

REPORT

Of the Committee to whom was referred so much of the President's Message as relates to the introduction of Slaves from Amelia Island.

JANUARY 10, 1818.

Accompanied with a bill supplementary to the act, *To prohibit the importation of slaves into any port or place within the jurisdiction of the United States: pas. ed 21 March, 1807.*

The committee, to whom was referred so much of the President's message as relates to the illicit introduction of slaves from Amelia island, having carefully taken the matter committed to them into consideration, respectfully

REPORT:

That, having applied to the Department of State for information respecting the illicit introduction of slaves into the United States, they were referred by the Secretary of State, to the documents transmitted to this House by the President's message of the 15th December last, consisting of various extracts of papers on the files of the Departments of State, of the Treasury, and of the Navy, relative to the proceedings of certain persons who took possession of Amelia island in the summer of the past year, and also relative to a similar establishment, previously made at Galvezton, near the mouth of the river Trinity.

Upon a full investigation of these papers, with a view to the subject committed to them, your committee are of opinion, that it is but too notorious that numerous infractions of the law prohibiting the importation of slaves into the United States, have been perpetrated with impunity upon our southern frontier; and they are further of opinion, that similar infractions would have been repeated with increasing activity, without the timely interposition of the naval force under the direction of the executive of our government.

In the course of their investigation, your committee have found it difficult to keep separate, the special matter given into their charge, from topics of a more general nature, which are necessarily interwoven therewith: they therefore crave the indulgence of the House, while they present some general views connected with the subject, which have developed themselves in the prosecution of their inquiry.

It would appear from what can be collected from these papers

that numerous violations of our laws have been latterly committed by a combination of freebooters and smugglers of various nations, who located themselves in the first instance, upon an uninhabited spot near the mouth of the river Trinity, within the jurisdictional limits of the United States, as claimed in virtue of the treaty of cession of Louisiana by France. This association of persons organized a system of plunder upon the high seas, directed chiefly against Spanish property, which consisted frequently of slaves from the coast of Africa; but their conduct appears not always to have been regulated by a strict regard to the national character of vessels falling into their hands, when specie or other very valuable article formed part of the cargo. Their vessels generally sailed under a pretended Mexican flag, although it does not appear that the establishment at Galvezton was sanctioned by, or connected with any other government; the presumption, too, of any authority ever having been given for such an establishment, is strongly repelled, as well by its piratical character, as its itinerant nature; for the first position at Galvezton, was abandoned on or about the fifth of April last, for one near Matagorda, upon the Spanish territory; and at a later period, this last was abandoned and a transfer made to Amelia island, in East Florida; a post which had been previously seized by persons who appear to have been equally unauthorized, and who were at the time of the said transfer, upon the point, it is believed, of abandoning their enterprise, from the failure of resources, which they expected to have drawn from within our limits in defiance of our laws. There exists on the part of these sea rovers, an organized system of daring enterprise, supported by force of arms; and it is only by a correspondent system of coercion that they can be met, and constrained to respect their rights of property and the laws of nations. It is deeply to be regretted that practices of such a character, within our immediate neighborhood, and even within our jurisdictional limits, should have prevailed unchecked for so long a time; the more especially, as one of their immediate consequences was to give occasion to the illicit introduction of slaves from the coast of Africa, into these United States, and thus to revive a traffic repugnant to humanity, and to all sound principles of policy, as well as severely punishable by the laws of the land.

By the 7th section of the act prohibiting the importation of slaves, passed in 1807, the President is fully authorized to employ the naval force to cruise on any part of the coast of the United States or territories thereof, where he may judge attempts will be made to violate the provisions of that act, in order to seize and bring in for condemnation, all vessels contravening its provisions, to be proceeded against according to law.

By the joint resolution of the Senate and House of Representatives, of 15th January, 1811, and the act of the same date, the President is fully empowered to occupy any part, or the whole of the territory lying east of the river Perdido, and south of the state of

Georgia, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign government or power; and by the same resolution and act, he may employ any part of the army and navy of the United States, which he may deem necessary, for the purpose of taking possession and occupying the territory aforesaid, and in order to maintain therein the authority of the United States.

