

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

IN ANSWER

To a resolution of the Senate, communicating information and correspondence relative to the search of American vessels by British cruisers since the treaty of Washington.

APRIL 20, 1846.

Ordered to be printed.

To the Senate of the United States :

I herewith transmit to the Senate, in answer to their resolution of the 8th instant, a report from the Secretary of State, with accompanying papers, containing the information and correspondence referred to in that resolution relative to the search of American vessels by British cruisers subsequent to the date of the treaty of Washington.

JAMES K. POLK.

WASHINGTON, April 20, 1846.

DEPARTMENT OF STATE,
Washington, April 15, 1846.

The Secretary of State, to whom has been referred the resolution of the Senate of the 8th instant, requesting the President to communicate to that body "any information in the possession of the government, showing that complaints have been made by any of our vessels of having been searched by British cruisers since the Washington treaty of 1842, and, if so, the names of the vessels, together with the dates and places of such acts, and also copies of any correspondence that may have passed between the two governments on the subject," has the honor to report to the President the accompanying copies of papers, embracing the information and correspondence referred to in the resolution above cited.

Respectfully submitted.

JAMES BUCHANAN.

To the PRESIDENT of the United States.

List of accompanying papers.

- Mr. Legaré to Mr. Everett, (with enclosures,) May 11, 1843.
 Mr. Everett to Mr. Legaré, June 1, 1843.—Extract.
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 Same to Mr. Nelson, (with enclosures,) April 15, 1844.—Extract.
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 Mr. Everett to Mr. Calhoun, January 3, 1845.—Extract.
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 Same to same, (with enclosure,) February 1, 1845.
 Mr. McLane to Mr. Buchanan, September 18, 1845.—Extract.

Mr. Legaré to Mr. Everett.

DEPARTMENT OF STATE,
 Washington, May 11, 1843.

SIR: You will receive, herewith, an extract of a letter addressed to this department on the 6th of March last, by James Lawrence Day, the agent of the United States on the coast of Africa for captured Africans, together with a copy of the paper therein referred to, setting forth the particulars of an outrage committed on the 4th of January last, near the mouth of the river Volta, on the American barque "Rhoderick Dhu," by an officer and armed boat's crew from her Britannic Majesty's brigantine "Spy," under circumstances of peculiar aggravation.

I have to request that you will take an early opportunity of making a representation on the subject of this case to the British Secretary of State for Foreign Affairs, with a view to a strict inquiry into the alleged misconduct of the officer implicated; and that you will express the President's confident expectation that, if these charges be corroborated, proper redress will be afforded by the British government, and the offender be visited with the punishment due to such a wanton violation of the flag of the United States.

Permit me to suggest to you the propriety of turning to account this striking example of the abuses to which the pretended right of visitation is liable, by impressing upon the British government, in your conference or correspondence (as you shall judge best) with the Foreign Office, the dangerous tendency of its doctrine upon this subject. Sincerely and even deeply deprecating the possibility of a rupture between the two governments, appreciating at their full value the blessings that flow to both countries from truly amicable relations, and a commerce carried on with the confidence and in the spirit of peace, I will not dissemble to you my firm belief that the repetition of trespasses of this kind, especially if perpetrated in so offensive a form, are more calculated than the most important causes of difference on other points to produce a hostile state of feeling in the United States; a consequence the more to be deplored, as such a state of feeling certainly does not now exist.

In the instance complained of, there is, if the facts be correctly stated, a glaring disregard not only of the rights and feelings of the American people, but of what we are bound to suppose, from its assurances so recently

made to us, were the express orders of his own government, by an officer acting immediately under them. It is, therefore, peculiarly fitting, as equally due to both governments, that the improprieties of conduct with which he is charged should be made a subject of strict inquiry and animadversion. I will only add that such an example, set in the very beginning, will be a most impressive illustration of the friendly spirit in which the late treaty was conceived, and do much to infuse the same spirit into the future practice of the two countries in the fulfilment of its stipulations.

I am the more inclined to hope that the extraordinary behavior of the officer in question will meet a suitable rebuke from his government, from the terms in which you will perceive that Captain Sims, in his letter to Captain Foote, speaks of the usually courteous and decorous conduct of the British officers on that coast.

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

H. S. LEGARE.

EDWARD EVERETT, Esq., *§c. §c. §c.*

[Enclosure.]

Mr. Day to Mr. Webster.—Extract.

MONROVIA, March 6, 1843.

SIR: * * * * *

I enclose you the copy furnished me by Captain Sims, of a letter written by himself to Captain Foote, of her Britannic Majesty's ship Madagascar, informing him of the disrespectful, nay, *piratical* manner in which he was "brought to" and "boarded" by an officer of her Britannic Majesty's brigantine "Spy."

I shall continue to make known to you any instances that may come to my knowledge of similar disregard to the flag of our country, or any abuses of the same to the purposes of the slave traffic, until you shall direct otherwise.

As ever, with regard, I am your obedient servant,

J. LAWRENCE DAY.

Hon. D. WEBSTER,
Secretary of State, §c. §c.

[Enclosure.]

Captain Sims to Captain Foote.

BRITISH ACRA, January 9, 1843.

SIR: Enclosed are the newspapers you loaned me at Ahquah, for the use of which I return many thanks.

I would direct your attention to the following statement: On the⁴

of January, 1843, whilst about thirty miles to the eastward of Quitta, I saw a vessel to the southward, about 5 or 6 miles distant, standing in shore, with wind at west, myself at the same time standing off. At 10 a. m. she tacked to the southward. At about 11 a. m. I made her colors to be English, and presumed her to be a man-of-war, and passed within a cable's length of said vessel. She did not take any notice of us. I hauled down my flag, as the wind was quite fresh. At 30 minutes p. m. she tacked, and stood for us. At 1 p. m. she fired a gun. At 1h. 30m. p. m. she fired a shot, which nearly struck our mizen-mast. I hoisted my flag again and luffed the barque up. The chase came alongside, and hailed with "Back your maintopsail and round to, or I'll fire into you." I told him the name of the vessel, where from, and where bound, and asked him not to bring me to in so strong a current; but the answer was the same. I hove to. A boat with an officer and twelve men came alongside to windward, and climbed up the main chains, the officer being the last man on deck. The men had each a tomahawk. I told them to go into their boat. They said they would not. When the officer came on deck he took no notice of me whatever for some time, and when he did speak, it was to demand my papers. I asked him "to walk below and I would show them to him, but that he had no right to demand them." After he had the papers in hand about ten minutes, he threw them on the table, and made another demand, telling me "to refuse him, and he would show me what he would do;" and said the American flag was *no protection* against the demand. I asked the officer the vessel's name. He said it was her Britannic Majesty's brigantine *Spy*, and asked me if he "should put it on paper for me." The officer and crew remained on board forty-five minutes, the crew going all over the vessel, insulting and abusing everybody on board. I mentioned to him that I had been visited by boats from your ship, as well as by the Persian's and steamer *Kite's*, in a gentlemanly and respectful manner. He said that what you and others did was nothing; and that if he had commanded the *Spy* he would have knocked the barque's masts about my ears.

You will perceive by this, sir, that not only myself and all on board, but the American flag, have been abused most shamefully. Had we been pirates, we could not have been "brought to" and boarded in a more disrespectful manner. I have been many voyages on the coast, and have been visited by many of her Britannic Majesty's vessels in a respectful manner, but never before boarded by an armed boat's crew a minute before the officer came on deck.

Sir, I am sorry to be forced to make this complaint, but consider myself in duty bound to do so. I shall write by the first opportunity to the Secretary of State of the United States the full particulars, and shall send him a copy of this.

I am, respectfully,

R. T. SIMS,

Master of barque Rhoderick Dhu.

Captain FOOTE, R. N.,

Her Britannic Majesty's ship Madagascar.

Mr. Everett to Mr. Legaré.

[Extract.]

LONDON, *June 1, 1843.*

SIR: I have the honor to acknowledge the receipt of despatch No. 42, dated May 11, transmitting a copy of a letter from Captain Sims, of the American barque "Rhoderick Dhu," and a communication from Mr. J. Lawrence Day, agent for captured Africans on the coast of Africa, containing information relative to an outrage on the "Rhoderick Dhu," by an officer and armed boat's crew from the British brigantine the "Spy," near the mouth of the river Volta, on the 4th of last January. Having occasion to see Lord Aberdeen for another purpose, yesterday afternoon, I thought it advisable to allude to this occurrence, before addressing him an official note. He said he had already received a report on the subject, of which, however, he recollected only the name of the vessel, and was of course unable to give me any explanations. As it, however, appears that some intelligence has already been received on the subject from the coast of Africa, and a more prompt reply may be therefore expected than would otherwise be practicable, I think it may be advisable, in preparing my note, to confine myself to a simple statement of the case, as presented in your despatch and the accompanying papers, with a claim for such redress as may be due, should that account be substantiated on inquiry. This course seems to me to be rendered peculiarly expedient, by the friendly tone of the most recent communications between the two governments in reference to visitation and search.

Mr. Everett to Mr. Legaré.

[Extract]

LONDON, *June 14, 1843.*

I transmit, herewith, the copy of a note which I have addressed to Lord Aberdeen, on the subject of the "Rhoderick Dhu." As he gave me to understand, in conversation, that they had already received a report of the case from the coast of Africa, and from the manner in which he spoke, I was led to think that some justification had been set up by the officer who brought to and boarded the American vessel, I deemed it better not to argue hypothetically on the statement of the case as transmitted to you by Captain Sims, but to confine myself to a simple request that the facts might be inquired into.

[Enclosure.]

Mr. Everett to Lord Aberdeen.—Extract.

JUNE 5, 1843.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to transmit to the Earl of

Aberdeen, her Majesty's Principal Secretary of State for Foreign Affairs, the copy of a letter from Mr. R. T. Sims, commanding the American barque "Rhoderick Dhu," bearing date on the coast of Africa, 9th January last, and setting forth the particulars of an outrage alleged to have been committed on that vessel by an officer and armed boat's crew from her Britannic Majesty's brigantine "Spy," on the 4th January, near the mouth of the river Volta.

In submitting this statement to Lord Aberdeen, the undersigned is instructed to request that a strict inquiry may be made into the conduct of the officer implicated, and to express the confident expectation of the President that, if the charge be sustained, proper redress will be afforded by her Majesty's government, and the offender be visited with the punishment due to such a wanton and dangerous violation of the flag of the United States.

Mr. Everett to Mr. Nelson.

[Extract.]

LONDON, *April 15, 1844.*

SIR: On the 29th of May last, I received a despatch from the department, numbered 42, transmitting an account of an outrage alleged to have been committed upon an American vessel called the "Rhoderick Dhu," on the coast of Africa, on the 4th of January preceding. On the 5th of June I addressed a note to Lord Aberdeen, representing the case, and requesting that it should be inquired into. In the answer from the Foreign Office, dated 3d of July, I was informed that an investigation had been already ordered. On the 10th instant, the result of this investigation was sent to me in the accompanying note from Lord Aberdeen.

[Enclosure]

[*Slave Trade.*]

FOREIGN OFFICE *April 10, 1844.*

The undersigned, her Majesty's Principal Secretary of State for Foreign Affairs, with reference to the note which Mr. Everett, envoy extraordinary and minister plenipotentiary of the United States, addressed to him on the 5th of June last, and to the note which, in reply thereto, the undersigned addressed to Mr. Everett on the 3d of the succeeding month, respecting the conduct alleged to have been pursued by the officers and men of her Majesty's sloop "Spy" in visiting the United States vessel "Rhoderick Dhu," has now the honor to acquaint Mr. Everett that answers have been received to the inquiries which were made of Lieutenant Raymond, the commander of the "Spy," who ordered the visit, and of the officer of that ship who boarded the "Rhoderick Dhu," as to the facts which occurred on the occasion in question.

In the representation of this affair made by Captain Sims, master of the "Rhoderick Dhu," and transmitted in Mr. Everett's note of the 5th of

June last, it is stated, that about half-past twelve, p. m., on the 4th January, 1813, the "Rhoderick Dhu" having already passed within a cable's length of her Majesty's brig "Spy," the "Spy" tacked and stood for the "Rhoderick Dhu," and shortly afterwards fired a shot close to her, and obliged her to bring to, notwithstanding the expressed reluctance of the master to that step; that, on her bringing to, a boat with an officer and twelve men came alongside to windward, and climbed up the main chains, the officer being the last man on deck; that the officer and crew remained on board upwards of 45 minutes, the officer behaving in the most disrespectful manner, and the crew going all over the vessel, insulting and abusing every one on board.

The commander of her Majesty's brig "Spy" admits that he compelled the "Rhoderick Dhu" to be brought to, contrary to the wishes of her master.

He states that his object in doing so was to ascertain her nationality; and that the cause of his suspecting her to be other than an American vessel was, that both from her build and her rig, and from seeing very many black men on board, and only two who were not, and those two swarthy, he thought her to be Spanish, and engaged in the slave trade.

He does not deny, that, in compelling her to bring to, his language was peremptory; but he states that the language of the master had previously been extremely insulting; and, in confirmation of this statement, he adds, that on being hailed and desired to bring to, the master answered that he "would see him damned first."

