

SUPPRESSION OF THE SLAVE TRADE.

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MAY 22, 1826.

Read, and ordered to be printed.

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REPORT, from the Select Committee on the Suppression of the Slave Trade, presented to the House the following

REPORT :

*Committee on the Suppression of the Slave Trade, to whom was read a message of the President, of the 8th of March, 1826, a recent letter of the Secretary of State, of the 7th of April, and a report of the Secretary of the Treasury, of the 20th of the same month, presented to the House of Representatives the following report :*

From certain information obtained in this city, from the documents aforesaid, and a reference to the decision of the Supreme Court, and an appeal from the District Court of Alabama, in the cases of the schooner Constitution, and Louisa, Barrias and others, claimants, it appears that the schooners Constitution, Louisa, and Marino, were seized by the American vessels, which cleared out from the United States at Havana, in the Island of Cuba, in the year 1818, the two first from the port of New Orleans, and the last from Mobile ; that, on their return from Havana, the two first cleared out for New Orleans, the last for Mobile, at different periods, the Marino on the 2d, the Constitution on the 10th of June, 1818 ; that they were seized in the same month, the Marino within one and a half miles of Barancas, inside of the bar, in the harbor of Pensacola, by the United States ketch Surprise, commanded by Lieut. McKeever, of the American Navy ; the Louisa, outside of the bar, while standing in, by the same ketch, the Constitution, under the guns of Fort Barancas, by Col. M. Brooke, an officer of the Army, under the command of General Jackson, who then occupied West Florida, in behalf of the United States.

It appears that these vessels had on board one hundred and seven slaves, recently imported from Africa, but re-shipped at Havana, in the following proportions : eighty-four in the Constitution, in the year 1819, and in the Louisa four ; for which reason the vessels were seized for a violation of the laws of the United States prohibiting the slave trade, and, with the slaves, composing part of their cargoes, were conducted, at the instance of the captors, to Mobile, in the adjacent district of Alabama, being the nearest United States'

port, for adjudication, on the presumption that the vessels and slaves were subject to forfeiture. After the seizure, thus made, the Constitution was boarded off Mobile Point, on her way to Mobile, by Curtis Lewis, commander of an United States' revenue boat, while Captain Sands was on board the schooner as agent of the captor: that Curtis Lewis remained on board, until the Constitution arrived in port, and reported her to the Collector as being captured by him. It may not be improper here to notice, for the application of the testimony accompanying the letter of the Secretary of State, that Walden acted as supercargo of the Constitution, and entered the cargo at the custom house of Mobile; that the Register of the Marino was in the name of William H. Robertson and Asahel Gross; that William H. Robertson entered and bonded her cargo at the custom House; and that the said William H. Robertson also claimed, on oath, as agent, in the name of Samuel Paxton, the Louisa and her cargo, before the General Court of Alabama.

Informations against these vessels and their cargoes were filed first in the General Court for the Territory, but were subsequently removed to the United States' District Court of Alabama, and proceedings were had, in behalf as well of the captors as of the real or putative owners of the vessels and slaves, which ended, as early as 1822, in the condemnation of the several vessels and their cargoes, as forfeited to the United States, the Court reserving the distribution of the slaves for future order. From these sentences, the claimants appealed to the Supreme Court of the United States. By, or pursuant to, the judgment of that Court, pronounced on the 5th of March, 1824, the several vessels before mentioned, with the slaves found on board of them, were finally condemned, except those of the cargo of the Constitution, restitution of which, though the vessel itself was condemned, was decreed by the Supreme Court, on the ground that the first seizure of the Constitution was not made by a commissioned officer of the United States' Navy, and that the second seizure was made while she was, constructively, in the possession of the first captor, and on her way to Mobile for adjudication.

The distribution of the cargoes, having been reserved by the District Court of Alabama, at the period of its original decree, was finally made, after the return of the record from above, by lot, according to a ratio, having reference to their actual number, after a considerable reduction by various causes, and to the number of which the original cargoes respectively consisted; and the whole were subsequently sold at public sale, in the State of Alabama, the cargo of the Constitution, for the benefit of the reputed Spanish owners; and the slaves supposed to have belonged to the Louisa and Marino, for the benefit of the captors and the State of Alabama, pursuant to an act of her Legislature of 1823, purporting to be in execution of a prior territorial law, and of an authority vested in the Legislature by the act of Congress of 1807, prohibiting the slave trade.

While these proceedings were depending in the District Court of Alabama, and on appeal to the Supreme Court of the United States:

prior to the sentence of the last, and the final decree of the District Court, it appears that the Judge of the Supreme Court of West Florida, on application from the Spanish claimants of these slaves, grounded on the 4th section of the 9th article of the treaty of Florida, and an act of Congress of the 5d of March, 1823, to carry that article into effect, awarded indemnity to the claimants for the whole number of slaves seized at the time of the first capture, estimating the value of them, except two, at 650 dollars, and those, at 800 dollars each. It appears that the actual sales made in Alabama, as well of the forfeited as of the restored slaves, averaged but a little more than a moiety of the estimate of the Commissioners.

In virtue of the Commissioners' award, however, and of the estimate contained in it, there were paid, under a discretionary authority vested in the Secretary of the Treasury, on the 8th of March and 24th of December, 1825, to the several Spanish claimants, considerable sums of money, leaving still unpaid, though open to similar demand, one moiety of the sum awarded for the nineteen slaves which formed part of the condemned cargo of the *Marino*, and the whole amount awarded as the value of the eighty-four found on board the *Constitution*.

Your Committee are apprised that application has been made to the President of the United States, in behalf of Wm. H. Robertson, to be released from the fulfilment of the condition of a bond entered into by him, with certain securities, on the restitution, before sentence, of the *schr. Constitution*, to pay the estimated value thereof in case of her condemnation; and, as applications may hereafter be made to the Secretary of the Treasury for the moiety unpaid of the estimated value of the cargo of the *Marino*, and for the whole amount of that of the *Constitution*, or for the difference between the sum awarded by the Judge of West Florida to the Spanish claimants of the cargo of the *Constitution*, and the actual proceeds resulting from the sale thereof in Alabama; and, as the preceding narrative, coupled with the documents referred to the Committee, comprises many facts worthy of further investigation, and suggests the existence of correspondent obligations, which appertain to the Executive rather than to the Legislative department of this Government, the Committee recommend the adoption, by the House, of the subjoined resolution:

*Resolved*, That the Committee on the Suppression of the Slave Trade be discharged from the further consideration of the several documents referred to them, in relation to the slave vessels *Marino*, *Louisa*, and *Constitution*, and that they be referred to the President of the United States.