35TH CONGRESS, 1st Session. } SENATE. { Ex. DOC. No. 59.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In answer to a resolution of the Senate, information concerning the recent search or seizure of American vessels by foreign armed cruisers in the Gulf of Mexico.

MAY 19, 1858.—Referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

In answer to the resolution of the Senate of the 14th instant, requesting information concerning the recent search or seizure of American vessels by foreign armed cruisers in the Gulf of Mexico, I transmit reports from the Secretaries of State and of the Navy.

JAMES BUCHANAN.

WASHINGTON, *May* 19, 1858.

DEPARTMENT OF STATE,
Washington, May 19, 1858.

The Secretary of State, to whom was referred the resolution of the Senate of the 14th instant, requesting the President, as far as is compatible with the public interest, to communicate to that body "any information which may have been received concerning the recent search or seizure of American vessels by foreign armed cruisers in the Gulf of Mexico or the adjacent seas, and also what measures, if any, have been taken in relation thereto," has the honor to lay before the President a copy of the documents specified in the accompanying list.

LEWIS CASS.

The PRESIDENT OF THE UNITED STATES.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

List of documents accompanying the report of Secretary of State to the President of May 17, 1858.

Mr. Cass to Mr. Boston, April 3, 1858.
Mr. Boston to Mr. Cass, April 7, 1858.
Same to same, with accompaniment, April 22, 1858.
Mr. Blythe to Mr. Appleton, with accompaniments, April 29, 1858.
Mr. Cass to Lord Napier, May 4, 1858.
Mr. Blythe to Mr. Cass, May 8, 1858.
Mr. Cass to Mr. Dallas, extract, May 11, 1858.
Same to same, May 12, 1858.
Same to Mr. Toucey, May 13, 1858.
Same to Mr. Schell, May 13, 1858.
Same to Mr. Baker, May 14, 1858.
Mr. Schell to Mr. Cass, May 15, 1858.
Mr. Cass to Mr. Austin, May 15, 1858.
Lord Napier to Mr. Cass, May 16, 1858.
Mr. Schell to same, with accompaniments, May 17, 1858.
Mr. Baker to same, with accompaniments, May 17, 1858.
Mr. Cass to Mr. Schell, May 18, 1858.
Same to Mr. Austin, May 18, 1858.
Same to Mr. Dallas, May 18, 1858.
Same to Mr. Austin, May 19, 1858.

Mr. Cass to Lord Napier.

DEPARTMENT OF STATE,
Washington, May 4, 1858.

MY LORD: In my letter to your lordship of the 10th ultimo, I referred to a statement then appearing in the public journals, that a merchant vessel of the United States, the "N. B. Borden," had been fired at and boarded by the British vessel-of-war "Styx," off the coast of Cuba, and I informed you that I had received no official information upon the subject, and therefore could say nothing as to the truth of the report, but that I had taken measures to ascertain whether such an occurrence had happened.

I now transmit to your lordship the copy of a letter from the collector of the customs at Savannah, enclosing the statement of the captain of the "N. B. Borden," by which it appears that an unjustifiable act of violence has been committed against a merchant vessel of the United States, to which the attention of her Majesty's government is requested, in the confident expectation that the act will be disavowed, and such measures be adopted as are called for by the circumstances, and as will tend to prevent the recurrence of similar proceedings hereafter.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

LEWIS CASS.

Lord NAPIER, *&c., &c., &c.*

Mr. Cass to Mr. Dallas.

No. 106.] DEPARTMENT OF STATE,
Washington, May 18, 1858.

SIR: Since my despatch No. 103, of the 12th instant, various statements have been made in the public papers showing other cases of the forcible detention and search of American vessels by British armed ships-of-war in the Gulf of Mexico and in the adjacent seas. In every case where these reports have come to the knowledge of this department, application has been immediately made to the proper collector to procure from the captain a particular account of the outrage, with a view to make it the subject of reclamation upon the British government. Answers to some of these applications have been received, and copies of them, agreeably to the annexed list, are herewith transmitted for your information, as well as for your prompt action. When others are received, you shall in like manner be furnished with copies, that you may be kept advised of the progress of these assaults upon our national rights.

In addition to these aggressions upon the high seas, another indefensible act of violence against several of our merchant vessels, said to be eleven in number, by forcible entry and examination, has been committed by a British armed steamer in the harbor of Sagua la Grande, in the Island of Cuba. The statements in the public journals contain the details of this transaction, but no authentic report on the subject has yet reached the department, with the exception of a letter from the consul general of the United States at Havana, of which I transmit you a copy. Proper measures have been taken to procure all the necessary information, which will be forwarded to you as soon as it reaches here. When all the facts are ascertained, proper representations will be made without delay to the government of her Catholic Majesty against this search of American vessels by the naval force of another power within the territorial jurisdiction of Spain. The United States are satisfied that the government of that country will adopt the most efficient measures to protect their vessels resorting to the Spanish ports from lawless violence. Such protection they are entitled to, and if it is not found elsewhere, it must be found in the power of their own country. I am not informed whether any injury was sustained in consequence of the proceedings against these vessels; if there were, it will be expected that it be made good by the Spanish government itself, or by means of its interposition with the government of Great Britain.

These flagrant violations of the rights of the United States have excited a deep feeling through the country, and have attracted the attention of both houses of Congress. Their continuance cannot fail to produce the most serious effect upon the relations of the two countries. The President confidently believes that the British naval officers, in the adoption of these highhanded measures, have acted without the authority, and have misunderstood the views of their government. But it is not the less due to the United States that their conduct should be disavowed, and peremptory orders issued to prevent

the recurrence of similar proceedings here. You will communicate to the Earl of Malmesbury the earnest expectation of the President that this subject should receive the immediate attention of her Britannic Majesty's government, and that the officers who have been guilty of these outrages should be held properly responsible for their conduct, and that where pecuniary injuries have been suffered, the interested parties should receive just compensation.

You will also invite the particular attention of Lord Malmesbury to the occurrences at Sagua la Grande, and to the just expectations of the United States that the measures of redress adopted by the British government upon this occasion will be such as to mark with its displeasure the conduct of the officer whose proceedings have given a serious cause of offence to a friendly power, and to prevent a similar interference hereafter.

I am, sir, your obedient servant,

LEWIS CASS.

GEO. M. DALLAS, Esq., *&c.*, *&c.*, *&c.*

NAVY DEPARTMENT,
May 19, 1858.

SIR: To enable the President to reply to that portion of the resolution of the Senate of May 14, 1858, which requests him to communicate to the Senate, as far as is compatible with the public interest, what measures, if any, have been taken in relation to the recent search and seizure of American vessels by foreign armed cruisers in the Gulf of Mexico, I have the honor to state that the United States steamer Fulton, Lieutenant Commanding Almy, has been ordered to cruise actively on the north coast of Cuba, or such other portions as may be deemed necessary, and to protect all vessels of the United States on the high seas from search or detention by the vessels-of-war of any other nation.

Orders have also been given for the immediate preparation of the razee sloop Savannah, at New York, and the brig Dolphin, at Boston, to join the home squadron, for the purpose of cruising in the neighborhood of Cuba; and the steam frigate Wabash, now fitting out at New York as the flag-ship of the Mediterranean squadron, has been directed, *en route* for her destination, to show her flag in those waters, and protect, at all times, the persons and property of American citizens.

I am, sir, with great respect, your obedient servant,

ISAAC TOUCEY.

The PRESIDENT.

Mr. Cass to Mr. Austin.

DEPARTMENT OF STATE,
Washington, May 18, 1858.

SIR: I am again under the necessity of inviting your attention to another outrage, which is alleged to have been perpetrated by a British

cruiser upon an American vessel. I allude to the case of the brig "Ringgold," which vessel is reported to have been fired into with a musket from a British cruiser soon after leaving Sierra Morena, and afterwards boarded and searched by an armed boat's crew.