The boarding officer denies that he was the last on deck, but admits that two or three of his men were on board before him; and in explanation of that circumstance, he states that on first attempting to get up, his foot slipped, and he dropped into the boat, which at that moment fell off from the ship's side; and before he could get the boat to the ship's side again, two or three men, who had succeeded in getting up, were already on deck.

He states that he was not on board above 15 minutes, and that three or four minutes were occupied in shifting the ladder over with the side ropes, for him to descend on leaving the vessel.

He asserts, most earnestly, that his demeanor on board the vessel was courteous, and his language never uncivil.

He states, on the other hand, that the manner of the master was at first insulting, and that his language was that of marked rudeness; that after some delay, he (the boarding officer) was invited to go below, and that the ship's papers were shown to him; that there, also, the language and manner of the master were so insolent, that he felt himself obliged to notice it, but that he did so still with urbanity; and that the moment he was satisfied, by the papers, that the "Rhoderick Dhu" was an American vessel, he desisted from all further interrogation; and he adds, that he and the master shook hands on leaving the vessel.

With respect to the conduct of the boat's crew, he denies that while he remained on deck they went all over the vessel, insulting and abusing every one on board; and he states, that when he came up from the cabin with the master he did not find the crew interfering in the slightest degree with anybody or anything.

Her Majesty's government, however, consider that the grounds assigned by Lieutenant Raymond for his visiting the "Rhoderick Dhu" are insuffi-

cient, and have directed a communication to be made to Lieutenant Raymond to that effect; they have also signified their serious displeasure to the boarding officer at his having allowed his men to leave the boat on his visiting the "Rhoderick Dhu."

And although it appears from the statements of her Majesty's officers concerned in the transaction, that, by some inadvertence not yet explained, the more strict instructions which have of late years been issued to her Majesty's ships respecting the conduct to be observed as to vessels hoisting the American flag had not reached the "Spy," it is not less the duty of her Majesty's government to express to the government of the United States their sincere regret that this visit should ever have taken place.

The undersigned avails himself of this occasion to renew to Mr. Everett the assurance of his distinguished consideration.

ABERDEEN.

EDWARD EVERETT, Esq., &c. &c. &c.

[Enclosure.]

GROSVENOR PLACE, April 16, 1844.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note addressed to him by the Earl of Aberdeen, her Majesty's Principal Secretary of State for Foreign Affairs, on the 10th instant, in reply to the note of the undersigned of the 5th of June last, relative to the detention and visitation on the coast of Africa of the American barque "Rhoderick Dhu," by the commander of her Britannic Majesty's brig "Spy," on the 4th of January, 1843; and the undersigned will avail himself of the earliest opportunity of forwarding Lord Aberdeen's note to the United States for the information of his government.

The undersigned begs Lord Aberdeen to receive the assurance of his distinguished consideration.

EDWARD EVERETT.

EARL OF ABERDEEN, &c. &c. &c.

Mr. Culloun to Mr. Everett.

[Extract]

DEPARTMENT OF STATE,
Washington, December 12, 1844.

SIR: I transmit to you, herewith, copies of documents relating to the case of the American brig "Cyrus," of New Orleans, P. C. Dumas, master, from which it appears that this vessel, while lying at anchor in the harbor of Cabinda, on the 2d day of June last, was boarded by two officers and a boat's crew, belonging to her Britannic Majesty's brig-of-war "Alert," Captain Bosanquet, who searched the "Cyrus," pulled down and trampled upon the American flag, forcibly entered the cabin and broke open the trunk of her master, and seized and carried away the ship's pa-

pers: whereupon Captain Dumas abandoned his vessel to the British government; forthwith paid off and discharged his crew, and, on the 27th of the same month, having taken passage in the French barque "Guatimozin," sailed for Rio de Janeiro, where he duly entered his protest before the United States consul at that port; he subsequently proceeded on his way home to the United States, and, soon after his arrival at his destination, appealed to his government for redress in the premises.

You will perceive, on a perusal of the enclosed evidence in the case, that the seizure and search of the "Cyrus" were attended with circumstances of a peculiarly aggravating character; and it is difficult to conceive what possible countervailing testimony can be offered in justification or palliation of the conduct of Captain Bosanquet. The statement of the whole transaction, by Captain Dumas, seems to be reasonably dispassionate, consistent, perspicuous, and conclusive; and if, on an investigation of the matter by the British government, the facts he sets forth are found to be irrefragable—as I scarcely doubt they will be—the case is certainly one of gross outrage on the American flag and the rights of a citizen of the United States, and calls for the ready intervention of this government. You will accordingly make a representation of the subject to Lord Aberdeen, demanding prompt indemnification for the losses and injuries sustained by the owner, and all others interested in the brig "Cyrus," her cargo, and other property on board, and complain of the conduct of Captain Bosanquet as unwarrantable, wanton, flagitious, and meriting the severe reprehension of her Majesty's government.

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List of accompanying papers.—Brig "Cyrus."

Deposition and protest of Captain Dumas, with charter party; bill of lading, with endorsement thereon; statement of master and crew of the "Cyrus" relative to the first visit by the British brig "Alert," while at sea; statement of master and crew of the "Cyrus," in relation to the second visit of the "Alert," at Cabinda, &c.

Deposition of Peter J. Do Coultto, an Englishman.

Deposition of Paul Desbordes, a Frenchman.

Deposition of Martin P. Anderson, an American.

Deposition of Joshua M. Clapp, late master of the Gannacliff.

Affidavit of M. Challot, master of the French barque "Guatimozin," and Louis Larnex.

Certificate and affidavit of M. Challot and P. Desbordes.

Certificate and affidavit of Peter J. Do Coultto and Antonio Lopez da Costa Recio.

Certificate of R. S. Gough, Wm. M. Ruhl, and Antonio Lopez da Costa Recio, and affidavit of the latter, &c.

Account of Captain Dumas for the loss of his vessel, and consequent damages.

Receipts of crew for money paid by Captain Dumas.

Account of consular expenses at Rio de Janeiro.

Mr. Wise to Mr. Calhoun, (with enclosure,) dated 11th October, 1844.

Collector of the customs at New Orleans to same, (with enclosures,) dated 18th October, 1844.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before the undersigned, consul of the United States, P. C. Dumas, late master of the American brig "Cyrus," of New Orleans, who, being duly sworn upon the Holy Evangelists, deposed as follows :

That the American merchant brig "Cyrus" sailed from New Orleans on the 19th December, 1843, for Havana, in the West Indies; that deponent was the sole and *bona fide* owner of said brig; that she sailed with a full cargo of stores taken on freight; that said brig had on board and sailed with a crew consisting of seven men, to wit: William Colebrook, chief mate; four sailors, by names William Cromwell, William S. Osmer, Peter Anderson, and James Johnson; a steward, by name Joseph Carvo; and a cook, by name Augustus Benton—all white men and Americans, excepting the steward and cook, who were foreigners; that said brig arrived at Havana on the 27th day of December, 1843; that at Havana the cargo of stores was discharged, and deponent let the brig "Cyrus" by charter-party, dated 3d January, 1844, to an individual by name A. Percy; that the conditions of said charter party were, that a full cargo of merchandise was to be taken on board said brig at Havana, which was to be furnished by said Percy; that the brig was to proceed with all possible despatch to the port of Cabinda direct, where said cargo was to be delivered. That, in consideration of the services imposed by said charter-party, there was to be paid the sum of thirty-five hundred dollars; two thousand dollars of which previous to the sailing of the vessel from Havana, and the balance on the receipt of the reception bill of lading of the delivery of the cargo. The "lay days" were specified to be fifteen running days for lading at Havana, and sixty running days for discharging at Cabinda and waiting orders at that or some neighboring port; and demurrage was to be paid, at the rate of twenty-five dollars for each and every day after the expiration of said "lay days;" (all which particulars will appear on reference to said charter party, a certified copy of which is hereunto annexed, A.) That by endorsement made by said A. Percy, on the margin of the bill of lading of the cargo, dated 3d January, 1844, said cargo was to be delivered to Lewis Krafft, esq., or order.

And deponent further said, that, in conformity with said charter-party, a full cargo of merchandise was taken on board at Havana, consisting of 1,397 packages, as will appear by reference to the bill of lading, bearing even date with the aforesaid charter-party. That, before sailing from Havana for Cabinda, were discharged the aforesaid steward and cook, to wit, Joseph Carvo and Augustus Benton, and there were shipped in their places two other foreigners, by name Francis Gustave and Lorenzo Garcia; that said Garcia did not proceed on the voyage, but deserted, and that there was taken in his place, but not regularly shipped, one other foreigner, by name Miguel Vilarian; that on the 16th January, 1844, the brig "Cyrus" sailed from Havana with the before named cargo and crew, and a supercargo, by name De la Bourgoniere, and one passenger, by name M. Richards; that on the 23d of March following the "Cyrus" touched at the island of Annobon for fuel and provisions, and departed thence on the next day at 9 a. m.; that on the 31st of same month of March, at 6 a. m., they made the land on the coast of Africa, and at 5h. 30m. p. m. same day arrived at Cabinda; that on the next day, (being 1st April,) after their arrival at Cabinda, at 9 o'clock, a. m., the brig "Cyrus" was visited by a

boat belonging to her Britannic Majesty's brig of war "Heroine," commanded by Captain Foote. On warning the boat not to come alongside, the officer, a lieutenant, by name "Spence," replied that he had no other business but to ascertain the name of the vessel. That he (deponent) then invited him to come on board as a private individual, leaving his sword and crew in the boat. That the officer (Lieutenant Spence) left his sword and crew in the boat, and came on board the "Cyrus," and said that he had no authority to see the papers or examine the hold of an American vessel, and simply inquired the names of the master and owners of the "Cyrus," her tonnage, where she belonged, and where from; of which being answered by deponent, he (the lieutenant) took notes, or made memoranda in a book of printed form which he had with him, and then left the "Cyrus," and proceeded towards and visited the American brig "Montevideo," lying close by.

And deponent further said, that the crew of the "Cyrus" were employed in cleaning and refitting the vessel, until the 5th of April, on which day they commenced discharging the cargo, and that the discharge of the cargo was continued from day to day until the 13th following of same month, when the discharge was completed.

And deponent further said, that the facts here stated in relation to the incidents of the voyage and the discharge of the cargo will appear on reference to the log book of the "Cyrus," which was kept and written by William Colebrook, chief mate of said brig; and that evidence of the full discharge of the cargo of the "Cyrus" is contained in the receipt of L. Krafft, the consignee at Cabinda, dated Cabinda, 12th April, 1844, which date is according to civil time, being the same as, and agreeing with the 13th April, astronomical time, as written in the log-book referred to, and that said receipt of L. Krafft is written on the back of the bill of lading, a certified copy of which may be seen on reference to the accompanying papers marked B.

And deponent further said, that on the same 13th day of April, there were received on board the "Cyrus" 19 empty pipes, which were stowed and filled with salt-water for ballast; and that on the day next following, there were received and stowed, and filled with salt-water, seven other pipes. And deponent said that water was used for ballast in lieu of sand, in preference, because, on a previous voyage to Cabinda, said sand had washed down below and choked the pumps; and that the pipes were taken also for the purpose of taking in palm oil from some northern port, in case the consignee should order a return cargo of oil, according to a previous understanding.

And deponent further said, that on the 17th of said month of April, he, deponent, was taken with violent fever, and was carried on shore in a hammock on the evening of the same day; that he was lodged in the house of the consignee, Mr. Lewis Krafft; that he was visited while there by the master of the brig "Montevideo," Captain J. L. Pendleton, several times; and that Captain J. M. Clapp, recently master of the brig "Ganneclyft," also called upon him while he lodged with Mr. Krafft, but that in consequence of his (deponent's) serious illness, he did not see him; that on the 25th following of same month, he, deponent, remaining sick on shore, and several of the crew being also ill, and seriously threatened with fever, he, by the advice of friends on shore, ordered the mate of the "Cyrus," in writing, to proceed to sea and cruise near soundings for the ben-

efit of the health of the crew, with all the ship's papers on board ; that, under this order, the brig proceeded to sea in charge of the mate, William Colebrook, on the 27th April, 1844.

And deponent further said, that the log-book of the "Cyrus" shows that the mate was taken sick at sea, on the 28th, with a severe cholick ; and that on the 30th of same month, (April,) the "Cyrus" made Cape Padron, bearing S.E. distant 20 miles, and that on the following day, being the 1st of May, she entered the river Congo ; that on the 3d of May the brig again went to sea, (part of the crew still sick,) and cruised off Cape Padron until Monday the 6th of said month, when, at 3 o'clock, p. m., the "Cyrus" was again boarded by a boat belonging to her Britannic Majesty's brig "Heroine;" that the officers of the boat demanded the papers of the "Cyrus," which the mate at first refused to show ; that the British officer said he understood the vessel had been sold, and that he must see her papers ; that the mate replied that he (the mate) was not the captain ; that if he were, he would abandon the vessel before he would show her papers against his will ; that the commander of the boat said he would be forced to show them, and the mate being very sick at the time, and not wishing to be, or to avoid being insulted, showed the officer of the boat the ship's papers.

And deponent further said, that the log-book of the "Cyrus" also shows that on the 9th of May, the brig, being at anchor, parted her cable in a heavy squall, got under way, and proceeded to Cabinda, where she arrived on the 10th following.

