President of the Senate pro tem.*

‘Approved 21st December, 1836.

‘SAMUEL HOUSTON.’

“This act was passed in consequence of a suspicion that the general act upon this subject would be avoided by the introduction of slaves into the United States by the mouth of the Sabine, whence they might be forthwith sent into Texas.”

[Enclosure No. 6 to Mr. Trist's letter of August 21, 1840.]

[After the words “for whom it concerns.”]

———“as Mr. Brown has *failed in all his contracts*, and not paid up the charter.

“He has given up all the papers and claims to me. But not having a very high opinion of the man, I do not know what instructions he might have given in the premises, if any.”

Letter of September 28, 1840.—3d paragraph commencing—

“I had purposed to engage, on this occasion, in a full examination of the doings of these agents upon this theatre, and to present an array of facts

that would leave no room for doubt in regard to the spirit of disingenuousness and deception towards their own country and of insult towards ours, which prompted the attempt, so indecently persisted in, to increase their stock of occasions for displays of hollow zeal, which could serve no possible purpose but that of imposing upon distant enthusiasts, and feeding the excitement which the actors find it so richly to their account to keep alive.

"This purpose, however, want of time compels me to relinquish, for the present, at least, except so far as to state a few facts, which will serve to open the view of the subject that I intended to present in extenso."

[After the words "supply of slaves."]

"And at the same time, as the chosen object to which specially to direct the morbid enthusiasm now raging in Great Britain, that renders those who have suffered themselves to become possessed of it deaf as adders to the yells and the moans arising from the frightful mass of human want, and human depravity, and human woe and anguish, in the midst of which they are rioting in the pains and pleasures of imagination upon a distant and unknown object of sympathy, heedless of the fearful elements of anarchy that are forming and commingling around them."

[After the words "free labor of Hindostan."]

"I must not close without calling attention to the proof afforded by variations between this correspondence, as it really occurred, and as it has been published by and transmitted from the British Secretary of State, of the necessity of caution in placing reliance upon the correctness of papers derived from that source.

"It will be seen that my reply, now enclosed, to the British commissioners' last letter commences with the correction of a misstatement of fact therein contained, in regard to the character of a prior communication from them.

"This misstatement would scarcely be worth adverting to here, but for its being of a piece with, and illustrative of, the disingenuousness of their whole proceedings, when *effect* might be thereby produced at home. On examining the printed copy of that communication in the parliamentary papers transmitted by Lord Palmerston to our minister at London, I find in it other traces of the same unscrupulousness, particularly in the alteration of a passage, which will be seen to form the ground of remark in my reply. I, therefore, now enclose the originals, (enclosures Nos. 3 and 4,) in which I have marked in red ink [brackets] the variations which appear in the printed copies. I will add that these are not the only indications of the same process, afforded by papers from Havana published by order of Parliament."

[Enclosure No. 3 to Mr. Trist's letter of 28th September, 1840.]

[January 8,]

HAVANA, July 8, 1839.

SIR: As it may possibly not have come to your knowledge, we think it right to make you acquainted with the report prevalent in this place respecting the ship "Venus," which arrived here the 4th August last from Baltimore, and sailed shortly after for the coast of Africa.

This vessel, you will no doubt remember, arrived and sailed hence un-

der American colors, under which, it is said, she took in a cargo of negro slaves, and has landed them within the last few days on this coast, about 860 in number.

The report further states there are several American citizens implicated in this flagrant violation of the laws of the United States; and as the

[the]
"Venus" may be hourly expected in (this) harbor, we would respectfully suggest [to you] that such immediate steps may be taken on her arrival as may lead to the punishment of such offenders.

The peculiar relationship in which the United States are placed with Great Britain, induces us more anxiously to hope you will participate in the feelings with which this communication is made.

We have the honor to be, sir, your most obedient, humble servants,

J. KENNEDY,
C. J. DALRYMPLE.

N. P. TRIST, Esq.

[Enclosure No. 4 to Mr. Trist's letter of 28th September, 1840.]

HAVANA, *January 10, 1839.*

SIR: We have [the honor] to acknowledge the receipt of your answer of the 8th instant, to our communication of the same date, respecting the ship "Venus," which vessel we have since heard entered this harbor at a late hour the evening before.