You will oblige me by procuring from the captain of the "Ringgold" his statement of the circumstances, under oath, and transmit it to me.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

ARTHUR W. AUSTIN, Esq.,
Collector of the Customs, Boston, Massachusetts.

Mr. Cass to Mr. Schell.

DEPARTMENT OF STATE,
Washington, May 18, 1858.

SIR: I will thank you to procure from Captain Albert Gage, of the American barque "W. H. Chandler," and from Captain Rawley, of the brig "Martha Gilchrist," their respective statements, under oath, touching the circumstances attending the boarding of their vessels by a British naval officer at Sagua la Grande, Cuba, on the 1st instant; and also the statements of the captains of any other American vessels boarded in like manner on the same occasion that you may be able to procure, and transmit them to me.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

AUGUSTUS SCHELL, Esq.,
Collector of the Customs, New York city, New York.

Mr. Cass to Mr. Austin.

DEPARTMENT OF STATE,
Washington, May 19, 1858.

SIR: Your attention is invited to an article which recently appeared in the "Boston Advertiser." The article relates to the bringing to and boarding of the American barque "Clara Windsor" by the British war steamer "Forward" on the 19th of February last.

I will thank you to procure from the captain of the "Clara Windsor" his statement of the circumstances, under oath, and transmit it to me.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

ARTHUR W. AUSTIN, Esq.,
Collector of the Customs, Boston, Massachusetts.

Mr. Cass to Mr. Toucey.

DEPARTMENT OF STATE,
Washington, May 13, 1858.

SIR: I have the honor to transmit a copy of a letter to this department, and of the accompanying documents from the consul general of the United States at Havana, relating to a gross outrage recently committed against a vessel of the United States. I am firmly persuaded that the British government will not justify such acts, and it is possible that the proceedings in this case may not have been of the flagrant character which is represented. Still, the subject calls for the immediate attention of the government, and Mr. Dallas has been instructed to bring it to the consideration of the British government, with a view to such action as the circumstances demand. Outrages of this nature against our vessels, if longer countenanced, cannot fail to lead to the most unpleasant consequences. It appears, from the public statements, that there are several British armed vessels cruising off the coast of Cuba, and that our merchant vessels are exposed to vexatious interruptions by their interference. I beg leave to suggest the propriety of despatching one or more armed vessels to Cuba, in order to inquire into and report upon this subject generally, with instructions, also, to afford prompt protection to all the American vessels which may need it. Their forcible search by the cruisers of other powers upon the high seas cannot be tolerated.

I would suggest, also, an inquiry into the alleged existence of a kind of police system exercised by British authority over our vessels in the harbor of Havana.

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

LEWIS CASS.

Hon. ISAAC TOUCEY,
Secretary of the Navy.

Mr. Cass to Mr. Schell.

DEPARTMENT OF STATE,
Washington, May 13, 1858.

SIR: I have to invite your attention to an article which appeared in the morning edition of the "New York Herald" of yesterday, headed "Another British outrage." It has reference to the overhauling of the schooner "Mobile" by the British steamer "Styx;" and I have to request that you will be so good as to furnish me with any further information you may be able to obtain on the subject.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

AUGUSTUS SCHELL, Esq.,
Collector of the Customs, New York city, New York.

Mr. Cass to Mr. Baker.

DEPARTMENT OF STATE,
Washington, May 14, 1858.

SIR: I have to invite your attention to an article which appears in the "Philadelphia Press" of the 12th instant. It has reference to the firing into the American ship "Tropic Bird," and the examination of her papers, by the British gun-boat "Jasper," off Magua, upon suspicion of her being a slaver. I will thank you to procure from the captain of the "Tropic Bird" his statement of the circumstances, under oath, and transmit it to me.

I am, sir, respectfully,

LEWIS CASS.

JOSEPH B. BAKER, Esq.,
Collector of the Customs, Philadelphia, Pennsylvania.

Mr. Cass to Mr. Dallas.

[Extract.]

No. 101.] DEPARTMENT OF STATE,
Washington, May 11, 1858.

SIR: Iherewith transmit to you, for your information, the copy of a communication of the 4th instant, addressed by this department to Lord Napier, relative to the case of the American merchant vessel the "N. B. Borden," which was recently brought to and boarded by her Britannic Majesty's vessel-of-war Styx, on suspicion of being engaged in the slave trade. * * * * *

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, ESQ., *&c., &c., &c.*

Mr. Boston to Mr. Cass.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,
Savannah, April 22, 1858.

SIR: In pursuance of my promise of the 7th instant, I herewith enclose a statement of Captain James M. Brightman, of the schooner "N. B. Borden," in reference to the alleged outrage committed on said vessel by the British armed steam sloop-of-war "Styx."

I have the honor to remain, very respectfully, your ob't servant.

JOHN BOSTON, *Collector.*

Hon. LEWIS CASS,
Secretary of State, Washington.

SAVANNAH, GEORGIA, *April* 22, 1858.

Schooner N. B. Borden, of Fall River, Massachusetts, James M. Brightman master, sailed from the port of Matanzas, Cuba, on Sunday, March 21, 1858, at 10 o'clock a. m., bound for Savannah, with a cargo of molasses and fruit, consigned to Messrs. Padelford, Fay & Co. When six hours out of the port of Matanzas, being about 4 o'clock p. m., the Island of Cuba being still in sight, and while I was on the starboard tack, saw a sail running down, which proved to be the British sloop-of-war "Styx," she being three miles on our larboard quarter. She fired a blank cartridge, and I, not knowing her business, ordered the American ensign to be hoisted, as customary, and kept my course. She then fired a shot which fell at our stern. I then thought the matter more serious, tacked the schooner, and stood for the sloop-of-war, until I was within half a mile of her, when I lay by until I was boarded by the first lieutenant, or I suppose it was that officer from his appearance. As he came alongside, I hailed him, and asked what he wanted with a molasses droger. He replied that he would let me know, and came on board. He demanded of me where I was from, and where bound, and what was my cargo, and saying they were in search of slavers, and took me to be one. I told him that slavers seldom took molasses to the coast of Africa, and, moreover, they never went loaded so deep—the schooner N. B. Borden being at that time nearly to her decks in water. The lieutenant then said I had a fine vessel, and he would like to take her to Jamaica. I told him he had no occasion to do so, as my vessel was built in Massachusetts, and calculated for the West India trade, and never would be ashamed to wear the stars and stripes at her masthead, and that her commander had always sailed under that flag, and had been master of a vessel for the last eighteen years; had always done a lawful business, and was ready to nail the American ensign to the masthead, as our forefathers did, against any nation, and that I did not deserve to be insulted so by the British nation. The lieutenant then got into his boat and went on board his vessel. I filled away and proceeded on my course, as usual. The schooner N. B. Borden was built at Somerset, Massachusetts, in 1855, is 123 tons, and owned by Messrs. N. B. Borden and others, merchants, at Fall River, and her owners and commander deserve the protection of the American flag.

Yours, respectfully,

JAMES M. BRIGHTMAN,
Master Schooner N. B. Borden.

Mr. Boston to Mr. Cass.

CUSTOM-HOUSE, COLLECTOR'S OFFICE.
Savannah, April 7, 1858.

SIR: Your letter of the 3d instant, making inquiries respecting the alleged outrage on the American schooner "N. B. Borden," J. M.

Brightman master, by the British armed steam sloop-of-war "Styx," is this morning received.

Captain Brightman made no mention of the transaction to me, but stated to his consignees, Messrs. Padelford, Fay & Co., in substance, that which appeared in the Savannah Republican.

Captain Brightman is now absent, but will be expected here in about two weeks. I will then have him to make out his protest, which I will forward to you.