And deponent further said, that at the time of the said arrival of the "Cyrus" at Cabinda, he, deponent, still remained sick on shore, and that after getting an anchor from the brig "Agnes," of Brandywine, Captain Godel, then lying at Cabinda, he, deponent, ordered the "Cyrus" to go to sea again; to avoid the sickness on shore, and that on the day next following the brig did again proceed to sea.

And deponent further said, that according to the log-book of the "Cyrus," said brig, after proceeding to sea, continued to sail off and on near Cape Padron until the 22d of May, and that on the same 22d of May, the vessel being in latitude 6° 1' N. and longitude 11° 30' E., at 8 a. m., a sail hove in sight on the larboard bow, which gave full chase after the "Cyrus," and, not being able to succeed in the chase, commenced firing her cannon, the balls from which came so close to the brig that the mate thought it prudent to tack, and see what she wanted. The vessel proved to be her Britannic Majesty's brig "Alert," the commander of which boarded the "Cyrus," and by force took the brig's papers out of the mate's trunk ; and not being satisfied with that, he took the brig's log-book, and perused it throughout. When he had completed this violation, the mate told him to take charge of the vessel, (the Cyrus,) but the English officer took no notice of what the mate of the "Cyrus" said, but went into his boat and returned on board the Alert.

And deponent further said, that a narration of the circumstances which took place immediately previous to and during the visit of the commander of the British brig "Alert," just referred to, is contained in a statement signed by William Colebrook, chief mate of the "Cyrus," and three of her crew, by names William Cromwell, William L. Osmers, and John [Peter] Anderson, and also by De la Bourgoniere, the supercargo, and

Miguel Vilarian, the cook ; a certified copy of which statement is hereto annexed, marked C, and to which reference is made.

And deponent further said, that, having recovered from his sickness, he despatched a letter to the brig "Cyrus," then lying at anchor off Cape Padrón, directing the mate to start all the salt-water in the casks on board the brig, and to go into Congo river and fill with fresh water ; and also to take on board a supply of fire-wood, and thence to return to Cabinda ; and at the same time informed the mate that he, deponent, had quite recovered from his sickness, and was sufficiently able to pursue the voyage.

And deponent further said, that it appeared from the log-book of the "Cyrus" that said letter from deponent to the mate was received on board the brig on Sunday the 26th of May ; and that, at noon of same day, the brig was got under way, entered the river Congo at 5 o'clock in the afternoon, and anchored in four fathoms ; that, on the 27th, the anchor was hove up, and the brig proceeded further up the river, and filled some water ; that, on the 28th, they finished taking in water, got under way, and proceeded to Cabinda, where the brig arrived on the 29th, at 3 o'clock p. m.

And deponent further said, that, on the 30th May, 1844, he, deponent, repaired on board the "Cyrus," and immediately gave orders to get the vessel ready for sea on the 1st or 2d of June then following, and also directed all the casks of fresh water to be marked, in order that when each was emptied of fresh, it might be again filled with salt-water for ballast ; that, on the 31st of May, there was taken on board an additional quantity of fire-wood, and eight empty casks.

And deponent further said, that the number of "lay days" at Cabinda, according to the charter-party already referred to, having been completed, and said "lay days" having expired, he, deponent, on the 1st of June, 1844, preparatory to sailing from Cabinda, called upon the consignee, L. Krafft, for his certificate to that effect ; and that such certificate was thereupon written upon the face of said charter-party, and signed by said Krafft, as will appear by certified copy thereof already referred to.

And deponent further said, that, on Sunday, the 2d of June, while he, deponent, was on board, and the "Cyrus" was lying at anchor in the harbor of Cabinda, she, the "Cyrus," was boarded by Captain W. Bosanquet, commanding her Britannic Majesty's brig "Alert," accompanied by one officer, one boy, and a boat's crew of four negro sailors, the boat bearing the British ensign and pendant ; that, when the said boat came alongside the "Cyrus," the deponent hailed, and requested the officer not to come on board, at the same time recognising the said officer to be the commander of the British brig-of-war "Alert," who had before, on the 22d of May last past, once visited the "Cyrus" while at sea, and by force seized and examined her papers and log-book ; that said officer, Captain Bosanquet, without heeding or taking any notice of what he (deponent) said, came on deck with all his boat's crew, and immediately, without asking for the vessel's papers, or inquiring her name, or to what nation she belonged, and without ever passing the civilities of the day, gave orders to his negroes to open the hatches of the "Cyrus," and acting in all respects as if he were about to capture a pirate vessel ; and that Captain Bosanquet and the boy, and two or three of the negroes, went down into the hold of the vessel, and examined her fore and aft ; and that, without finding any cargo on board, or anything but water ballast in pipes, they came again on deck.

Upon their coming again on deck, he (deponent) said to Captain Bosanquet—"Well, sir, are you satisfied now?" or words to that effect; that Captain Bosanquet replied, "no," and demanded that the papers of the brig should be shown to him; that deponent then said to him that he had seen them once already, that he had taken them once by force, and it was unnecessary for him to see them again, or a second time; that Captain Bosanquet replied that the refusal of deponent to show his papers was evidence to him that he had none; and that, therefore, he took him to be a pirate, and added that, from that moment, he (Captain Bosanquet) took charge of the vessel. Whereupon deponent replied that, so long as the American flag was hoisted and flying at his mast-head, and his papers in his trunk, he would be master of his own vessel. That the British officer, Captain Bosanquet, then said that he had been told that the "Cyrus" had been sold, and that *that* was the reason he, deponent, could not show his papers.

And deponent further said, that, believing that the British officer, Captain Bosanquet, would proceed into the cabin, he privately gave orders to his mate to haul down the American flag and place it before and across the companion-way; that soon afterwards, Captain Bosanquet being about to proceed into the cabin, he (deponent) forbade his going down, and told him he could not do so without trampling on the American flag—at the same time deponent, his mate, and two of his men, took hold of the flag and held it across the entrance of the cabin; that upon doing this, the English officer said it made no difference to him, or words to that effect; that he (deponent) then said that the American flag was his arms, his defence and protection, and that he had none other; that without heeding these remarks, the English officer took hold of the flag to pull it down, and, followed by his officer and one negro, rushed upon it, broke it down, trampled it under foot, and entered the cabin; that while the said persons were in the cabin, deponent took his log-book from a table-drawer that was on deck, and, being about to hand it to one of his men, named Peter Anderson, with directions to go into his (deponent's) boat and take it on board the French barque "Guatimozin," and request the captain thereof to keep it for him, when one of the negroes remaining on deck called out to the English captain, and informed him of what he (deponent) was about to do; that deponent then took back or kept the said log-book into his own possession, and the English officer and the two men who were in the cabin with him immediately came on deck and demanded that the log-book, which he saw in deponent's hands, should be given to him; that deponent's answer was, "never;" that as long as he had a drop of blood in his veins, no British subject should take it (the log-book) from him; that the English officer then said he had the power to take it by force, and at the same time ordered one of his negroes to take the book from deponent, and who attempted to do so, but that he (deponent) pushed him aside and stepped back, put himself in a posture of defence, and called upon his mate and crew to come aft and defend their captain, and to arm themselves with handspikes and knives for the purpose; at the same time he (deponent) hailed the barque "Guatimozin," lying close by, saying he was boarded by pirates, and requested them to send men to his assistance; that the crew of the "Cyrus" were much excited by this violation and outrage on their master, and that Captain Bosanquet then called upon deponent to stop his men, saying he did not wish to see any

bloodshed or butchery on board; that nothing further then took place in regard to the log-book; that the English captain again demanded the ship's papers, whereupon deponent told him he could not have them, and asked him to show his authority from the American government to visit an American vessel and examine her papers, and added, that when he did *that*, the papers should be immediately shown to him; that the English officer's answer was, that he had such written power on board the brig "Alert;" that he (deponent) then told him that it was false, that he had no such power, and, if he had, to go on board and fetch it; that the English officer answered that his word was good enough; that deponent said it was not, and asked him who he was, and told him that, as he had no uniform, he had no authority to come on board his vessel, (the "Cyrus,") and that he had good reason to believe him to be a pirate and to treat him accordingly; adding, that unless he showed evidence to the contrary, and a written power from the American Secretary of State to see his papers, he should not see them; that after some further angry and excited conversation had taken place between them, he (deponent) again assured the officer that he had his papers in his trunk in the cabin, at the same time showing the key of said trunk; that the English officer demanded the key to be given to him, and said if it were not, he would take it by force; whereupon deponent defied him to do so, or used words to that effect, and asked him if he wished again to witness the scene that had taken place about the log book; that the English commander then ordered the officer who was with him, and a negro, to go into the cabin, break open the trunk, and bring him the papers; that the deponent and his mate followed them into the cabin, and saw them break open the trunk, take out the papers, bring them on deck, and give them to Captain Bosanquet; that when the negro had broken open the trunk, he (deponent) told the officer that there was in his trunk all his freight, with some other money in gold, a gold watch, and other property, to which said officer made no answer nor took any notice, but immediately went on deck and handed the papers to the English captain, as aforesaid; that after Captain Bosanquet had examined the papers, and while he was perusing them, he (deponent) said to him that he had taken the papers twice by force, and had twice examined them, and that he hoped he was satisfied, and then requested him to give them back to him, informing him that the "Cyrus" was to sail that evening or early on the following morning; that Captain Bosanquet replied, "No, sir, you will not have them," or words to that effect; that he should take them with him on board the "Alert," for the purpose of taking a copy; that deponent then asked him if he should have his papers back that evening, to which Captain Bosanquet answered, "No—perhaps he would return them on the morrow;" that deponent then asked if he should have them early on the following morning, as he was ready and anxious to sail; that Captain Bosanquet replied that he (deponent) should have them when he (Captain Bosanquet) thought proper.

And deponent further said that, having no assurance when the ship's papers would be returned, or even that they would be returned at all, he said to Captain Bosanquet that, as his papers had by force been taken from him, and were in his (Captain Bosanquet's) possession, from that moment he (deponent) abandoned the brig "Cyrus" to the British government; and, holding up the American flag that had been trampled on

by the British officer and negro, told him that he had insulted the American flag, and that it would cost dear to his nation. Whereupon the English officer, Captain Bosanquet, said, "I don't care a damn for the American flag," or words to that effect. That the deponent also told Captain Bosanquet that he had violated the treaty between the United States and the British government; to which Captain Bosanquet replied that he had violated no treaty, and that he knew of none to prevent his searching any vessel that he chose to search.

And deponent further deposed and said, that Captain Bosanquet and the other officer, and the negroes with him, then left the brig "Cyrus," and went into the boat; and that he (deponent) also left the "Cyrus" nearly at the same time, taking nothing with him but the clothes he had on, the log book, which he had in his hand, and the American flag, and went into his boat; and that his mate, and all his crew, soon after followed him; and that he (deponent) has never visited nor stepped foot on board said brig "Cyrus" since that day, nor, to his knowledge, has any of his crew.

And deponent further said that, immediately after he and his crew had abandoned the "Cyrus," as aforesaid, they went on board the French barque "Guatimozin," lying near by, and requested the master of said barque (De Cous by name) to receive them on board, and that Captain De Cous did receive them on board.

And deponent farther said that, on the evening of that same day, he settled with the crew of the "Cyrus;" and, on the following morning, paid them off with money which he obtained from his consignee, Lewis Krafft; that he (deponent) gave to each of his crew a certificate to the effect that they were of the crew of the American brig "Cyrus," abandoned as aforesaid, to be presented to the first consul of the United States they could reach, in order that they should be sent by such consul to the United States; that he (deponent) also obtained for his crew a launch, called "La Fortune," belonging to L. Krafft, the consignee of the "Cyrus," on board of which, the same being well supplied with provisions and water, he ordered them to embark, on the 4th of June, thence for Angola; that, on the evening of the 3d of June, he (deponent) left Cabinda for "Cham;" and that, at that time, the "Cyrus" was lying at anchor as aforesaid, and that there was no person on board of her; and that, since that time, the deponent has never seen the "Cyrus," nor does he know what has become of said brig.

And deponent further said that he shipped on board the French barque "Guatimozin," of Bordeaux, at Cabinda, bound for Rio de Janeiro; that said barque left Cabinda on the 27th June, 1844, and proceeded direct to her destined port; that said barque touched at no intermediate place; that Cape Frio was the first land made on the coast of South America; and that said barque arrived at Rio de Janeiro on the 28th of July, 1844, in charge of the mate, M. Challot—the master, De Cous, having died at sea, on or about the 16th of the same month of July.

And deponent further declared that, neither before nor after discharging his cargo from Havana, at Cabinda, nor at any other time, had he taken on board any articles of cargo whatever for the uses or purposes of the slave trade; that he had not at any time, on or off the coast of Africa, nor anywhere else, proposed or received propositions to sell his said vessel the "Cyrus," directly or indirectly, for the slave trade, or any other trade;

that his cargo and voyage, and course of trade, were in all respects strictly lawful; and that he (deponent) has no knowledge whatever of the fate of the said brig "Cyrus," since his abandonment of her, as aforesaid, on the forcible search and seizure of her papers by a naval officer of the British government. And further deponent said not.