In reply to your request to be furnished "with all the information regarding persons, occurrences, or things calculated to be of use to the Government of the United States, in regard to the ship 'Venus,' or any matter connected with her, and particularly with the fact of her having taken in a cargo of negroes whilst under the American flag, and the other fact that there are several American citizens implicated in this violation

[omit]
of your laws, and who those citizens are," we beg to say (that) we have already communicated as much of the information we possessed, as we felt ourselves at liberty to do. We referred you to the reports prevalent in this city upon the subject, and we hoped (as no doubt is entertained of their truth) that you would have thought them deserving of your own immediate investigation, either through the Captain-General of the island, or by your own authority, and the intervention of the commander of the American vessel of war now in the harbor.

Any such investigation on your part, by examination of the log-book and crew, could not have failed to elicit much better than any information we could be expected to divulge, whether the following circumstances, as reported, are well founded or not.

1st. Whether there were any American citizens on board the "Venus" during her late voyage to the coast of Africa, and who those citizens are.

2d. Whether the "Venus" was visited on the coast of Africa by any British cruiser or cruisers without being detained, in consequence of her bearing the American flag; but one of which cruisers, having observed her take in some negroes under that flag, afterwards chased her, though without success.

3d. Whether any sale or transfer was made of the vessel after leaving this harbor, and when, so as to divest her of her American character.

The ship's articles, we have heard, provided that she was to be taken to Bahia, where the sale was to take place, but the short time she has been absent (only four months) puts this out of the question; and whether transferred or not to any other flag, we fear it is indisputable that a gross abuse has been practised of the American flag.

[forms]

It certainly (is) no part of our duties at this place, to take any steps to vindicate such a violation of your laws, nor have we any wish to interfere

[such]

[suppress if possible]

in any (like) cases further than arises from an anxiety to (put an end to)

[similar]

all (such nefarious) infringements of the rights of humanity.

Our objects are too high, and our conviction of their rectitude too strong, to allow us to be turned from our course by taunts of any kind, and, with regard to the United States in particular, we would wish to preserve unimpaired our respect for the laws which have declared the slave trade piracy. But it is in proportion to the respect we would wish to entertain, that we should regret to find those laws a dead letter, and your professions not followed up and carried into effect.

We have the honor to be, &c.

J. KENNEDY,
C. J. DALRYMPLE.

N. P. TRIST, Esq., Consul, &c. &c.

35. Whether any sale or transfer was made of the vessel after leaving this harbor, and when, so as to divest her of her American character. The ship's articles, we have heard, provided that she was to be taken to Bahia, where the sale was to take place; but the short time she has been absent (only four months) puts this out of the question; and whether transferred or not to any other flag, we fear it is indisputable that a gross abuse has been practised of the American flag.

It certainly (as) no part of our duties at this place, to take any steps to vindicate such a violation of your laws, nor have we any wish to interfere in any (like) cases further than arises from an anxiety to (put an end to) (such) (similar) (all such nefarious) infringements of the rights of humanity. Our objects are too high, and our conviction of their rectitude too strong, to allow us to be turned from our course by taints of any kind, and, with regard to the United States in particular, we would wish to preserve unimpaired our respect for the laws which have declared the slave trade piracy. But it is in proportion to the respect we would wish to entertain, that we should regret to find those laws a dead letter; and your professions not followed up and carried into effect. We have the honor to be, &c.

J. KENNEDY,
C. J. DAIRYMILK,
N. P. Taint, Esq., Consul, &c.

at Bahia, where the sale was to take place; but the short time she has been absent (only four months) puts this out of the question; and whether transferred or not to any other flag, we fear it is indisputable that a gross abuse has been practised of the American flag.

It certainly (as) no part of our duties at this place, to take any steps to vindicate such a violation of your laws, nor have we any wish to interfere in any (like) cases further than arises from an anxiety to (put an end to) (such) (similar) (all such nefarious) infringements of the rights of humanity. Our objects are too high, and our conviction of their rectitude too strong, to allow us to be turned from our course by taints of any kind, and, with regard to the United States in particular, we would wish to preserve unimpaired our respect for the laws which have declared the slave trade piracy. But it is in proportion to the respect we would wish to entertain, that we should regret to find those laws a dead letter; and your professions not followed up and carried into effect. We have the honor to be, &c.

J. KENNEDY,
C. J. DAIRYMILK,
N. P. Taint, Esq., Consul, &c.

at Bahia, where the sale was to take place; but the short time she has been absent (only four months) puts this out of the question; and whether transferred or not to any other flag, we fear it is indisputable that a gross abuse has been practised of the American flag.