Meantime, I have the honor to remain, very respectfully, your obedient servant,

JOHN BOSTON,
Collector.

Hon. LEWIS CASS,
Secretary of State, Washington.

Mr. Cass to Mr. Boston.

DEPARTMENT OF STATE,
Washington City, April 3, 1858.

SIR: An article has just been republished here from the Savannah Republican, giving an account of an outrage committed upon an American vessel, the "N. B. Borden," "Mr. Brightman master," off the coast of Cuba, by the British armed steam sloop-of-war the "Styx."

You have, no doubt, seen the article, and I will thank you to ascertain from Captain Brightman the precise facts of the case, in order to enable the department to determine upon the proper course to be taken.

I am, sir, your obedient servant,

LEWIS CASS.

JOHN BOSTON, Esq.,
Savannah, Ga.

Mr. Blythe to Mr. Cass.

No. 7.] CONSULATE GENERAL OF THE UNITED STATES,
Havana, May 8, 1858.

SIR: In my despatch, No. 6, I stated I had received information that the passengers on the "Cortes" purposed presenting a demand for the restitution of the money and effects taken from them, as also damages for the wrongs and injuries they sustained through the government of the United States. Since which time they have appeared at this office, have set forth by protest their wrongs and demands, and

have memorialized the President in relation thereto. The memorial and a copy of the protest I herewith transmit to you.

I send to the department, also, a sworn statement of Captain Laurent, of the brig A. A. Chapman, from which you will perceive he was not boarded, as was rumored, having escaped the annoyance by out-sailing the British war steamer.

Since the date of my last communication, I learn, through an American resident in Sagua, that all the American vessels in that port, numbering about fifteen, were visited and boarded, whilst lying in port, by British armed boats. He states an additional fact, of no less interest to us, to wit: that a Spanish ship, which he himself was loading with sugar for Europe, was subjected to the same examination by the same party; that on the latter, the visiting party went so far as to go down into the hold of the vessel and bore into the boxes of sugar. This latter fact discloses the folly of an application to the Spanish authorities to protect our vessels while in their ports.

You will perceive I give the facts alleged to have occurred at Sagua, simply as the report of a private individual. This gentleman tells me that our consular agent was engaged, when he left, in taking the statements of the commanders of the American vessels, and you will doubtless receive the facts officially in a short time.

I have hitherto apprised the department of my conviction that our flag is sometimes prostituted for the purposes of the slave traffic. But the evil is certainly not so great as to yield to its exigency the great principle of international law, for which we have so strenuously contended. If it is determined to remedy the evil, let it be done by a sacrifice of money, rather than of honor. If our merchant marine is to be subjected to such surveillance, is it not better to send our own national vessels, at any cost, to perform the act. It is known to the world that we have always contended for the freedom of the seas, and have insisted that the flag of an independent nation, borne by a vessel, shall give her immunity against stoppage or annoyance for purposes of visitation or search. When such is the principle announced by us, it can but be matter of mortification to all who feel an interest in our flag, to see the principle violated constantly, almost in sight of our own shores.

In the case of the Cortes, I ask leave to say, in conclusion, that the same motive to action on the part of the agents of the British government, which has been illustrated in antecedent cases, is conspicuous and prominent. Whatever may be the motives of the British government in giving its orders, the desire of gain is certainly most manifested in the execution of those orders.

I have the honor to be, sir, very respectfully, your obedient servant,

A. K. BLYTHE,
Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the U. S., Washington.

No. 2.

Consulate General of the United States of America, Island of Cuba.

By this public instrument of declaration and protest, be it known and made manifest that, on the day of the date hereof, before me, Andrew K. Blythe, consul general of the United States of America for the Island of Cuba, residing at Havana, personally came and appeared Don Juan Alverti, Don Manuel Vidal Perez, Don Miguel Soler, and Don Antonio Flores, all Spanish subjects and residents of the city of Havana, who, being severally sworn to tell the truth, the whole truth, and nothing but the truth, did severally, voluntarily, freely and solemnly declare and depose as follows: The said Juan Alverti saith that he took passage in the American schooner "Cortes," with a regular passport from the superior government of Cuba, and in charge of the cargo on board of said schooner, bound to the island of Annobon on a lawful trading voyage, and sailed from the port of Havana on the morning of the 15th of April instant; that he had with him on board in his trunk, besides his wearing apparel and other small articles of his use, the sum of eight thousand five hundred dollars in Spanish doubloons—that is, five hundred doubloons; that the cargo of the schooner under his charge, consisted of empty casks, rum, and provisions, to the value of twenty thousand one hundred and ninety dollars; that on the following morning her Britannic Majesty's gun-boat "Forward," captured the schooner "Cortes;" that a boat of the said man-of-war came alongside the schooner, and an officer, with a detachment of men, came on deck; the officer demanded the vessel's papers, which were exhibited to him; after a while the American flag was hauled down, but the mate interfered, and after some remarks he hoisted the flag, but it was soon brought down again and British colors hoisted in its stead; that himself, the other passengers, the mate, and others of the crew were much abused by the British officer and his men, and subsequently himself and others were conveyed on board the gun-boat, with all their baggage and effects; on arrival on board the man-of-war, the American mate and seamen were handcuffed and imprisoned; on the third day of being on board the "Forward" the commander and his crew deprived him and all the rest of everything they possessed, excepting a portion of their clothing; that, previous to this, he and the others were made to strip almost naked, and their persons were searched; the man-of-war was then off Cayo Piedra; the boat of the Cardenas pilots was there, and the passengers asked the pilots to stop; but not being willing to remain, the boat was about departing, when the British commanding officer said, "*Wait*, for the Spaniards have plenty of doubloons, and after they have been well stripped you may take them away." After this, as the British commander was quite intoxicated, he treated the passengers and crew in a most outrageous manner, as if they had been guilty of some hideous crime; the English officer then returned three watches, one of them the property of this deponent; and at about 9 p. m. himself, the other pas-

sengers, and one of the "Cortes'" crew, were put on board the pilot's boat and sent away.

The other protestants, to wit: Don Manuel Vidal Perez, Don Miguel Soler, and Don Antonio Flores, say that they have heard the above statement of Don Juan Alverti; that they were all passengers together on board the schooner "Cortes;" had regular passports from the governor general of Cuba, and were bound on a lawful voyage, and that they had no reason to suspect that the schooner aforesaid was not a lawful trader; that the facts set forth by said Alverti are, of their knowledge, true and correct, although they do not know the exact amount of money that was taken from him on board the gun-boat, but it was a large sum of gold Spanish doubloons; that they experienced the same harsh treatment from the British officers and men of the "Forward;" the said Vidal Perez further states, that he had on board the "Cortes" the sum of six thousand dollars, which were taken from him; the said Don Miguel Soler further saith, that he was robbed by the officers and men of the British cruiser aforenamed of the sum of four hundred and twenty-two Spanish doubloons, or ounces, that he had with him; and Don Antonio Flores also states that the British officers and crew took from him the sum of two thousand dollars.

The said appearers did further declare that they saw all the papers of the schooner "Cortes," as well as the passports of the passengers, in the hands of the commander of the gun-boat, in the cabin of the "Cortes," when he first came on board of said vessel; that he read and examined said papers, and subsequently denied to them, upon their asking him to return them their passports, that he had seen any papers on board the "Cortes."

And therefore the said appearers did declare to protest, as by these presents they do, severally, solemnly protest, against the said unjustifiable and and illegal acts of her Britannic Majesty's screw gun-boat the "Forward," her officers and men; and do severally declare that they hold her Britannic Majesty's government responsible for the moneys and effects taken from them individually, as also for damages for the wrongful imprisonment and other injuries to which they were subjected by her Majesty's officers and servants, as well as for the injury to their business by virtue of the detention to which they were subjected, and the total disruption of their lawful voyage of business on which they were proceeding. They do, therefore, in addition to the sums of money taken from them and the value of the articles purloined, demand indemnity from the government aforesaid.