P. C. DUMAS.

Wherefore the deponent, late master of the brig "Cyrus," of New Orleans, aforesaid, declares to protest, and, by these presents, does solemnly protest, on his own behalf, and on the part and behalf of the owners, and all others interested or in any respect concerned in the said brig "Cyrus" and her cargo, money, gold, or other property on board, or either of them, against the said British brig-of-war "Alert," and her commander, officers, and mariners, and all others whom it doth or may concern, for having so seized and taken out of said brig "Cyrus" her papers; and thus, and in manner aforesaid, having captured said brig "Cyrus," her cargo, money, gold, and other property; and also for losses, costs, damages, and expenses already suffered, or which may hereafter accrue, by reason of the foregoing premises.

And deponent further declares, that he now looks alone to the government of the United States for redress in the premises, against the unlawful proceedings herein complained of and protested against.

Thus done and protested, at the city of Rio de Janeiro, this twenty-second day of August, in the year of our Lord one thousand eight hundred and forty-four.

[L. s.] In testimony whereof, I have hereunto set my hand, and affixed the seal of this office, the year and date aforesaid.

GEORGE WM. GORDON,
Consul of the United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro:*

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original deposition and protest, on record at this consulate.

[L. s.] Given under my hand and seal of office, this twenty-fourth day of August, 1844.

GEORGE WM. GORDON,
Consul of the United States.

A.

It is this day mutually understood and agreed upon between P. C. Dumas, on behalf of the owners of the American brig Cyrus, 112 tons, whereof the same is master, now lying in this port, on the first part, and A. Perez, merchant of this city, on the second part, as follows:

That the said vessel being tight, stanch, strong, and in every respect fitted for the intended voyage, Captain Dumas shall receive on board in this port a full cargo, to consist of merchandise, 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 hereby agrees to furnish.

The said vessel being so laden, Captain Dumas shall, with all possible despatch, make sail for the port of Cabinda, direct; 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.

In consideration whereof, freight shall be paid immediately on the delivery of the cargo, at the rate of thirty-five hundred dollars—two thousand dollars of which shall be paid previous to the sailing of the vessel, and the balance on receipt of the receipted bill of lading of the delivery of the cargo to Captain P. C. Dumas.

The lay days shall be as follows: fifteen running days for loading here, and sixty running days for discharging at Cabinda and awaiting orders, either there or at some port in the neighborhood of Cabinda. 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 according to the custom of this port.

It is further understood and agreed that the cargo is to be received and delivered alongside of the vessel, within reach of the ship's tackles. All port charges on the coast will be paid by the freighter. And for the due performance of the several articles of agreement, the respective parties do hereby bind themselves, their heirs, executors, administrators, and assigns, in the penal sum of ———; restraint of rulers, the act of God, pirates, enemies, and all and every of the dangers of the seas, rivers, and navigation, of whatsoever nature and kind, always excepted.

In testimony whereof, the respective parties have hereunto set their hands in duplicate, at Havana, this third day of January, in the year of our Lord one thousand eight hundred and forty four.

P. C. DUMAS.
A. PEREZ.

Witness:

CLEMENTE PRILLAC,
B. AUGUR.

CABINDA, *June 18, 1844.*

I certify that the brig "Cyrus" has accomplished her sixty days in Cabinda harbor.

L. KRAFFT.

B.

[Sundry marks]

Deliver to Lewis Krafft, esq., or
order.

A. PEREZ.

Shipped, in good order and well conditioned, by A. Perez, upon the good brig called the "Cyrus," whereof is master for the present voyage P. C. Dumas, now in the harbor of Havana, and bound for Cabinda—to say: thirteen hundred and ninety-seven packages, as per note on the other side, 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 Cabinda, (dangers of the seas only excepted,) unto order or his assigns, he or they paying freight for the said goods, as per charter-party, without primage and average accustomed.

In witness whereof, the master 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 in Havana, the 3d day of January, 1844.

P. C. DUMAS.

$\frac{H}{[HC]}$	52 bales of merchandise.	
$\begin{array}{c} 3 \\ \diagdown \\ \text{c} \\ \diagup \end{array}$	6 do.	do.
P T	15 do.	do.
$\frac{W}{[W]G}$	5 do.	do.
$\frac{\wedge}{\text{c}}$	1 do.	do.
X	1 do.	do.
B J	6 boxes	do.
$\frac{H}{J H}$	3 do.	do.
$\frac{J \& C}{[H]}$	3 bales	do.
$\frac{c}{[BC]}$	1 do.	do.
$\frac{c}{[JH]}$	5 boxes	do.
Z	1 do.	do.
F A	5 boxes	knives.
VE	2 do.	do.
$\begin{array}{c} \wedge \\ [H] \\ \vee \end{array}$	16 boxes	matches.
W&S	2 do.	looking glasses.
F&C	1 do.	merchandise.
$\frac{H \& C}{APC}$	2 do.	do.
AS&C	2 do.	razors.
L	3 bales	merchandise.
	11 boxes	crookery-ware.
	48 pipes	rum.
	974 kegs	powder.
	17 boxes	guns.
	185 bars	iron.
	1 seroon	containing bells.
	6 barrels	assorted cordials.
	2 seroons	tobacco.
	5 boxes	chewing tobacco.

6 barrels pitch and tar.
10 do. flour.

1397

Received the said goods as mentioned in bill of lading.

L. KRAFFT.

CABINDA, April 12, 1844.

C.

Extract from the log-book of the American brigantine Cyrus, of New Orleans, Captain P. C. Dumas.

MAY 22, 1844.

In latitude $6^{\circ} 4'$ north, longitude $11^{\circ} 30'$ east.—At 8, a. m., I was standing to the southwest, and a vessel hove in sight on the larboard bow. At 11h. 30m., I tacked ship to the southeast; the sail in sight hauled to the eastward and gave chase after us. I immediately hoisted the American ensign; but she still gave full chase, and firing her cannon at us in rapid succession. I then perceived that she was an English brig-of-war. The shot from her cannon came so close that I was doubtful of their carrying away some of our spars, rigging, or sails. I tacked ship to the southwest to see what they wanted. As soon as I was abreast of the brig, I tacked the fore yard, and I immediately perceived that they were about to board us. As soon as the boat had arrived at the distance of about ten yards from us, I hailed her, and inquired what boat it was; but the officer would give me no answer. When the boat had fully reached the ship, I requested of the officer not to come on deck; but both he and the boat's crew jumped on deck, as if they were about to make a seizure of a pirate vessel. He then told me that he was the captain of her Majesty's brig Alert, Captain Bosanquet; that he wanted to see our papers. But I refused to show our papers, and asked of him if he took no notice of our ensign. He made answer that it was not sufficient for him—that he must see the ship's papers; but I refused to show them, but offered him a letter that I received from the captain in Cabinda, that would prove the vessel to be the American brig Cyrus, of New Orleans, and likewise that the captain was remaining at Cabinda. The vessel having, according to the charter-party, several more lay days, the captain thought it prudent to send me with the vessel to cruise a few days at sea for the benefit of the health of the crew, being, at the time of sailing, one-third sick; but all this would not serve him. He then said that if I would not show them, he would make a search, and find them by force. He then required one of his men to come in the cabin, and told him to search that trunk, which was mine, and in that he found the papers. He read them, and, not satisfied with that violation, took my log-book and perused all through. When he had finished, and satisfied himself of ransacking the ship, I told him to take charge of her; but he took no notice of that, went in his boat, and proceeded on board of his brig.

I do here, and all the undersigned, solemnly swear and protest that the whole of the above specified is the truth, and nothing but the truth.

WILLIAM COLEBROOK,
Chief Mate.

WILLIAM CROMWELL.

WILLIAM L. OSMERS.

PETER × ANDERSON.

DE LA BOURGONIERE, *Supercargo.*

MIGUEL VILARIAN.

D.

Protest of the American brig Cyrus, Captain P. C. Dumas, of New Orleans, against the British brig-of-war Alert, Captain Bosanquet.

We, the undersigned, captain, mate, crew, supercargo, and passenger, certify that this day, the 2d of June, *one thousand eight hundred and forty-four*, at one p. m., a boat, with the English flag and a pendant up, [approached the *Cyrus*.] When near alongside, Capt. P. C. Dumas hailed the boat, and requested of the officer not to come on board; at the same time recognised the commander of the British brig-of-war *Alert*, who had already visited the *Cyrus* by force when at sea. The boat boarded us, and manned by the captain, one officer, one boy, and four negroes, sailors. All came on deck, without taking any notice of the captain's remarks, and ordered his negroes to open the *hatches*, and acting as if they were capturing a *pirate* vessel. The British captain, officer, and men, went in the *hold* to search, and found that we had nothing but water ballast in pipes: they came up, and the British captain requested the ship's papers, and to be handed to him immediately. Captain D. answered that he had seen them once, taken by force at sea; it was no use to see them twice. The British captain said, "Refusing to show me your papers is a proof that you have none; and I take you to be a *pirate*, and from this moment I take charge of the brig." Captain D. said to him, as long as the American flag will be hoisted, and the ship's papers on board in his trunk, he would still be captain of his own ship. The British captain said that he was told that the brig had been sold, and it was the reason that Captain D. could not show his papers. Knowing that he would go down in the cabin to make a search, Captain D. ordered to haul down the American flag, which was placed before the cabin's door. The British captain wanted to go down in the cabin, and Captain D. observed to him that he could not step down without trampling on the *United States* flag. His answer was, that it made no difference, and immediately rushed in the cabin, followed by his officer and a negro, trampling the flag under their feet. After having searched all through the cabin, they came on deck. The British captain, perceiving the log-book in the hands of Captain D., he told him to let him have it. The answer was, *never*; and, as long as he would have a drop of blood in his veins, no British subject would take it away from him. Then he observed that he had the power to obtain it by force; at the same time ordered one of his negroes to take the book from the captain, who obeyed the order given to him. But Captain B. stepped back and called for his mate and

crew to defend him, and the book was not taken from the captain, who, at the same time, called to the French barque "Guatimozin," of Bordeaux, for assistance. The crew of the *Cyrus* excited with such violation, the British captain told the captain of the *Cyrus* to stop his men, because he did not wish to see any blood spilt, nor butchery: then nothing took place, but again requested of Captain D. the ship's papers. Then the captain of the *Cyrus* required of the British captain to show him his authority from the American government, giving him the power to visit an American vessel by force, then the papers would be immediately showed to him. He said that he had the power on board of his brig (the *Alert*,) which was lying four miles at sea, anchored; that his word was good enough. Captain D. said to him, "If you don't show me the power, I will not let you see my papers;" at same time told him, "Here is the key" (showing it only) "of the trunk which the papers are in." Then the British captain required Captain D. to let him have the key, or he would have it taken away from him by force. Captain D. defied him to do so. Then he said he was going to have the trunk broken open. No answer from Captain D. He then ordered his officer and negro to go in the cabin and have the trunk open. They broke it and found the papers. At the moment, Captain D. had observed to the officer that he had in his trunk money in gold, and a gold watch. He made no answer, went on deck to hand the papers to his captain, Mr. Bosanquet. Captain D. said to him, "Now you are satisfied to see that the papers were on board, and twice in your hands by force. Please give me those papers, because the brig *Cyrus* will make sail to-morrow." He answered, "No, sir; you will not have them. I take them with me to take a copy; and, perhaps, will return them to you to-morrow." Captain D.'s answer to him was, "As long as my papers are taken away from me, I make abandon of my brig, for the account of the British government; also, my officers and crew." At the moment the British captain left the vessel, Captain D. jumped in his boat alone, without taking anything from the vessel, observing to the British captain that he had insulted the American flag, and it would cost dear to his nation. His answer was, that the American flag was nothing to him.

We all swear that the above is nothing but the truth.

CABINDA HARBOR, *June 2, 1844.*

P. C. DUMAS, *Captain.*

WILLIAM COLEBROOK,

Chief Mate.

PETER ANDERSON, his × mark.

WILLIAM L. OSMERS.

M. BECARDS.

WILLIAM CROMWELL.

JAMES JOHNSON, his × mark.

DE LA BOURGONIERE.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro:*

Personally appeared before the undersigned, consul of the United States, Peter J. Do Coultio, who, being duly sworn upon the Holy Evangelists, deposed and said, as follows:

That the deponent is a native of London, in England; that he went

to Cabinda, in Africa, in the French barque Guatimozin, De Cous, master, where he arrived on or about the 12th January last past, and there engaged in business; that, on Sunday, the 2d of June following he was employed about 200 yards from the shore, near by which the American brig Cyrus, Captain P. C. Dumas, then lay at anchor—say at the distance of about 300 yards from the said shore; that, near the middle of the day, on the same 2d of June, he (deponent) saw a boat, with the English ensign flying, approach said brig Cyrus, and he (deponent) saw an officer and several men from said boat go on board said brig Cyrus.

And deponent further said, that, on the evening of the same day, he (deponent) met Captain Dumas, master of the brig Cyrus, on shore at Cabinda; and that he (Captain Dumas) informed deponent that the Cyrus had that day been boarded by an English officer, by name W. Bosanquet, commanding her Britannic Majesty's brig-of-war Alert, who had by force taken from him his ship's papers, and had grossly insulted and trampled upon the American flag.

And deponent further said, that Captain Dumas, at the aforesaid time and place, also told him that, in consequence of this outrage on the part of the British officer, he (Captain Dumas) had abandoned his brig Cyrus to the British government.