Among the avowed projects of the persons who have occupied Amelia island, was that of making the conquest of East and West Florida, professedly for the purpose of establishing there an independent government; and the vacant lands in those provinces, have been from the origin of this undertaking down to the latest period held out as lures to the cupidity of adventurers, and as resources for defraying the expenses of the expedition. The greater part of West Florida, being in the actual possession of the United States, this project involved in it designs of direct hostility against them; and as the express object of the resolution and act of 15th January, 1811, was to authorize the President to prevent the province of East Florida from passing into the hands of any foreign power, it became the obvious duty of the President to exercise the authority vested in him by that law. It does not appear that among these itinerant establishers of republics, and distributors of Florida lands, there is a single individual inhabitant of the country where the republic was to be constituted, and whose lands were to be thus bestowed. The project was therefore an attempt to occupy that territory by a foreign power. Where the profession is in such direct opposition to the fact: where the venerable forms by which a free people constitute a frame of government for themselves, are prosituted by a horde of foreign free booters, for purposes of plunder; if, under color of authority from any of the provinces contending for their independence, the Floridas, or either of them, had been permitted to pass into the hands of such a power, the committee are persuaded it is quite unnecessary to point out to the discernment of the House, the pernicious influence which such a destiny of the territories in question must have had upon the security, tranquillity, and commerce of this union.

It is a matter of public notoriety, that two of the persons who have successively held the command at Amelia island, whether authorized themselves by any government or not, have issued commissions for privateers, as in the name of the Venezuelan and Mexican governments, to vessels fitted out in the ports of the United States, and chiefly manned and officered by our own countrymen, for the purpose of capturing the property of nations with which the United States are at peace. One of the objects of the occupation of Amelia island it appears, was to possess a convenient resort for privateers of this description, equally reprobated by the laws of nations, which recognize them only under the denomination of pirates, and by several of the treaties of the United States, with different European powers, which expressly denominate them as such.* It was against

* See the treaty of peace with France, 1778, art. 21st, *United States' Laws*, vol. 1, p. 88; with the Netherlands, 1782, art. 19, v. 1, p. 162; with Sweden, 1783, art. 23.

the subjects of Spain, one of the powers with which the United States have entered into stipulations prohibiting their citizens from taking any commission from any power with which she may be at war for arming any ships to act as privateers, that these vessels have been commissioned to cruise; though, as the committee have observed, no flag, not even that of our own country, has proved a protection from them.

The immediate tendency of suffering such armaments, in defiance of our laws, would have been to embroil the United States with all the nations whose commerce with our country was suffering under these depredations, and if not checked by all the means in the power of the government, would have authorized claims from the subjects of foreign governments, for indemnities at the expense of this nation, for captures by our people in vessels fitted out in our ports, and as could not fail of being alleged, countenanced by the very neglect of the necessary means of suppressing them.

The possession of Amelia island as a port of refuge for such privateers, and of illicit traffic in the United States of their prizes, which were frequently, as before stated, slave ships from Africa, was a powerful encouragement and temptation to multiply these violations of our laws, and made it the duty of the government to use all the means in its power to restore the security of our own commerce, and of that of friendly nations upon our coasts, which could in no other way more effectually be done, than by taking from this piratical and smuggling combination, their place of refuge.

In order, therefore, to give full effect to the intentions of the legislature, and in pursuance of the provisions of the above recited resolution and acts, it became necessary, as it appears to the committee, to suppress all establishments of the hostile nature of those above described, made in our vicinity, the objects of which appear to have been the occupation of the Floridas, the spoliation of peaceful commerce upon and near our coasts by piratical privateers, the clandestine importation of goods, and the illicit introduction of slaves within our limits. Such establishments, if suffered to subsist and strengthen, would probably have rendered nugatory, all provisions made by law, for the exclusion of prohibited persons. The course pursued on this occasion, will strongly mark the feelings and intentions of our government, upon the great question of the slave trade, which is so justly considered by most civilized nations, as repugnant to justice and humanity, and which, in our particular case, is not less so to all the dictates of a sound policy.

Your committee anticipate beneficial results, from the adoption of these measures by the executive, in the promotion of the security of our southern frontier and its neighboring seas; and in the diminution of the evasions latterly so frequent, of our revenue and prohibitory laws. The experience of ten years has, however, evinced

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the necessity of some new regulations being adopted, in order effectually to put a stop to the further introduction of slaves into the United States. In the act of Congress prohibiting this importation, the policy of giving the whole forfeiture of vessel and goods to the United States, and no part thereof to the *informer*, may justly be doubted. This is an oversight which should be remedied. The act does indeed give a part of the *personal* penalties to the informer, but these penalties are generally only *nominal*, as the persons engaged in such traffic are usually poor. The omission of the states to pass acts to meet the act of Congress, and to establish regulations in aid of the same, can only be remedied by Congress legislating directly upon the subject themselves, as it is clearly within the scope of their constitutional power to do.

For this purpose your committee beg leave respectfully herewith to report a bill.

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