All which matters and things were declared, alleged, and affirmed before me, the said consul general; and, therefore, I hereunto set my hand and affix the seal of my office, being requested to certify and testify the premises.

JUAN ALVERTI,
MIGUEL SOLER,
ANTONIO FLORES,
MANUEL VIDAL his + mark. PEREZ.

Thus done and protested, at the city of Havana, this thirtieth day of April, in the year of our Lord one thousand eight hundred and fifty-eight, and of the independence of the United States the eighty-second.

[L. S.]

A. K. BLYTHE,
Consulate General of the United States of America,
Island of Cuba.

I do hereby certify that the foregoing is a true and correct copy of an original public instrument of protest, of record in the archives of this consulate general. Given under my hand and official seal, at Havana, this 30th day of April, A. D. 1858.

[L. S.]

A. K. BLYTHE,
U. S. Consul General, in Cuba.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA, ISLAND OF CUBA.

Before me, Andrew K. Blythe, consul general of the United States of America for the Island of Cuba, residing at Havana, personally appeared, on the day of the date hereof, A. P. Laurent, master of the brig A. A. Chapman, of New Orleans, which arrived from that port at Havana on the 27th ultimo, and being sworn according to law, deposes and says as follows: The brig A. A. Chapman, under my command, was in the port of Havana from the 27th of March to the 8th of April, inclusive. Whilst we were taking in cargo I noticed two or three British man-of-war boats constantly going, day and night, around my vessel, and appeared to be watching my movements. I was loading for New Orleans, between which port and this my vessel has been plying as a regular packet for about a year past. On the morning of the 9th of April, very early, I sailed out of the harbor of Havana, and soon discovered that a British screw gun-boat, which I surmised to be the "Forward," was chasing me. I was about three miles from the Moro, and the gun-boat about one mile and a half, when she fired a blank cartridge, evidently to make me heave to. I had my national colors at the peak, and went on my way, taking no notice, when the gun-boat fired a shot towards me, which struck the water about a quarter of a mile from my vessel. I still took no notice, and kept on my course; made additional sail, as I had no intention to allow the British vessel to detain me. She kept on chasing me until about 3 p. m. of the same day, when I lost sight of her. When the gun-boat fired her second gun, I, having a small four-pounder on board, fired it at the British vessel in defiance.

A. LAURENT.

Sworn to and subscribed at Havana, this first day of May, A. D. 1858, before me,

[L. S.]

A. K. BLYTHE.

Mr. Schell to Mr. Cass.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 15, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, (which did not reach here until this date,) in relation to a paragraph in the New York Herald of 12th instant. No other than the facts as therein stated having come into my possession, I forthwith, on the receipt of your letter, sought an interview with the captain of the schooner "Mobile," which I have not, at the closing of this mail, been enabled to obtain.

I shall give my continued attention to the subject, and have the honor to address you again.

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

AUGUSTUS SCHELL, *Collector.*

Hon. LEWIS CASS,
Secretary of State, Washington, D. C.

Mr. Cass to Mr. Austin.

DEPARTMENT OF STATE,
Washington, May 15, 1858.

SIR: It appears, from the public journals, that Captain Bray, of the brig "Robert Wing," which arrived at your port on the 13th instant, reports that off Inaqua, on the 29th ultimo, a boat from a British cruiser came alongside and examined the brig's papers, and that, previous to sending the boat, the cruiser fired a gun. He also states that there were a ship and a schooner in company at the time, and that the schooner was detained on suspicion of being a slaver.

I have to request that you will be so good as to procure from the captain of the "Robert Wing" his statement of the circumstances, under oath, along with any other reliable information you may be able to obtain on the subject, and transmit it to me.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

ARTHUR W. AUSTIN, Esq.,
Collector of the Customs, Boston, Massachusetts.

Lord Napier to Mr. Cass.

HER BRITANNIC MAJESTY'S LEGATION,
Washington, May 16, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of he 4th instant, conveying an account of the circumstances which are

alleged to have attended the boarding of the American vessel "N. B. Borden" by her Majesty's sloop "Styx."

I have transmitted copies of your communication to her Majesty's government and to the commander-in-chief of her Majesty's forces on the West India station.

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

NAPIER.

Hon. LEWIS CASS, *&c., &c., &c.*

Mr. Schell to Mr. Cass.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 17, 1858.

SIR: I had the honor, by mail of the 15th, to acknowledge the receipt of your letter of 13th instant, and, referring to its subject-matter, have now the satisfaction to transmit to you the result of the information received from Captain Howes, of the schooner Mobile, in several interviews, embodied in the form of an authenticated statement of the facts of the case.

I also enclose herewith a list of the names of the crew and of the passengers on board the schooner Mobile at the time of the occurrence of the incident under consideration.

The schooner Mobile, Howes master, is a regularly enrolled vessel of the United States in the district of the city of New York, and is licensed for the coasting trade. She sailed from Mobile on the 26th April with a cargo of cotton, *part of which (thirty-three bales) was on deck.* She arrived at New York on the 12th May instant.

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

AUGUSTUS SCHELL, *Collector.*

Hon. LEWIS CASS,
Secretary of State, Washington.

List of crew of schooner "Mobile," of New York, on her last voyage from Mobile to New York, May, 1858.

Joseph Hopkins, first mate.
George B. King, second mate.
Henry J. Christian, cook and steward.
Thomas Smith, seaman.
George Cuff, "
Ben. Steven, "
Thomas Wicht, "
Wm. Steven, "
James H. Bevole, "

Passengers.

Mr. Thomas, of Newark.

The family of the captain, consisting of his wife and two daughters, one of the age of fourteen years, and the other six years.

Statement in regard to schooner Mobile and British war steamer, supposed the "Styx."

NEW YORK, *May* 15, 1858.

I first saw the steamer about noon, April 29—a mere speck on the horizon—to the eastward; could not make out what she was. At noon our latitude was 23° 42′, longitude 81° 52′. At one o'clock took the glass and looked at the stranger; saw she was a steamer, barque-rigged, and appeared to be running across our bows. I said to the mate, I think he is an American man-of-war, going to Key West. Wind at the time E. by N., vessel heading N. by E. to NNE.; several sail in sight. I then went below and laid down.

About half-past three my eldest daughter (my family were on board) came to my room and said: Father, what is that vessel doing? I looked out of the window and saw that she was running down for us. Thinking she was going to speak us, I went on deck to answer her hail. As I came on deck the mate said to me, that is an English war steamer. I told him to set our ensign, which he did in the main rigging; the steamer then about two miles off. The steamer kept on until within hailing distance; he then rounded to on my weather quarter. As he came to, I saw the English flag at his mizzen peak, which was the first I had seen of it. Soon I heard, twice in succession, something like the crack of a rifle; but I could hardly believe he was firing at me and lying within hail. I soon heard another report, and, likewise, the whistle of the ball. The mate came to me and said, they are firing at us, and with ball, too. I then ordered the vessel hove to—the same as I would heave to for a pilot. After that, there were two shots fired into us—one ball striking the vessel about eight feet abaft the forechannels, (where the mark can now be seen,) the other going over the heads of the men working amidship, striking the water to the leeward.

My men being in danger, I ordered the jibs to be hauled down, thinking that might stop his firing.