And deponent further said, that he (deponent) joined one Antonio Lopez da Costa Recio in making a certificate to that effect, bearing date June 3d, 1844; a certified copy of which certificate being hereunto annexed, and to which reference is now made.

And deponent further said, that the French barque Guatimozin was consigned to the mercantile house with which he (deponent) was connected at Cabinda, and that he (deponent) frequently saw and conversed with Captain De Cous, master of said barque; and that he (deponent) was informed by said De Cous that, on the evening of the 2d of June aforesaid, Captain Dumas, of the brig Cyrus, with the mate and crew of said brig, came on board the Guatimozin, and claimed his hospitality; and that the crew of the Cyrus remained on board the Guatimozin several days.

And deponent further said, that he was told by said De Cous that, on the 3d of June, 1844, the Guatimozin was boarded by Captain Bosanquet, of the "Alert," who at that time requested him (Captain De Cous) to say to Captain Dumas that he (Captain Bosanquet) should send the brig Cyrus to New York, and requested him (Captain De Cous) to ask Captain Dumas and his mate to take passage in said Cyrus to New York.

And deponent further said, that he (Captain De Cous) had no opportunity to deliver such message to Captain Dumas until after said brig Alert had sailed and left Cabinda.

And deponent further said, that, according to his (deponent's) own knowledge, the Alert sailed and left Cabinda on the afternoon of the aforesaid 3d of June, 1844.

And deponent further said, that the brig Cyrus aforesaid lay at anchor, where she was boarded by the said British officer for several days thereafter, during which time she was entirely deserted; and that on the third or fourth day after the said visit of the British officer—it being on the 5th or 6th of said June—he (deponent) saw the Cyrus get under way, and proceed to sea, but in charge of whom he (deponent) could not say.

And deponent further said, that he had frequent intercourse with Captain Dumas while they remained at Cabinda; and that, on the 27th of

June, they left Cabinda together, on board the barque Guatimozin, for Rio de Janeiro ; and that he (deponent) is possessed of knowledge satisfactory to himself that said Dumas never visited nor set his foot on board said brig Cyrus, after he abandoned her on the 2d day of June aforesaid.

And deponent further said, that the barque Guatimozin sailed from Cabinda on the 27th of June, 1844, for Rio de Janeiro, having on board no cargo except fifty or sixty logs of dyewood, a few pots of plants, and six or eight pipes of water, and provisions for the crew ; that the ballast consisted of stones ; and that there was nothing else on board.

And deponent further said, that the chief mate of the Guatimozin, by name Leroy, died of fever at Cabinda on the 25th of June, and was buried on shore ; that the master of said vessel, Captain De Cous, died at sea on or about the 16th of July following ; and that the Guatimozin arrived at Rio de Janeiro in charge of the second mate, by name M. Challot, on the 28th July, 1844.

And deponent further said, that the Guatimozin touched at no place on her passage between Cabinda and Rio de Janeiro, and that Cape Frio was the first land she made on the coast of South America ; that the crew of the Guatimozin from Cabinda to Rio de Janeiro, as aforesaid, consisted of six men before the mast, a cook, a steward, and an apprentice, by name Desbordes ; and that there were four passengers, to wit : Captain Dumas, of New Orleans, late master of the brig Cyrus, Captain Antonio Lopez da Costa Recio and servant, and deponent himself ; and that there was no other individual, white or black, on board said barque Guatimozin during said passage from Cabinda to Rio de Janeiro aforesaid. And further deponent said not.

P. J. DO COULTO.

Sworn at the city of Rio de Janeiro this 22d day of August, 1844,
[L. s.] before me,

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original, on record at this consulate.

Given under my hand and seal of office, this 24th day of August,
[L. s.] 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before the undersigned, consul of the United States, Paul Desbordes, a Frenchman, who, being duly sworn upon the Holy Evangelists, deposed and said as follows :

That he (deponent) is a native of Bordeaux, in France ; that, although French by birth and education, he understands and is familiar with the English language ; that he joined the French merchant barque " Guatimozin," at Bordeaux, on the 29th of June, 1843, as an apprentice (*politien*) ;

that said barque sailed from Bordeaux on the said 29th of June, 1843, for Rio de Janeiro, in Brazil; thence to Cabinda, in Africa; thence again to said Rio de Janeiro; and thence back again to said Cabinda, at which place said vessel, on this second voyage to Cabinda, arrived on the 30th of May, 1844. And deponent further said, that while said barque "Guatimoziu" was lying at anchor in the harbor of Cabinda aforesaid, the American brig "Cyrus," Captain P. C. Dumas, of New Orleans, also lying at anchor but a few fathoms distant from the "Guatimoziu," on the 2d day of June, 1844, at about 8 or 9 o'clock in the morning, saw a brig near the entrance of the harbor, which was discovered to be a British vessel of war. At or about 10 o'clock, a. m., on the same day, the British brig despatched in the direction of the roadstead a boat, which first visited two American brigs then lying at anchor near the "Guatimoziu." The first visit of the boat was to the American brig "Agnes," and the second to the American brig "Cyrus," P. C. Dumas, master, of New Orleans; that, soon after the English boat had boarded the "Cyrus," the American flag that was flying at the mast-head of said brig was lowered, and the captain of the same hailed the "Guatimoziu" from his deck, uttering these words: "Envoyez moi des forces;" (that is, in English, "send me assistance;") which words were distinctly heard on board the "Guatimoziu;" that to said call the master of the "Guatimoziu" made no answer, nor did he send the assistance requested; that, a short time afterwards, the American flag was rehoisted on board said brig "Cyrus;" the men belonging to the British boat being still on board said brig; that soon thereafter the English boat left the "Cyrus," and, manned by three or four negroes, and having on board two officers and a boy eight or ten years of age, came alongside the "Guatimoziu." The master of the "Guatimoziu" hailed the boat in French, and asked what was wanted, and also inquired if they had the special orders of the French government authorizing them to visit a French vessel? And not receiving any answer, he (the master) repeated the last question in English, and was answered by an officer, as he was coming on board, that he had them. On the British officer's reaching the deck, the master of the "Guatimoziu" requested him to exhibit his papers, and told him that, without his showing his authority, he protested against any visit. The British officer then said he had them on board his vessel. The master of the "Guatimoziu" persisted in his protest against any visit, unless he produced his authority to do so from the French government. Upon which the British officer re-embarked, and returned on board his brig. And deponent further said, that the name "Alert" was inscribed upon the hats of the boat's crew, by which the name of the English vessel was discovered; that as to the names and rank of the English officers, he (deponent) was ignorant; that the two officers had nothing but straps, without epaulets, to distinguish them. And deponent further said, that, immediately upon the termination of the visit of the English boat to the "Cyrus," the master of said brig, by name Dumas, abandoned her—first taking down the American flag; and that, soon after the departure of the English boat from the "Guatimoziu," the master, mate, and some of the crew of the "Cyrus" came on board the "Guatimoziu," and asked hospitality and the protection of the French flag, and stated that their flag ("the American flag") had been trampled upon by the English; that the papers had been taken from them by force, and carried off by the officer commanding the visiting boat. And deponent further said, that

the master of the "Guatimozin" complied with their request, and granted them an asylum on board his barque; that Captain Dumas, however, went on shore that same evening; but that the mate and seamen of the "Cyrus" remained on board two or three days, and then left in a large boat, as he (deponent) understood, for Angola. And deponent further said, that when Captain Dumas brought the American flag on board the "Guatimozin" aforesaid, the flag was soiled, and bore marks of having been recently ill used. And deponent further said, that, on the following day, being the 3d of June, the aforesaid British officer again visited the "Guatimozin," and exhibited to Captain De Cous a paper which he took from his pocket, when Captain De Cous immediately handed him the ship's papers. And deponent further said, that the British officer, when he was on board the "Guatimozin," told Captain De Cous to say to Captain Dumas that he would send him and his crew in the "Cyrus" to New York for trial; and that a few hours afterwards the "Alert" was seen going to sea, before Captain Dumas could possibly be apprized of the message. And deponent further said, that a few days afterwards the "Cyrus" disappeared; he (deponent) not knowing by whom taken away. And deponent further said, that the "Guatimozin" left Cabinda on the 27th of June, in ballast, and arrived in the port of Rio de Janeiro on the 27th of July last, in charge of the mate, M. Challot—the master, De Cous, having died at sea during the passage; that the crew consisted of eight men, and that there were on board four passengers, viz: Captain P. C. Dumas, of New Orleans, late of the brig "Cyrus;" Captain Recio and servant, by name José Ignacio; and Mr. Do Coultto, of Cabinda, formerly of London. And further deponent said not.

PAUL DESBORDES.

Sworn at the city of Rio de Janeiro, this 20th August, 1844, before
[L. s.] me,

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original, on record at this consulate.

[L. s.] Given under my hand and seal of office, this 24th August, 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before the undersigned, consul of the United States of America at the city of Rio de Janeiro, Martin P. Anderson, who, being duly sworn, deposed and said as follows :

That the deponent was born in Salem, Massachusetts; that he shipped at this port of Rio de Janeiro, on board the French barque "Guatimozin," De Cous, master, on or about the 12th day of April, 1844. From this port the "Guatimozin" sailed on or about the 13th April aforesaid, and arrived at Cabinda, in Africa, on or about the 30th of May following; and

that while said barque "Guatimozin" was lying at anchor in the harbor of Cabinda, the American brig "Cyrus," Captain P. C. Dumas, master, of New Orleans, also lying at anchor within hailing distance of her, the "Guatimozin," on Sunday, the 2d day of June, 1844, in the morning, or early part of the day, saw a brig lying at anchor several miles distant, and at or near the entrance to the harbor, which was afterwards discovered to be her Britannic Majesty's brig "Alert," commanded by Captain Bosanquet; and, in the course of the forenoon of the same day, the British brig despatched, in the direction of the roadstead, a boat, which visited the vessels then lying there; that the deponent saw said boat from the British vessel approach the American brig "Cyrus" aforesaid, and, after being delayed alongside a few moments, saw an officer and several men proceed from the said boat and go on board the said brig "Cyrus;" that at this time the American flag was flying at the mast-head of said brig, but was soon after hauled down; that, after the officer and men belonging to the English boat had been on board the "Cyrus" a short time, he (deponent) saw them go aft, and appeared to be engaged in a parley with the master of the brig; and that, soon after, he (deponent) saw some disturbance on board said brig, and at that time the master of the "Cyrus" called to the "Guatimozin" for assistance. The American master hailed the "Guatimozin" in the French language, and asked Captain De Cous to send men to his assistance; that to this call Captain De Cous made no answer, and paid no attention, for the reason, as the deponent afterwards learned, that the "Cyrus" was of a different nation, and Captain De Cous thought it not prudent or proper to interfere. And deponent further said, that the officers and men belonging to the English boat remained on board the "Cyrus" about an hour; and that, on leaving the "Cyrus," they came in their boat and visited the "Guatimozin;" that there were on board the boat two officers, neither of whom was in uniform, but both wore frock coats, and, as deponent thinks, with covered buttons, and white pantaloons; also a young man, supposed to be a midshipman, but not in uniform, and four men—three of whom, if not all of them, were negroes; that the officer commanding the boat and the midshipman, only, came on board the "Guatimozin;" that they came on board without the permission and against the direction of Captain De Cous. After a few moments' conversation with Captain De Cous, and not being received with much politeness, they left the barque and returned to their boat, the officer saying he should visit the "Guatimozin" again on the morrow. And deponent further said, that, on the same 2d day of June, and after the visit of the "Alert's" boat to the "Guatimozin," just described, Captain Dumas, of the American brig "Cyrus," with his mate and crew, consisting of four men, came on board the "Guatimozin," and stated to Captain De Cous that the English officer had taken from him, by force, the brig's papers; that he had insulted and trampled upon the American flag; and that he (Captain Dumas) had abandoned the "Cyrus" to the British government, and requested Captain De Cous to receive his men on board the "Guatimozin" for a day or two, until he could find an opportunity to send them away, and they were accordingly received on board. And deponent further deposed and said, that on the following day, being the 3d of June, the aforesaid British officer again visited the "Guatimozin" in the launch of the "Alert," accompanied by a large number of men, two officers, and two marines—the latter armed with muskets; that the officer

in command exhibited to Captain De Cous a paper, which he took from his pocket; whereupon Captain De Cous immediately handed him the ship's papers, and invited him into the cabin; that, soon after, they returned on deck, and the English officer directed the hatches of the "Guatimozin" to be opened, and ordered the officer who was with him to examine the vessel throughout; and that, without waiting for the execution of said order, the officer in command left the "Guatimozin" and proceeded in his boat, accompanied by the two armed marines and several of his boat's crew, and went on board the "Cyrus." After they had boarded the "Cyrus," deponent saw them bailing water, as if preparatory to washing the decks; that, after they had remained on board the "Cyrus" for nearly half an hour, they returned to the "Guatimozin;" that, after the commanding officer had again come on board the "Guatimozin," the said officer asked the other officer, whom he had left to examine the vessel's hold, if he found all things right? and the answer was, that he did; that the English officer in command (supposed to be Captain Bosanquet) addressed Captain De Cous, and requested him, should he see Captain Dumas, to say to him that he (the English officer) was going to send the "Cyrus" to New York, and that he would give Captain Dumas and his mate a passage in the "Cyrus," if they wished; that the English officer, accompanied by all his men, then left the "Guatimozin," and returned to the "Alert." And deponent further said, that a few hours thereafter, and on the afternoon of the same 3d day of June, and before Captain De Cous had seen or had time to find Captain Dumas, or to convey to him the message left by the English officer, the "Alert" got under way, and proceeded to sea, leaving the "Cyrus" at anchor where she had been, and without any person on board. And deponent further said, that the "Cyrus" lay at anchor where she was when abandoned by Captain Dumas until Wednesday, the 5th of June, without any one being seen on board of her; and that, on that day, towards evening, he (deponent) saw a boat go alongside the "Cyrus," with one white man and five or six blacks; and that, on the next day, (Thursday, the 6th of June,) the "Cyrus" was gotten under way, and proceeded to sea; and the deponent had seen nothing of the said brig "Cyrus" since. And deponent further said, that, after the brig "Cyrus" had left Cabinda as aforesaid, he (deponent) heard Captain De Cous say to the mate of the "Guatimozin," by name Leroy, that, as the "Cyrus" had been abandoned, and had lain in port two days with no one on board of her, she had been taken possession of by the authorities of Cabinda; but of this fact deponent could say nothing of his own knowledge. And deponent further said, that the "Guatimozin" left Cabinda on the 27th of June, 1844, in ballast, consisting of stones; that the chief mate of the "Guatimozin," by name Leroy, died two days before the barque left Cabinda, and was buried on shore; that the master, Captain De Cous, died at sea on or about the middle of July, 1844; and that the vessel arrived at Rio de Janeiro, in charge of the second mate, by name M. Challot, on the 28th of same month of July; and that she touched at no place between Cabinda and the port of Rio de Janeiro, but came direct—Cape Frio being the first land made on the coast of South America; that the crew of the "Guatimozin," between Cabinda and Rio de Janeiro, consisted of himself (the deponent) and five other men, a cook, a steward, and an apprentice, by name P. Desbordes; that there were four, and only four, passengers, to wit: Cap-

tain Dumas, of New Orleans, late master of the brig "Cyrus," who also did duty as our officer on the passage between Cabinda and Rio de Janeiro as aforesaid; Captain Recio and servant, by name José Ignacio; and Mr. Do Coultto, of Cabinda. And further deponent said not.

MARTIN P. ANDERSON.

Sworn before me, at the city of Rio de Janeiro, this 22d day of August,
[L. s.] 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original, on record at this consulate.

Given under my hand and seal of office, this 24th day of August, 1844.
[L. s.]

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before the undersigned, consul of the United States of America, at the city of Rio de Janeiro, Joshua M. Clapp, late master of the brig Gannecliff, of New York, who, being duly sworn upon the Holy Evangelists of Almighty God, deposed as follows :

That he (deponent) arrived at Cabinda, coast of Africa, on the 21st of March last past, in said brig "Gannecliff;" that, on the 31st of the same month of March, arrived at Cabinda aforesaid the brig "Cyrus," of New Orleans, P. C. Dumas, master; that, on the 1st of April following, he (deponent) being then on board the American brig "Montevideo," of New York, and lying within 50 or 60 rods from the brig "Cyrus" aforesaid, saw a boat from her Britannic Majesty's brig "Heroine," (then at anchor in the offing,) go alongside said brig "Cyrus," and, after a moment's delay, saw an officer go on board said vessel; that he saw the same officer, after remaining on board the "Cyrus" 15 or 20 minutes, leave said vessel, and return to his boat; that he (the officer) then proceeded to board the brig "Montevideo" before mentioned; that, while the said officer was on board the brig "Montevideo," he (deponent) asked him (by name Spence, a lieutenant) if he had a right to demand and insist upon examining the papers of an American vessel? to which he (the officer) replied that he had not, and that he could not make a prize of an American vessel under any circumstances. And further, that Captain Dumas, of the "Cyrus," had just refused to let him come on board said brig as a British officer, to examine his papers, but admitted him as a private individual, and in that capacity he went on board; that, when the British officer came on board the "Montevideo," he asked Captain Pendleton (the master) the tonnage of the vessel, where he was from, what passage he had, and how long he had been lying at Cabinda; of all which he took notice in a blank book he had with him. Captain Pendleton then asked him if he wanted to see his papers? He replied that he did not;

bord, les ayant laissés, disait-il, pour n'avoir pas reconnu le pavillon français ; ce que moi ne pensant pas pouvoir être, le pavillon du brick anglais ayant été reconnu dès son apparition, et par conséquent bien avant qu'il expédiât son canot, j'ai maintenu ma protestation, non de forces, mais uniquement de droit ; sur quoi l'officier s'est réembarqué et a regagné son bord. Le nom de 'Alert' était écrit sur les chapeaux des canotiers, ce qui nous a fait connaître le nom de navire. Quant aux grades des officiers, nous l'ignorons, les deux n'ayant que des attentes sans epaulettes. Le capitaine et l'équipage du *Cyrus* ayant abandonné le navire sans pavillon après le départ du canot anglais, le second et des hommes de son équipage sont venus à bord demander l'hospitalité et la protection du pavillon français, le pavillon américain ayant été, disaient-ils, foulé aux pieds par les anglais, et les papiers de leur navire pris de force, et emportés par l'officier commandant le canot anglais. J'ai acquiescé à leur demande, et leur ai offert momentanément un asile à mon bord. Le trois Juin, à dix heures du matin, la chaloupe de l'*Alert*, commandée par le capitaine de S. M. B. commandant le dit brick, est venu à bord, et ayant trouvé tout en règle, le commandant a été prié de la constater ici."

{ A cet endroit du journal de mer, se trouve la signature ci-contre. }

W. BOSANQUET,
Commander of H. B. M. sloop Alert.

Plus bas sur le même journal du mer, il y avait :

"Le vingt sept Juin appareille, le *Cabinda* à l'est ; ayant embarqué quatre passagers, dont l'un est le capitaine américain Dumas, du brick le *Cyrus*, de la Nouvelle Orléans, et le nommé José Ignacio, portugais, matelot ; ces deux derniers n'ayant aucun papier, et ne pouvant en avoir, faute d'autorités à Cabinda ; et pris la direction de Rio de Janeiro, n'ayant, par le fait du débarquement à Cabinda de tous les passagers, et de l'entier déchargement, aucune obligation de continuer jusqu'à Gorée, et trouvant un avantage marqué en allant à Rio de Janeiro."

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of a document, certified by the chancellor of the legation of France, at Rio de Janeiro, under date of 10th August, 1844, to be a correct extract from the log-book of the French barque "Guatimozin," of Bordeaux, Captain De Cous.

[L. s.] Given under my hand and seal of office, this 20th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

[Translation.]

Extract from the log-book of the three-masted barque "Guatimozin," of Bordeaux, Captain De Cous.

On Sunday, the second day of June, 1844, about nine o'clock in the morning, (the French flag having been hoisted at eight o'clock,) perceived

a brig just clear of the southwest point of the roadstead, which we discovered to be an English vessel of war. Towards ten o'clock this brig despatched, in the direction of the roadstead, a boat, which first accosted two brigs (American galleots) lying at anchor. The boat having boarded the second of them, (the "Cyrus," of New Orleans,) and the flag of that vessel having been lowered, her captain hailed us from his deck, uttering these words: "Envoyez moi des forces," ("send me assistance,") which were distinctly heard by the whole crew, and by other persons who were on board. Not considering myself entitled to interfere in the differences of foreign nations, even if I had possessed the means of doing so, I made no answer to this appeal, which, however, I have thought it my duty to mention. Some time afterwards, the flag of the brig having been re-hoisted, the English boat, manned by four blacks, and having on board two officers, and a boy of eight or ten years of age, came alongside of us. Having hailed the boat in French, to know what it wanted, and then inquired if it carried the special orders of the French government authorizing a visit of the vessel, and not having received an answer, I repeated the last question in English, and was told by an officer that he had them, whilst he was mounting on board. On his reaching the deck I requested him to exhibit his papers, "without which," I said, "I would protest against any visit." He then said that he had them on board his vessel, having left them, as he declared, in consequence of not having remarked the French flag; which appearing to me not to be the fact, as the flag of the English brig had been seen the moment the vessel came in sight, and, consequently, long before its boat was sent off, I persisted in my protest—not forcibly, but solely as a matter of right; upon which the officer re-embarked and returned to his brig. The name "Alert" was inscribed upon the hats of the boat's crew, by which we discovered the name of the vessel. As to the rank of the officers, we are ignorant, the two having nothing but straps without epaulets. The captain and crew of the "Cyrus" having abandoned their ship without a flag, after the departure of the English boat, the mate and some of the hands came on board of us to ask hospitality and the protection of the French flag—the American, according to their account, having been trampled upon by the English, and their papers taken by force and carried off by the officer commanding the visiting boat. I complied with their request, and offered them an asylum on board. On the third of June, at ten o'clock in the morning, the barge of the "Alert," commanded by the captain of her Britannic Majesty commanding the same brig, came on board; and having found all right, the commander was requested to acknowledge it here.

At this place on the log book the opposite signature is inscribed.

W. BOSANQUET,
Commander of H. B. M. sloop "Alert."

Further down, upon the same log-book, it is said:

"On the 27th of June, ready for sea, (Cabinda to the east,) having taken on board four passengers, one of whom was Captain Dumas, of the brig "Cyrus," of New Orleans, and the aforementioned José Ignacio, a Portuguese sailor—the two latter having no papers, and not being able to procure any in consequence of a want of authorities at Cabinda; and directed our course to Rio de Janeiro, not having any reason to continue on to Goree, on account of having disembarked all the passengers, and dis-

charged the whole cargo, and there being a decided advantage in going to Rio de Janeiro."

CABINDA, le 2 de Juin, 1844.

Nous, soussignés, certifions que le Capitaine Dumas, commandant le brick américain "Cyrus," de la Nouvelle Orléans, a fait, ainsi que son équipage, abandon aux anglais de son navire, après que le Capitaine Bosanquet, du brick de guerre anglais "Alert," eut enlevé ses papiers, et que dès lors le Capitaine Dumas n'a pas remis les pieds à bord de son navire.

Fait en rade de Cabinda, à bord du "Guatimozin," de Bordeaux, les jour, mois, et an, comme dessus.

M. CHALLOT.
P. DESBORDES.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original certificate this day exhibited to me by Captain Dumas, of New Orleans.

[L. s.] Given under my hand and seal of office, this twentieth day of August, eighteen hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

[Translation.]

We, the undersigned, certify that Captain Dumas, commanding the American brig "Cyrus," of New Orleans, has, as also his crew, abandoned his vessel to the English, after Captain Bosanquet, of the English brig-of-war "Alert," had taken away his papers; and that from that time Captain Dumas has not set foot on board his vessel.

Written at Cabinda roadstead, on board the "Guatimozin," of Bordeaux, on the day, month, and year, above stated.

M. CHALLOT.
P. DESBORDES.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before me, the undersigned, consul of the United States, M. Challot and P. Desbordes, and, being severally duly sworn upon the Holy Evangelists of Almighty God, made oath, each for himself, that the statement set forth and contained in the annexed certificate is true; and that their names, at the foot of the same, are of their own proper handwriting.

[L. s.] Sworn by the said deponents, on the twentieth day of August, eighteen hundred and forty-four, before me,

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original affidavit.

[L. s.] Given under my hand and seal of office, this twenty-fourth day of August, eighteen hundred and forty-four.

GEO. WM. GORDON,
Consul United States.

We, the undersigned, certify that Captain P. C. Dumas has abandoned his brig, the *Cyrus*, of New Orleans, after his papers were taken away from him by force, by the commander of her Britannic Majesty's brig "Alert," and that Captain P. C. Dumas has never put his feet on board of his vessel since.

PETER J. DO COULTO.
ANTO. LOPEZ DA COSTA RECIO.

CABINDA, *June 3, 1844.*

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original certificate this day exhibited to me by Captain P. C. Dumas, of New Orleans.

[L. s.] Given under my hand and seal of office, this 22d day of August, 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

Personally appeared before me, the undersigned, consul of the United States, Peter J. do Coultto and Antonio Lopez da Costa Recio, and, being severally duly sworn upon the Holy Evangelists of Almighty God, made oath, each for himself, that his name, at the foot of the annexed certificate, is of his own proper handwriting, and that the statement set forth and contained in said certificate is true.

[L. s.] Sworn by said deponents on this 23d day of August, 1844, before me,

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro* :

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original affidavit.

[L. s.] Given under my hand and seal of office, this 24th day of August, 1844, before me,

GEO. WM. GORDON,
Consul United States.

CABINDA, *June 13, 1844.*

This is to certify that we, the undersigned, do know that the hermaphrodite brig "Cyrus," of New Orleans, was abandoned by Captain Dumas and crew on the 2d of June, 1844, on account of the commander of her Britannic Majesty's brig Alert coming on board and forcibly taking the vessel's papers; and we firmly believe that Captain Dumas has not put his foot on board of said brig "Cyrus" from that time.