About 4 o'clock his boat came alongside with, as near as I can recollect, six men and an officer, all apparently unarmed, with the exception of the officer, who wore his side-arms. The officer, dressed in the British naval uniform, came on board; came aft, and, without asking for the captain, began to ask questions: Where the vessel was from, where bound, where owned, her name, and number of men and passengers, &c. To which I gave the usual answers. I then asked him

what they meant by firing into my vessel and frightening my wife and children. He said: Why did you not heave to when you saw a man-of war to windward with her ensign flying? I told him it was common to see American and Spanish men-of-war in the Gulf with their colors flying, and they had never stopped or interfered with me, and it would not do for me to heave to and wait the motions of every man-of-war I saw with colors flying. He then asked for my papers. I started to go to the cabin to get them, when he, knowing that my family were there, and without an invitation, immediately followed me.

I showed him my enrolment and license. After looking at them a moment, he said: You should have a register. I told him our coasters did not have registers, but sailed under a license, and if he was not satisfied, here was my clearance from Mobile, in regular form.

After looking at them awhile, he laid them on the table. I asked him if he took me for a slaver? He said: No. I told him that, knowing I was not a slaver, it was very strange they should want to board my vessel, and insult my flag in such a manner; that they had no right to do it. He said they had, and that they had orders to board every vessel going up or down the Gulf, and that it was very lucky for me that I hove to.

I then told him if he had got through I should like to pursue my voyage. He then left my vessel without so much as saying "good day."

In the course of his visit, I asked him how I should have known he was a man-of-war. He said I could have seen their pennant. I told him I had a long one that I very often set. He said if he saw me with one set he would haul it down for me.

Our latitude, when boarded, was 24° 4′; longitude, 81° 42′. Three hours afterwards I saw Sand Key light, bearing WNW. by compass, and distant fifteen miles.

ALLEN HOWES.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Allen Howes, being duly sworn, says he was master of the American schooner Mobile, on her late voyage from Mobile to New York, and that the foregoing statement by him subscribed is true.

A. HOWES.

Subscribed and sworn before me, this 17th day of May, 1858.

[L. S.] SAMUEL GODWIN,
Notary Public.

SOUTHERN DISTRICT OF NEW YORK, *ss.*

Joseph S. Hopkins, being duly sworn, says: He was first mate of the schooner "Mobile," on her late voyage from Mobile to New York; that he has heard read the foregoing statement and affidavit signed by Allen Howes, and that the facts therein set forth are true, except

that as the British officer came over the rail he asked deponent where the captain was; to which deponent replied he was aft.

JOSEPH S. HOPKINS.

Sworn and subscribed this 17th day of May, 1858, before me.

JAMES T. GRISWOLD,
Notary Public.

Mr. Baker to Mr. Cass.

CUSTOM-HOUSE, PHILADELPHIA,
Collector's Office, May 17, 1858.

SIR: With this, please find the attested statement requested by your letter of the 14th instant, from Captain Foulkes, of the ship Tropic Bird, of Philadelphia.

I am, very respectfully, your obedient servant,

J. B. BAKER, *Collector.*

Hon. LEWIS CASS,
Secretary of State.

PHILADELPHIA, *May* 17, 1858.

SIR: We enclose, as you request, the affidavit of Captain C. Foulkes, master of our ship Tropic Bird, relative to the vessel being fired into and searched by the British steamer Jasper. We trust the action of our government will be such as to prevent any further insult to our flag.

With respect, we are, sir, your obedient servants,

THOMAS WATTSON & SONS.

Hon. J. B. BAKER,
Collector of Customs, Philadelphia.

PHILADELPHIA, *May* 15, 1858.

The ship Tropic Bird, of this port, under my command, left Port au Prince on the 27th ultimo. On the 2d instant, when about seven miles to leeward of Inagua, and being short-handed, beating up to that port to recruit my crew, I saw a two topsail schooner get under way from the harbor, and run down towards the ship. When about four hundred yards from us she rounded to and fired a gun. I immediately hoisted my colors, and kept on. The gun-boat finding the ship passing her, fired a shotted gun across our stern. I then got ready for going about, and whilst the ship was in stays the cruiser fired another gun; but my attention was taken up by the ship; I did

not see where the ball went. I then hove the ship to and a boat came alongside. The officer commanding her stepped on deck, when I asked him by what right he stopped an American ship on the high seas? He answered, they had the right to do so. He said the name of his vessel was the "Jasper," and demanded to see my papers; to which demand, after remonstrating, I complied with. I told him that I should report his vessel on my arrival; to which he said, I might do so, and offered to write in the ship's log-book the fact of his having visited the ship. After the officer had examined my papers, I gave the order to fill away, when he turned round and told me that the "Jasper" would fire into the ship should I keep on my course before he had left my ship; which threat I disregarded, and told him to fire away, as I had already lost too much time. He got into his boat, and I proceeded to Inagua, and reported the case to Mr. Sargeant, the consul, who told me that they had been boarding all the vessels they saw. The Tropic Bird, far from having the appearance of a slaver, was deeply laden with coffee and logwood. She had on board eighteen passengers, eleven of whom were women and children, and almost the whole were at the time on her high poop, and could plainly be seen from the Jasper without a glass. The officer who boarded the ship apologized for detaining her, and said that almost all the vessels taken had been under the American flag.

C. FOULKES.

CITY OF PHILADELPHIA, *ss.*

Personally appeared Captain C. Foulkes, who, being duly sworn, did depose and say, that the above facts are strictly true in every particular.

Sworn to and subscribed, this fourteenth day of May, A. D. 1858, before me.

GEO. M. WILLIAMS,
Alderman.

We, the undersigned, passengers by the ship "Tropic Bird" on the voyage from Port au Prince, as annexed hereto, fully corroborate the statement of Captain Foulkes.

B. P. HUNT.

PHILADELPHIA, *May* 17, 1858.

The rain prevented more than one of the passengers from coming down to the office during the day.

THO. WATTSON & SON.

Mr. Cass to Mr. Dallas.

DEPARTMENT OF STATE,
Washington, May 12, 1858.

SIR: The accompanying papers, copies of the originals, which have been just received, will make known to you another outrage committed

against the rights of the United States by a British armed vessel, which calls for the immediate attention of the British government. I am persuaded that if the occurrences took place, as they are stated, the conduct of the British officer will be disavowed and condemned. I beg you would communicate to Lord Malmsbury the earnest desire of the President that this practice, which seems to become more prevalent, of detaining and searching American vessels, should be discontinued, and that the most peremptory order for that purpose should be given and enforced. Such a measure is called for by important considerations, which will readily occur to you. While this government is determined to use all proper exertions for the suppression of the slave trade, it is not less desirous that the just immunity of the vessels of the United States upon the ocean should be preserved. Whatever may have been the true objects of the voyage of the Cortes, if she had papers shewing her American character, she was subject neither to search nor capture by a British cruiser. I do not doubt but the facts reported will be fully investigated by order of the British government, and proper measures taken to prevent the reoccurrence of a similar act hereafter.

I call your attention, also, to the circumstances reported by our consular general at Havana, showing the existence of a kind of police system, by which American vessels in that port are watched and interfered with, and have to request that you would bring the matter to the attention of the Earl of Malmsbury, with a view to the correction of the evil.

I am, sir, respectfully, your obedient servant,

LEWIS CASS.

GEORGE M. DALLAS, Esq.,
&c., &c., &c.

Mr. Blythe to Mr. Appleton.

No. 6.] CONSUL GENERAL OF THE UNITED STATES,
Havana, April 29, 1858.

SIR: I have received definite information that the schooner "Cortes," of New York, James M. Durand, master was captured by the British screw gun-boat "Forward" on or about the 15th instant, about half-way between Havana and Matanzas, at a distance of about thirty-five miles from the Cuban coast. Before proceeding to give such facts in relation to her seizure as have come to my knowledge, I will premise by stating that for some time past a number of British gun-boats and other larger vessels of war of that nation have been very active in cruising for slavers, both on the north and south sides of this island.

Many complaints have been made to this office by American masters that these British men-of-war have exercised about the vessels under their command in this harbor a system of espionage exceedingly annoying to them in their business, and, from the manner in which it

has been done, insulting to their national feeling. Whilst two of these British war ships were in this port, (I learn from American masters then taking on freight,) they were in the daily habit of sending their boats around the harbor, and stationing them near such vessels as were loading; that they would carefully note every article taken on board, and in some instances were so pertinacious in their surveillance as to put themselves in the way of the lighters bringing cargo.

The American brig A. A. Chapman, engaged as a regular packet between this port and New Orleans, was thus annoyed on her last visit here. Her commander complained at this office on the eve of his departure, and expressed apprehension that he would be followed out to sea and boarded. A rumor was in circulation that she was boarded after leaving the port. I had no means of ascertaining the truth of the rumor, but presume, if it was true, the fact was reported at the custom-house in New Orleans.

A few days after the Chapman left, the Brownsville, Captain Simpson, engaged in the same trade, presented a similar complaint, alleging that a British man-of-war's boat lay constantly by him, watching everything that went on board, and interfering with his launches.

I present these facts, as they are the subject of much conversation in the shipping, and have caused great indignation among American citizens here.

The "Cortes" arrived here on the 20th of March, from New York, under the command of her sole owner, Adam A. Smalley; on the 27th he appointed his mate, James M. Durand, master of the schooner, and executed at this office in favor of said Durand a power of attorney, authorizing him to sell the schooner if he could, or charter her. She cleared at this office on the 13th instant for Annobon with an assorted cargo, and sailed on the next morning. The parties interested in the cargo have since furnished me the charter-party and the bill of lading, which I herewith transmit to the department.

Learning that several of the crew and passengers had arrived here, and desired to make their complaint at this office, I caused them to come before me that I might receive their statements of the facts under oath. I transmit to the department the testimony of the mate, three of the seamen, and three of the passengers. I learn that the passengers, who say a large amount of money was taken from them, purpose presenting a demand for its restitution, and for damages through this office. When they present themselves for that purpose, I will, of course, receive their protest, and forward it to the department.

Captain Durand's conduct, as disclosed by the testimony, seems to have been very strange. It seems to be the fixed opinion of the mate that he sold the vessel for a consideration. What were the contents of the paper which the mate and men say was signed by the captain, I have not been able to ascertain. If the vessel was really bound on a slave voyage, then the captain should certainly be punished for prostituting the flag of our country to such a purpose; if she was not, and her commander so represented her for a consideration, then he is equally guilty, and should certainly be punished.

Since the occurrence, I have conversed with a respectable and intel-

ligent American merchant of Matanzas, Mr. Roger Horner, who met the commander of the gun-boat "Forward" in that city, and assured me that that officer had stated to him that the Cortes had neither papers nor flag; this statement, of course, is untrue. The mate and men all state that the flag was exhibited, and the papers produced, examined, and copies of them taken. If these men have perjured themselves, and no papers or flag were exhibited, then it would show collusion between the commander of the Cortes and the person seizing her, as the Cortes certainly took from this office regular papers. I learn from the same gentleman, Mr. Horner, that the master of the Cortes has sailed from Matanzas to the city of New York. In any view of the conduct of this man, the propriety of an investigation is manifest.

Since I commenced this communication, Captain Samuel Teberham, master of the barque "Glenburn," of Richmond, has arrived in port, and complains that on the 15th instant, whilst on his passage from Antwerp for this port, he was stopped by her Britannic Majesty's steamer "Basilisk," and boarded by one of her officers, accompanied by a detachment of men. The officer asked him the particulars relating to his ship, and stated that he had orders from the admiral at Jamaica to board every vessel found in the neighborhood of the coast of Cuba. I will transmit, by next mail, his sworn statement of the facts.

I content myself, and deem that therein I have done my whole duty, in presenting a simple statement of such facts as have come to my office. I make no suggestions concerning the right of foreign men-of-war to visit or detain at sea vessels bearing the flag of the United States.

Under any circumstances I would doubt the propriety of discussing such principles in a communication to the department; under existing circumstances, I conceive that it would not only be supererogatory, but presumptive, on my part, as it is a subject with which the chief of the department is believed to be more conversant than any living statesman.

I have the honor to be, sir, very respectfully, your obedient servant,

A. K. BLYTHE,
Consul General.

Hon. JOHN APPLETON,
Assistant Secretary of State of the United States, Washington.

CONSULATE GENERAL OF THE U. S. OF AMERICA, ISLAND OF CUBA.

On the day of the date hereof, before me, Andrew K. Blythe, consul general of the United States of America for the Island of Cuba, residing at Havana, personally appeared Don Antonio Flores, Antonio Perez, and Miguel Soler, all Spanish subjects, who stated that they were passengers on board the American schooner "Cortes," from the port of Havana, and having been compelled to return here,

they wished to give their depositions, under oath, and requested me to receive their depositions; the said appearers being therefore sworn, according to law, declared and deposed as follows: Don Antonio Flores saith, that he took passage, with a regular passport from the superior government of Cuba, in the American schooner "Cortes," from Havana to the Spanish island of Annobon, in the African sea; that he sailed in said vessel from Havana, and when off Jamco a British screw gun-boat, called the "Forward," overhauled the vessel; that he was conducted on board the British vessel, and three days after the British vessel anchored off Cayo Piedra, near Cardenas, where he was deprived of his best clothes, his money, ($2,000,) his passport, and other effects, by the people of the British gun-boat, and then made to land upon Cayo Piedra; that this was done in the presence of the pilots of the port of Cardenas, who afterwards conducted him to Cardenas; he was put on shore on last Sunday, the 18th instant.

ANTONIO FLORES.

Don Antonio Perez saith, that he took passage on the American schooner "Cortes," with a passport signed by the governor general of Cuba, countersigned by the political secretary, bound to Annobon; that the said schooner was overhauled off Jamco by the English gun-boat "Forward," on the 16th instant; that himself and other passengers were conducted on board the gun-boat, and, three days after, landed upon Key Piedra, about four leagues from Cardenas; that there himself and others were robbed of almost everything they possessed by the people of the gun-boat; that he was robbed of the best portion of his clothes, his money, six thousand dollars, his passport, and other property, and the only things that they returned to the passengers were their watches; that all this took place in the presence of many persons, and himself and the other passengers, and the mate of the schooner, were put naked and searched in the presence of a large number of persons; that he, as well as the others, were treated with the greatest indignity, and the commander of the gun-boat was dead drunk at the time. The British officers behaved more like Vandals than civilized men; that, finding himself landed upon the key, he accepted the kindly offer of the Cardenas pilots, who took him and the other passengers to Cardenas, from whence they came to Havana.

his
ANTONIO + PEREZ.
mark.

Don Miguel Soler saith: Myself and other passengers left this port of Havana, with regular passports, for Annobon. When off Jamco, the 16th instant, the American schooner "Cortes," upon which we were, was visited, searched, and captured by the British gun-boat "Forward;" myself and the others were made to go on board the gun-boat, where we were obliged to take off our garments and shoes, and searched, and otherwise treated with very great indignity; on the 19th, off Cayo Piedra, everything of value that we possessed, except the worst portion of our clothes, and our watches, were taken from us. I was robbed, amongst other things, of 422 Spanish doubloons by the people of the "Forward," and then set on shore; the captain of the "For-

ward" was so drunk at the time that he could scarcely walk the deck of his vessel; the pilots of the port of Cardenas, who witnessed the whole transaction above recited, gave him a passage to Cardenas, from whence he came to Havana.

MIGUEL SOLER.

In testimony whereof, I hereunto set my hand and affix my official seal, at Havana, this 24th day of April, 1858.

[L. S.]