R. S. GOUGH, *of Cabinda.*

WM. M. RAHL, *Captain of brig Agnes.*

ANTONIO LOPEZ DA COSTA RECIO.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro :*

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original certificate this day exhibited to me by Captain P. C. Dumas, of New Orleans.

[L. s.] Given under my hand and seal of office, this 22d day of August, 1844.

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro :*

Personally appeared before the undersigned, consul of the United States, Antonio Lopez da Costa Recio, and, being duly sworn upon the Holy Evangelists of Almighty God, made oath that the statement contained and set forth in the annexed certificate is true, and that his name, at the foot of the same, is of his own proper handwriting; and the said deponent further made oath, that the signatures of R. S. Gough, of Cabinda, and Wm. M. Rahl, captain of brig Agnes, also at foot of the annexed certificate, are each of their own respective proper handwriting, and that said certifiers signed the same in his (deponent's) presence.

Sworn by the said deponent on this 23d day of August, 1844, before me,

GEO. WM. GORDON,
Consul United States.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro :*

I, the undersigned, consul of the United States, hereby certify the foregoing to be a true copy of the original affidavit.

[L. s.] Given under my hand and seal of office, this 24th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

British brig-of-war Alert, Commander Wm. Bosanquet, to Captain P. C. Dumas, Dr.

1844,		
June 2.	To American brig Cyrus, of New Orleans, burden	
	112 $\frac{3}{4}$ tons, newly fitted at Havana	\$10,000
	In trunk broken open by order of Wm. Bosanquet—	
	Freight money received at Havana on account	2,000
	Balance of my freight received at Cabinda	1,500
	14 doubloons, rolled in a paper	224
	Expenses to discharge said crew of Cyrus	1,300
	Do to send them to the United States	1,600
	To a good chronometer, spy glass, charts, instruments, &c.	500
	To a gold watch	75
	To a trunk full of clothes	100
	My passage from Cabinda to Rio de Janeiro	85
	My expenses from 2d June to Washington	600
	Damages for taking away my papers and depriving me	
	of my vessel, &c. &c.	5,000
	To Mr. G. W. Gordon, consul of the United States at Rio	
	de Janeiro, (his fees,)	108
	My passage to New York in the brig Orriol	50
		<hr/>
		\$23,142
		<hr/>

RIO DE JANEIRO, August 27, 1844.

I certify the said account to be correct and true.

P. C. DUMAS.

American brig Cyrus, of New Orleans, to William Cromwell, Dr.

Shipped 15th January, 1844, to 2d June, 1844, 4 months and 18	
days, at \$20 per month	\$92
<i>Credit.</i> —One month paid in Havana	20
	<hr/>
	72
	<hr/>

CABINDA, June 2, 1844.—Received payment.

WM. CROMWELL.

American brig Cyrus, of New Orleans, to Wm. L. Osmer, Dr.

Shipped 15th January, 1844, to 2d June, 1844, 4 months and 18	
days, at \$20 per month	\$92
<i>Credit.</i> —One month paid in Havana	20
	<hr/>
	72
	<hr/>

CABINDA, June 2, 1844.—Received payment.

WILLIAM L. OSMERS.

American brig Cyrus, of New Orleans, to James Johnson, Dr.

Shipped 15th January, 1844, to 2d June, 1844, 4 months and 18 days, at \$20 per month	-	-	-	-	-	\$92
<i>Credit.</i> —One month paid in Havana	-	-	-	-	\$20	
One piece of gingham	-	-	-	-	3	
						<u>23</u>
Balance	-	-	-	-	-	<u>69</u>

CABINDA, June 2, 1844.—Received payment.

JAMES JOHNSON, his × mark.

The American brig Cyrus, of New Orleans, to Peter Anderson, Dr.

Shipped January 15th, 1844, up to 2d June, 1844, 4 months and 18 days, at \$20 per month	-	-	-	-	-	\$92
<i>Charges.</i> —One month paid in Havana	-	-	-	-	-	20
						<u>72</u>
Balance	-	-	-	-	-	<u>72</u>

CABINDA, June 2, 1844.—Received payment.

PETER ANDERSON, his × mark.

CONSULATE OF THE UNITED STATES, *Rio de Janeiro*:

I, the undersigned, consul of the United States, hereby certify the foregoing to be true copies of four original receipts signed by William Cromwell, William L. Osmer, James Johnson, and Peter Anderson, this day exhibited to me by Captain P. C. Dumas, of New Orleans.

[L. S.] Given under my hand and seal of office, this 26th day of August, 1844.

GEO. WM. GORDON,
Consul United States.

Captain P. C. Dumas, late master of brig "Cyrus," of New Orleans, to Consulate of the United States, Rio de Janeiro, Dr.

To recording deposition and protest of Captain Dumas	-	-	-	-	\$10 00
Certified copy of same	-	-	-	-	7 00
Duplicate of same	-	-	-	-	5 00
Certified copy of charter-party and duplicate	-	-	-	-	4 00
Do bill of lading and duplicate	-	-	-	-	4 00
Do protest at sea and duplicate	-	-	-	-	4 00
Do protest at Cabinda and duplicate	-	-	-	-	4 00
Recording deposition of Captain J. M. Clapp	-	-	-	-	2 00
Certified copy of same and duplicate	-	-	-	-	4 00
Recording deposition of M. P. Anderson	-	-	-	-	4 00
Certified copy of same and duplicate	-	-	-	-	8 00

To recording deposition of Paul Desbordes	-	-	-	\$3 00
Certified copy of same and duplicate	-	-	-	6 00
Recording deposition of P. J. do Coultó	-	-	-	3 00
Certified copy of same and duplicate	-	-	-	6 00
Recording deposition of Do Coultó and Recio to their certificate	-	-	-	2 00
Certified copy of certificate and duplicate	-	-	-	4 00
Recording deposition of Recio to his certificate	-	-	-	2 00
Certified copy of certificate and duplicate	-	-	-	4 00
Recording deposition of Challot and Desbordes to their certificates	-	-	-	2 00
Certified copy of certificate and duplicate	-	-	-	4 00
Do account current	-	-	-	2 00
Do seamen's receipts	-	-	-	2 00
Duplicates of the above	-	-	-	0 00
Deposition of Challot and Leroy to extract from "Guati-mozin's" log-book and recording same	-	-	-	4 00
Duplicate of same	-	-	-	4 00
Copy and translation of said extract	-	-	-	4 00
				\$108 00

RIO DE JANEIRO, August 27, 1841.

\$108 00.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, August 27, 1841.

Received of Captain P. C. Dumas, late master of the brig "Cyrus," of New Orleans, one hundred and eight dollars, in payment of the annexed account.

GEO. WM. GORDON,
Consul United States.

Mr. Wise to Mr. Calhoun.

[Extract.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 11, 1844.

No. 3 is a copy of my letter to her Britannic Majesty's minister, Mr. Hamilton, touching the capture of the American brig *Cyrus* by a British cruiser on the coast of Africa. Whilst the captain of this brig, Captain Dumas, was making his protest and taking the depositions of witnesses before the United States consul, the British consul intimated to him, in my presence, that there were rumors of facts which would perhaps invalidate the statements of himself and his witnesses, and which would tend to convict him of the offences of the slave trade. This at once suggested to me the view of the case, that if Captain Dumas was guilty, he ought to be convicted, and none would be more ready or likely to succeed in

furnishing whatever evidence there was to be found here against him than the British authorities; and, if he was an innocent and lawful trader, who had been searched and captured as he described, he was entitled to have his case strengthened by giving due notice to the British authorities here, so that they might have the opportunity to take other testimony or cross examine his witnesses, who were all in this port, and so that the British government should not hereafter have it in its power to plead that they could or might have proved the contrary of Captain Dumas's statement by witnesses in this port at the time. I myself am fully convinced that the case was one of great outrage upon the flag and commerce of the United States, in any and every aspect in which it can be viewed. If I understand the position taken by our government, it is that the flag of the United States shall be a positive protection to their own vessels, and that if any power attempts to exercise the authority to search a vessel sailing under that flag, it must be at its peril. That is to say, if the vessel belongs to the United States and is under their flag, it is, under any circumstances, even where there are slaves themselves found on board, a case for reparation. If the vessel belongs not to the United States, or be under false colors, it is a case of which the United States will not take cognizance. The Earl of Aberdeen, as I understand, yields the point, that where the vessel is found on visit (which means practically the act of search) to belong to the United States, even though she have slaves on board, the British government or cruisers will not pretend to the right of interfering with her. The United States insist that they shall not search to find out whether the vessel be a vessel of the United States or not; and, if they do, and the vessel does belong to their flag, whether slaves be found on board or not, they shall be held answerable. The suspicions, then, respecting Captain Dumas, whether groundless or not, would not affect the case of a violation of our flag; for it is not pretended that the *Cyrus* was not a vessel belonging to the United States and sailing under their flag. As between Great Britain and the United States, a wrong, at all events, has been perpetrated by the armed force of the former upon the flag of the latter; as between Captain Dumas and the United States, he may or may not be a culprit under *their* laws, but Great Britain had no right to exercise any authority whatever over him or his vessel; as soon, therefore, as Mr. Gordon could copy and enclose to me the papers, I addressed my letter to Mr. Hamilton, enclosing to him copies of the papers now sent to the department. He has since expressed to me his thanks for so doing, and said he would forward my communication to his government. I have not heard since of any attempt to justify the capture of the *Cyrus*. I trust that a case so flagrant will not be overlooked by the United States.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, September 21, 1844.

SIR: I enclose to you the within copies of papers communicated to me by the United States consul at this port, and which I have forwarded to the government of the United States, in order that your excellency may have due notice of the testimony taken at this place, in a case where damages, I presume, will be claimed of the British government for the

unlawful search, seizure, and capture of a vessel of the United States by British cruisers; and that countervailing testimony, if any, may be taken, justifying the proceedings complained of. The copies of the papers in the case are sent as soon as they could conveniently be made.

With the highest consideration and esteem, I am your excellency's obedient servant,

HENRY A. WISE.

To his Excellency H. C. HAMILTON,
*Her British Majesty's Envoy Extraordinary
and Minister Plenipotentiary, &c., &c., &c.*

Mr. Barrett to Mr. Calhoun.

COLLECTOR'S OFFICE, NEW ORLEANS,
October 18, 1844.

SIR: I have the honor to transmit to you, herewith, a copy of a letter from P. C. Dumas, late master and owner of the brig "Cyrus," of this port, abandoned to the British government.

I enclose also, herewith, a certificate taken from the register of said brig, upon file in this office.

I have the honor to be, sir, with high respect, your obedient servant,
THO. BARRETT, *Collector.*

To the Hon. JOHN C. CALHOUN,
Secretary of State.

—
RIO DE JANEIRO, August 28, 1844.

To the Collector of the New Orleans Custom house :

SIR: Having made an abandon of my brig "Cyrus," of New Orleans, to the English government, after my papers were taken away from me by force by Mr. Bosanquet, commander of her B. M.'s brig "Alert," please to send a *certificate* to the Hon. Secretary of the Navy, at Washington, that the brig "Cyrus" was an American vessel, (built in the United States,) and was despatched in your *custom-house* for Havana in December, 1843. By so doing, you will oblige me very much.

I have the honor to be, sir, your most obedient servant,
P. C. DUMAS.

N. B.—Stating that I was the captain and only owner of said "Cyrus."

COLLECTOR'S OFFICE, NEW ORLEANS,
October 18, 1844.

P. C. Dumas, of the city of New Orleans, State of Louisiana, only owner of the brig called the "Cyrus," of New Orleans, burden 112 and $\frac{1}{2}$ tons; and also master of said brig, as per register No. 119, issued at this port on the 9th December, 1843. Said brig was built at Salisbury, in

the State of Massachusetts, in the year 1836. She cleared from this port for Havana on the 16th day of December, 1843, and Dumas master and owner.

THO. BARRETT, *Collector.*

Mr. Everett to Mr. Calhoun.

[Extract]

LONDON, *January 3, 1845.*

SIR: I received by the last steamer, on the 30th December, your instructions (No. 115) relative to the case of the "Cyrus," which I shall make the subject of a representation to this government as soon as the somewhat voluminous papers accompanying your despatch can be copied.

Mr. Everett to Mr. Calhoun.

LONDON, *January 22, 1845.*

SIR: I duly received your despatch (No. 115) with the papers relative to the outrage committed upon the American vessel the "Cyrus," P. C. Dumas, master, by Captain Bosanquet, of the British brig-of-war "Alert," off Cabinda, on the 2d of June last. I have drawn up a concise statement of the case in a note to Lord Aberdeen, of the 20th instant, a copy of which is herewith transmitted. I have thought it best to leave the description of the violent proceedings of the 2d of June in the words of Captain Dumas himself, and for that purpose I sent with my note to Lord Aberdeen an extract from his protest made before the American consul at Rio Janeiro, commencing with the allusion to that occurrence, and continued to the end of the protest.

As the British cruising officers are now required by their instructions to report every case of vessels detained and searched as soon as it happens, I presume we may expect an answer to my note without much delay.

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

EDWARD EVERETT.

JOHN C. CALHOUN, Esq.,
Secretary of State.