A. K. BLYTHE,
Consul General.
By THOMAS SAVAGE,
Deputy Consul General and Interpreter.

Shipped in good order and well conditioned, by Francisco Garcia, on board the American schooner called the Cortes, whereot is master, for this present voyage, S. Durand, now lying in the port of Havana, and bound for Annobon, to say—

70 bags of rice,
20 twenty barrels of beans,
40 forty do. of bread,
10 ten kegs of lard,
20 twenty jars of olive oil,
8 eight boxes of codfish,
1 one iron kitchen,
3000 three thousand feet of pitch pine,
5 barrels of wine,
40 forty pipes of white rum, in ½ and ¼,
60 sixty empty hogsheads,

being marked and numbered as in the margin, and are to be delivered in the like good order and condition, at the aforesaid port of Annobon, (the dangers of the seas only excepted,) unto Mr. José de Silva, or to his assigns, he or they paying freight for the said goods, two thousand dollars, with 5 per cent. primage and average accustomed.

In witness whereof, the master or purser of the said vessel hath affirmed to three bills of lading, all of this tenor and date, one of which being accomplished, the others to stand void.

Dated HAVANA, the 13th day of April, 1858

JAMES M. DURAND.

Charter-party.

It is this day mutually understood and agreed upon, between James W. Durand, in behalf of the owners of the American schooner "Cortes," of one hundred and seventy-six tons, whereof James M.

Durand is master, now lying in the port of Havana, on the first part, and Francisco Garcia, merchant, on the second part, as follows: That the said vessel, being tight, staunch, strong, and in every respect fitted for the intended voyage, Captain Durand shall receive on board said schooner a full cargo, to consist of such goods or merchandise as the charterer may see proper to send in her, (legal goods or merchandise is understood,) which shall not exceed what she can reasonably stow and carry, over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the officers and crew, and which cargo the said party of the second part here by agrees to furnish at Havana.

The said vessel being so laden, Captain Durand shall, with all possible despatch, make sail for the port of Annobon for orders, and on his arrival at the port of discharge, make a true and faithful delivery of the cargo, according to custom and the bills of lading, to the charterer's agents.

In considerations whereof, freight shall be paid on sight-delivery of the cargo at the rate of four thousand dollars cash at Havana, before the departure of the vessel, and three hundred dollars on her return voyage to a port in the Island of Cuba.

The lay days shall be as follows: fifteen running days, after the expiration of which time, demurrage shall be paid at the rate of twenty-five dollars for each and every day as it may become due.

The cargo shall be taken in and discharged, according to custom of the respective ports of loading and discharging, at the charterer's expense.

The vessel shall be consigned at Annobon, to the order of the said merchants, paying no commissions.

It is further understood and agreed upon, that, on arrival at Annobon, and after delivery of cargo, Captain Durand will receive on board such cargo of goods as the charterer's agents may give him; and should they see proper to load the vessel with copper ore, oils, hides, &c., and send her to a port in the United States, they may do so by paying the same sum stipulated for a port in Cuba.

And for the due performance of the several articles of this agreement, the respective parties do hereby bind themselves, their heirs, executors, administrators and assigns, in the penal sum of four thousand dollars, restraint of rulers, the acts of God, pirates, enemies, and all and every of the dangers of the seas, rivers and navigation, of whatever nature and kind, always excepted.

In testimony whereof, the respective parties have hereunto set their hands, in Havana, this twenty-ninth day of March, in the year one thousand eight hundred and fifty-eight.

JAMES M. DURAND,
FRANCISCO GARCIA.

Received, Havana, April 13, 1858, from Don Francisco Garcia, four thousand, dollars in payment for my outward voyage, as per charter party.

JAMES M. DURAND.

$4,000.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA, ISLAND OF CUBA.

Information having reached this office that the American schooner Cortes, of New York, James Durand, master, which sailed from this port on the 14th instant, bound to Annobon, was captured on the 15th instant by the screw gun-boat "Forward," (British,) off the land of Cuba; and learning that her first officer and a portion of her crew had reached Havana, I have caused such of them as could be found to come before me, who, being sworn on the Holy Evangelists of Almighty God to speak the truth, the whole truth, and nothing but the truth, depose and say as follows:

William Archbold, being first examined, saith: I am a citizen of the United States, having been naturalized in Philadelphia. I was chief mate of the schooner Cortes, of New York, on the voyage she undertook from Havana, whence she sailed the 14th of the present month. I was regularly shipped at Havana, and my understanding, on shipping, was, that the vessel was going on a lawful trading voyage on the coast of Africa. We left Havana, in tow of a steamboat, on the morning of the 14th; the crew consisted of the captain, myself, the cook, and four men before the mast; there were eight passengers on board. On the day following, at half-past nine a m, a British man-of-war, that had been in sight of us that morning, fired a gun, when we immediately hove to. She had her ensign up, and we set our own colors. We laid to until the man-of-war, which proved to be the British screw gun-boat *Forward*, came to us. We were about halfway from Havana to Matanzas, and distant some 35 miles from the Cuban coast; the top of the Pan of Matanzas was visible. The captain of the man-of-war boarded us, and demanded of Captain Durand to see his papers. Captain Durand presented his papers; our colors were up at the time; he examined the papers, and found some fault with them; I do not know what he objected to, but it was mostly in relation to the passengers; the British officer took copies of all the schooner's papers; our captain at the time did not know that the British officer was the commander of the gun-boat, and said to him, "You now have copies of my papers; take them to your captain, and he will find them correct," or words to this effect. The captain of the man-of-war returned then to his vessel, and remained there for a short time; when he returned, he informed Captain Durand that the schooner was a prize, as she was bound on the slave trade; he stated that he had received information before we left the harbor of Havana, and that he knew us as soon as he saw us. Captain Durand told me to haul the colors down; I obeyed his orders. I then asked, "How do we stand now, when our colors are down?" The captain of the man-of-war told me he would take us as pirates. I then requested Captain Durand to allow me to set our colors again, for I had shipped upon a lawful voyage, and wished to be taken as such, and I did not consider any foreign man-of-war in the universe had any claim to us. With Captain Durand's permission, I again set the colors; Durand then called me down in the cabin to ask my advice. I advised him not to haul down his

colors, as his papers were in order, and the object of the British officer was to frighten him to do things that were not right. I said, also, that if the British cruiser took charge of our vessel, let the British officers haul down the colors themselves. Captain Durand then made some remarks about the consequences of being taken with American colors, such as being taken to Baton Rouge; he said his papers were all false, and that there was not a correct account of the passengers. I told him to take no notice, for if a British cruiser can take an American vessel for not having a correct account of the passengers, then almost every passenger-carrier could be taken; he also advised me to let things go on, that we would be taken to Jamaica, and, as we had received our money, we need not care for the Spaniards. I refused to accede to his request, and demanded of the captain of the man-of-war to take me to Havana. He answered, *No, for if I take you to Havana, I can do nothing with you there.* He then took Captain Durand down into the schooner's cabin, and remained there for some time. I was not present during their interview in the cabin. Captain Durand came up on deck and ordered me to haul down the colors, which I did. Captain Durand ordered me to lay there until he came back; and then, with the British captain, he proceeded on board the man-of-war in her boat. Captain Durand remained absent some 20 minutes; while he was away, I told one of the crew to tell the passengers to look out for themselves, for I thought the captain was going to sell the vessel. When Captain Durand returned on board with the British captain, I was aft by the wheel. He told me, I am no longer in charge; I have no longer any control over you; this man is your master; you must obey him, pointting to a master who, with six men-of-war sailors, had been left on board. I said that I had been lawfully shipped at the American consulate; that the ship, so far as I was aware, had been lawfully cleared, and was bound on a lawful voyage, and that I would obey no man from a British cruiser, or of any other foreign nation; that I shipped under the American flag, and would go under no other. The British master then said, if you will not work I will send you on board the man-of-war. I told him if he took me out of the schooner it would be against my will. Captain Durand remarked: "If you go with those damned Spaniards they'll put a knife into you." The passengers had previously been taken out and conveyed to the man-of-war; and, as I refused to work, I was also sent on board the gun-boat, where I was put in irons. When I was in irons the captain of the man-of-war offered me the sum of five hundred dollars provided I would sign a paper certifying that I was going upon a slaving voyage to the coast of Africa, and he would release me from the irons and land me wherever I liked; and said that if I would not do it, that as I was an Englishman, as Captain Durand had told him, he would keep me on board the gun-boat, and I was liable to be hung; for "I will not let you go on shore, for if you go to Havana you will make plenty of trouble for me." I had some other words with him; he threatened "to heave four dozen into me," if I would not sign the paper. I refused to sign it, and demanded that he should land me where I could get to my consul. He made me the same offer a second time; he even put one of his engineers to get me drunk, and furnished liquors

of all kinds, but I was aware of his object, and took care of myself. When Captain Durand came on board the man-of-war he was much intoxicated, and told the English captain to secure me, saying I was a great ruffian, and would knife every man on board. The English officer and myself again had a quarrel, because he accused me of having money in my pocket which I had received as a bonus for engaging upon an unlawful voyage. I told him he was a liar; that I had received one month's advance, and that I had been paid off in Havana from the vessel in which I had come with $280; the British officers took away from me seven Spanish doubloons, and almost every thing I had. I was robbed by the British sailors; so were the passengers. The British captain was so drunk he could hardly stand. In the meantime we had got to Cayo Piedra, off Cardenas, where I was sent on board a Spanish steamboat bound to Havana. I left Captain Durand on board the gun-boat; the passengers had been put on board a pilot boat. The British captain first gave me one doubloon, and upon my remonstrating with him he gave me another. He was drunk, very drunk. One pair of shoes was returned me also; almost everything else was taken from me. When the British captain first came on board the Cortes he was not drunk, but he soon after became intoxicated, and continued so until I left him. Captain Durand was kept in the same condition; the rest of the officers and crew of the Forward, with one or two exceptions, were also drunk, and behaved more like pirates and thieves than men belonging to a war vessel. I arrived in Havana the 23d; two of our crew came with me in the steamboat; another was sent with the passengers on board the pilot boat; the steward and one man remained on the Cortes. I do not know what amount of money was taken from the passengers, but it was a large sum. The passengers and myself were made to strip almost naked on the man-of-war, and our persons were carefully searched. Four of the passengers were put in irons, the rest were not; and we got very little food, and that not of the best kind.

WM. ARCHBOLD.

William Green, being next examined, saith: I shipped in New York, as a seaman, on board the schooner Cortes, of that port; from thence we came to Havana, where we remained several days, and again sailed from Havana on the 14th instant. I am a Swede by birth. I was aware, when leaving this port, that we were bound to Africa, and understood and believed we were going on a lawful trading voyage. The second day out, an English man-of-war, the gun-boat *Forward*, fired a gun, hoisted her ensign, and made us heave to; we hoisted our colors and hove to, when a boat from the man-of-war, with her commanding officer, boarded us; after a while the captain of the Cortes had the flag hauled down, gave up his vessel, and left us in charge of the British officer; the mate said that he would not be taken as a pirate, and hoisted again the American colors. Subsequently our captain came to us and asked us what we would prefer, to go in the vessel to Port Royal, or be transferred to a steamboat, and landed in Havana or Cardenas, or taken to Key West, at which last place, if we were taken there, we should be put in the chain-

gang for three years; he said if we would go to Jamaica we could stay by the vessel, so we stayed by her until some few days after she and the gun-boat came to an anchor near the light house off Cayo Piedra, outside the bay of Cardenas; myself and the rest of the crew were taken on board the man-of-war; the next day the steward and another man were sent back to the schooner; the passengers and one of the crew that shipped at Havana had been sent ashore before; the mate, Mr. Archbold, myself, and the seaman, Manuel Florente, remained on the man-of-war about three days; the captain of the man-of-war gave one doubloon to each of the Spaniards, also to each of the seamen, Florente and Antonio Francisco; to me he gave nothing, and sent us on board a steamboat that conveyed us to Havana. I forgot to state before, that, shortly after the vessel had been captured by the man-of-war, our captain went on board the latter vessel. He was sober when he left, and when he came back he was very drunk The seaman Antonio Francisco and Mr. Archbold were kept in irons on the man-of-war several days. The captain of the man-of-war was drunk pretty much the whole time.

WILLIAM GREEN.

Antonio Francisco, being next examined, saith: I shipped in Havana as a seaman before the mast, upon the schooner Cortes, of New York, with the full understanding that the vessel was bound to Annobon, and thence on a general trading voyage upon the coast of Africa, and believed that the voyage we were to undertake was entirely of a lawful character; we sailed on the morning of the 14th of April. The master was named Durand, the chief mate named Archbold, and there were, besides the steward and myself, three men before the mast. The next morning a screw gun-boat (British) came in sight; at about 8 o'clock she hosted her ensign and fired a gun to us to heave to. We hoisted our colors and hove to. Presently a boat from the man-of-war, with an officer, came alongside our vessel. The officer came on board, and went into the cabin with our captain. The passengers, of whom there were eight or nine, all came on deck. The two captains (for the British officer proved to be the commander of the man-of-war) remained in the cabin about one hour talking; afterwards came on deck, and immediately proceeded together in the British boat on board the gun-boat. In about an hour they came back. Our captain, who had left sober, was then perfectly intoxicated. Our captain then called the crew aft, and asked us whether we wanted to go to Key West, or to Port Royal, in the schooner. I answered that I wanted to be let alone to continue on the voyage we had undertaken. The British captain said: "What are you talking about? if you have too much to say, I'll have you put in irons." Before this the American colors had been hauled down by order of the American captain; but the mate, Mr. Archbold, had them put up again. They were a second time brought down by Captain Durand's orders. Captain Durand then said: "I have nothing more to do with you; you have to obey the British officer's orders." I replied that I had nothing to with British officers.

After this I was taken on board the man-of-war and put in irons.

The mate had been taken to the man-of-war before me, and I found him there in irons. The passengers were all on board the man-of-war, four of them were in the stocks, and the rest were loose. I was on board the gun-boat some three days, until we reached Cayo Piedra; then every one of us was made to strip, take off our shoes, and we were searched twice; almost every one was robbed of everything he possessed, or nearly so. I had two ounces, which were taken from me; of which one doubloon was returned me, subsequently, upon my remonstrating with them. The best part of my clothes were robbed from me. At Cayo Piedra, myself and the passengers were put on board a pilot boat, which took us to Cardenas.

his
ANTONIO + FRANCISCO.
mark.

Manuel Forentino was last examined, and saith: I am one of the crew of the schooner Cortes, of New York, and shipped at that port. The day after the schooner left Havana, on the 15th, she was captured by a British screw gun-boat; several passengers, the mate, and the seaman Antonio were taken on board the man-of-war. I was called aft by Captain Durand and told to obey the order of the British officer that was placed in charge of our vessel after her flag had been taken down. I remained on board the schooner with our captain, the cook, and two others of our crew. After four days we were all sent on board the man-of-war; we stayed on board of her two days, and were then sent to the steamer that came out of Cardenas for Havana. The sailors of the man-of-war robbed us of almost everything we had in the way of clothing. I was searched; I exhibited two half doubloons, and told them that was all the money I had. The captain of the gun-boat gave orders to let me keep the money. We all paid our passages to Havana. Before we left Havana, the captain told me that the vessel had been chartered for a voyage to the coast of Africa.

MANUEL FLORENTINO.

[L. S.] In testimony whereof, I hereunto set my hand affix my official seal, at Havana, this 27th day of April, 1858.

A. K. BLYTHE,
United States Consul General.