[Enclosure]

GROSVENOR PLACE, *January 20, 1845.*

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America, has the honor to acquaint the Earl of Aberdeen, her Majesty's principal Secretary of State for Foreign Affairs, that he has been directed to make a representation to her Majesty's government, on the subject of the boarding and search upon the coast of Africa of the brig "Cyrus," of New Orleans, P. C. Dumas, master, by Captain

Bosanquet, of her Majesty's brig of war "Alert," under circumstances, as has been reported to the government of the United States, of singular outrage.

The facts of the case, as they have been represented to the Department of State, are substantially as follows:

On the 9th December, 1843, this vessel, being the property of her commander, sailed for the Havana, where, having discharged her cargo of stores, she was chartered to take a cargo of merchandise to the coast of Africa. On sailing from the Havana on the 16th of January, 1844, the ship's company, besides the captain, consisted of five Americans, being the officers and seamen of the vessel as she sailed from the United States, a cook and steward, foreigners taken in at the Havana, with a supercargo, and a passenger who also came on board at that place. On the 31st of March she arrived at Cabinda, her place of destination, and proceeded immediately to discharge her cargo, and make preparation for the return voyage. On the 17th of April the captain was seized with fever and taken on shore, and some of the crew being attacked in the same way, the mate of the vessel was ordered to cruise off soundings for the health of the ship's company, which was done until the 29th of May, when the "Cyrus" returned to Cabinda. On the following day the captain, being now restored to health, came on board with the intention of sailing in a day or two on the return voyage.

During the progress of these transactions the "Cyrus" had been visited three times by English cruisers, viz: the day after her arrival, by an officer from the "Heroine," who is represented, however, as having boarded the vessel by permission as a private person; on the 6th of May again, while on her cruise above mentioned, by an officer from the "Heroine," who stated that he had understood the "Cyrus" had been sold, and demanded to see her papers, which demand, after an ineffectual refusal on the part of the mate, was complied with; and the third time on the 22d of May, when, being still on her cruise, the "Cyrus" was chased and fired at by her Majesty's brig "Alert," and her papers forcibly taken from the trunk of the mate, and examined by Captain Bosanquet, the commander of that vessel.

On the 2d of June, the "Cyrus," being at anchor off Cabinda, but ready to sail, was approached by Captain Bosanquet in a boat, accompanied by an officer, a boy, and four negro sailors. As the boat came alongside, Captain Dumas recognised the commander of the "Alert," by whom the vessel had, as just stated, been so lately visited, and requested him not to come on board. No attention was paid to this request by Captain Bosanquet, who boarded the "Cyrus" with his boat's crew, and, without asking for papers or addressing any inquiry to Captain Dumas, directed his men to break open the hatches, and descended with the boy and searched the hold.

On his return to the deck, Captain Bosanquet demanded that the ship's papers should be shown to him. Captain Dumas refused to exhibit them, saying that he had seen them once by force, and that it was not necessary that he should see them again. Captain Bosanquet replied that this refusal was evidence that Captain Dumas had no papers; that he should treat him as a pirate, and that from that moment he (Captain Bosanquet) took command of the vessel. Captain Dumas rejoined, that so long as the American flag was flying at his mast head, and his papers were in his

possession, he should be the master of his own vessel. Captain Bosanquet then stated that he was informed the "Cyrus" had been sold, and he believed that to be the reason why her papers were not exhibited to him.

A scene of violence then ensued, of which a description will be found in an extract herewith transmitted, from the sworn deposition of Captain Dumas, to which the undersigned earnestly invites Lord Aberdeen's attention.

After having abandoned his vessel to the British government in the manner described in his protest, the captain of the "Cyrus" discharged and paid off his crew, and embarked himself on board the "Guatimozin" for Rio de Janeiro, where his protest against the proceedings above stated was duly made before the consul of the United States, on the 2d of August, 1844.

While the captain of the "Cyrus" was employed in making his protest, and taking depositions of the witnesses, before the consul and in presence of Mr. Wise, the minister of the United States, her Majesty's consul at Rio de Janeiro intimated to Captain Dumas that there were rumors of his being engaged with his vessel in the slave trade. In consequence of this suggestion, the American minister, desirous, if he were guilty of this offence, that the captain of the "Cyrus" should be brought to justice, and aware that, on the supposition of his criminality, the evidence necessary to conviction was most likely to be in the possession of her Majesty's authorities at Rio de Janeiro, addressed a note to Mr. Hamilton, the British minister at the court of Brazil, transmitting copies of Captain Dumas's protest and the accompanying depositions. Mr. Hamilton acknowledged the receipt of Mr. Wise's note, and informed him that he should communicate it to his government; but the American minister observes in a letter to the Secretary of State of the 11th October, that he has not heard of any steps having been taken by the British authorities in consequence of his representation.

Captain Dumas, having returned home, has appealed to the government of the United States for redress, and the undersigned has been directed to bring the occurrence in the most urgent terms to the prompt consideration of her Majesty's government. Should the facts as above recited appear on investigation to be substantially true, they will doubtless be regarded as a case of extreme outrage on the American flag, and on the rights of a citizen of the United States. The extraordinary complexion of the case, he is sure, will induce Lord Aberdeen to cause the requisite inquiry to be made with the least possible delay.

The undersigned requests the Earl of Aberdeen to accept the assurance of his distinguished consideration.

EDWARD EVERETT.

The EARL OF ABERDEEN, &c., &c., &c.

Mr. Everett to Mr. Calhoun.

[No. 253.]

LONDON, *February 1, 1845.*

SIR: I forward, herewith, a note from Lord Aberdeen in reply to mine on the subject of the "Cyrus," of which a copy accompanies my de-

spatch No. 245. The protest of Captain Dumas and the affidavits attached to it, as furnished by Mr. Wise to the British minister at Rio de Janeiro, having been transmitted to the government here, and an investigation of the case having been ordered, the further communication alluded to by Lord Aberdeen may, I suppose, be expected without much delay.

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

EDWARD EVERETT.

JOHN C. CALHOUN, Esq.,
Secretary of State.

[Enclosure]

FOREIGN OFFICE, *January 30, 1845.*

The undersigned, her Majesty's principal Secretary of State for Foreign Affairs, has had the honor to receive the note which Mr. Everett, envoy extraordinary and minister plenipotentiary from the United States of America, addressed to him under date of the 20th instant, enclosing a representation from Mr. P. C. Dumas, as late master of the brig "Cyrus," of proceedings which took place with respect to that vessel, on the 2d of June last, when, lying at anchor off Cabinda, she was visited by Captain Bosanquet of her Majesty's brig-of-war "Alert."

The undersigned has to state to Mr. Everett that copies of the protest made by Mr. Dumas at Rio de Janeiro, and of depositions accompanying it, were received by her Majesty's government a short time ago from Mr. Hamilton, the British minister in that capital, and that measures were immediately taken for investigating the circumstances of the case; and, so soon as the result of that investigation shall have reached her Majesty's government, the undersigned will have the honor of communicating further with Mr. Everett upon the subject.

The undersigned avails himself of this occasion to renew to Mr. Everett the assurance of his high consideration.

ABERDEEN.

EDWARD EVERETT, Esq., &c., &c., &c.

Mr. McLane to Mr. Buchanan.

[Extract.]

LONDON, *September 18, 1845.*

Lord Aberdeen returned from his tour on the continent with the Queen on the 10th instant, and I have the honor to forward, herewith, two several communications from him, which I received on the day before yesterday, relative to the case of the "Cyrus" and to the claim of Gilman, Smull, & Co.

As I have no other knowledge of the cases referred to in these communications than is contained in the letters of my predecessor bringing them to the notice of the British government, and there being in the archives of the legation no evidence in support of the facts controverted in the communications of Lord Aberdeen, it will not be in my power to proceed further in the subject until I am made acquainted with the President's views, and am furnished with the proofs in support of the claims.

[Enclosure]

FOREIGN OFFICE, *September 15, 1845.*

The undersigned, her Majesty's principal Secretary of State for Foreign Affairs, has to refer Mr. McLane, envoy extraordinary and minister plenipotentiary from the United States of America, to the note which, on the 30th of January last, the undersigned had the honor to address to Mr. Everett in acknowledgment of a note of the 20th of the same month, containing a representation to her Majesty's government on the subject of the boarding and search, upon the coast of Africa, of the brig "Cyrus," of New Orleans, P. C. Dumas, master, by Captain Bosanquet, of her Majesty's brig-of-war "Alert."

In the note above referred to from the undersigned, he stated to Mr. Everett that measures had been taken for investigating the circumstances of the case; and that, as soon as the result of that investigation should have reached her Majesty's government, the undersigned would have the honor of communicating further with Mr. Everett on the subject.

Her Majesty's government have now received the statement of Captain Bosanquet, and the report of the commander of her Majesty's squadron to which Captain Bosanquet was attached, as to the circumstances which occurred on the occasion referred to.

The facts represented to the United States government, by Mr. Dumas, in complaint of the conduct of Captain Bosanquet, are, that, on the 22d of May, the "Cyrus" was chased, and fired at, by her Majesty's brig "Alert;" and that her papers were forcibly taken from the trunk of the mate—the avowed captain, Mr. Dumas, being on shore—and were examined by Captain Bosanquet; and that, on the 2d of June following, she was again approached by Captain Bosanquet in a boat; and that Mr. Dumas then recognised Captain Bosanquet, "the commander of the 'Alert,' by whom the vessel had been so lately visited," and requested him not to come on board.

The undersigned has here to remark that this recognition of Captain Bosanquet by Mr. Dumas is not easily reconciled with the previous statement of Mr. Dumas, that he was on shore when the first visit of Captain Bosanquet took place.

Mr. Dumas continues by representing that, on this second occasion, Captain Bosanquet persisted in coming on board, and that, when there, he expressed a desire to see the papers; that Mr. Dumas resisted this desire, on the ground that he, Captain Bosanquet, had seen them before; that an altercation on the subject then took place: in the course of which, Captain Bosanquet stated to Mr. Dumas that he believed the "Cyrus" had been sold, and that this was the reason why the papers were not exhibited to him; that Mr. Dumas still persisted in opposing the exhibition of papers; and for this purpose placed the United States flag across Capt. Bosanquet's way, and desired his men to hold it, so that it must be torn away, or trampled under foot, before Captain Bosanquet could proceed to the cabin to seek the papers; that Captain Bosanquet did not allow that circumstance to be an obstruction, and that, upon his moving forward, the flag was torn and trod upon; that Captain Bosanquet obtained possession of the papers, and took them away with him, and that, thereupon, Mr. Dumas and the crew abandoned the vessel.

Mr. Dumas further states that the "Cyrus" was a bona fide United

States vessel; that he had never received a proposition to sell his vessel; and that his cargo and voyage, and course of trade, were, in all respects, lawful; and that he had no knowledge whatever of the fate of the "Cyrus" since his abandonment of her, as aforesaid, on the forcible search and seizure of her papers by a naval officer of the British government.

As it appears to the undersigned, the complaint resolves itself therefore into three heads:

1. That Captain Bosanquet persisted in visiting and examining the papers of a vessel which he had no fair grounds for supposing to be other than a United States vessel, and which was one in fact.

2. That Captain Bosanquet's language and conduct were violent; and that he showed disrespect towards the United States flag in effecting his purpose.

3. That Captain Bosanquet took away the papers from the vessel.

On the first head, it appears that a report had been current on the coast that the "Cyrus" had been sold to the Spaniards since her arrival there; and that between the first and second visit paid to her by Captain Bosanquet, that officer had visited the Congo, where the "Cyrus" had recently been, and had there received information which confirmed the former statement; and, according to which, it further appeared that the "Cyrus" was gone to Cabinda to take in water, and then immediately to embark slaves; that he found her ready for that purpose, and therefore considered her, to all intents and purposes, a Spanish vessel.

That Captain Bosanquet was not singular in this suspicion, is shown by two witnesses, whose testimony will not be disputed: the one, Mr. Dumas himself, who states that the officer of her Majesty's ship "Heroine," who had visited the "Cyrus" previously to the first visit of Capt. Bosanquet, had declared to Mr. Dumas that such was the suspicion on which her Majesty's officer of the "Heroine" visited her; the other, Commodore Perry, of the United States navy, who, upon hearing of the complaint made by Mr. Dumas against Captain Bosanquet, wrote to Commodore Jones for an explanation of the circumstances, adding that he was "more desirous of thoroughly sifting the matter, as, from other information in his possession, he strongly suspected that the 'Cyrus,' though originally an American vessel, had passed into foreign hands, and consequently had no claim to the protection of the American flag."

There is, indeed, every ground for believing that this was the case, and that she had been sold to Spanish slave-traders; which, as Mr. McLane is probably aware, has been but too frequently the case with vessels from the United States going to Africa; and that Mr. Dumas and the crew made the conduct of Captain Bosanquet, in removing the papers, an excuse for the step they were about to take, of leaving their vessel. Since, it appears that they were in another vessel alongside the "Cyrus" on the day after that in which Captain Bosanquet had taken away the papers, when Captain Bosanquet, bringing back the papers, then urged them, though ineffectually, to return to the vessel; and that in the interval of three days after that period, the mate and crew still being alongside of her, she was filled with slaves, had openly assumed a Spanish character, and in that character was captured by another of her Majesty's cruisers, she having then on board, as supercargo, a Spaniard who was there on the visit of Captain Bosanquet.

Under these circumstances, it can hardly be said that the statement of

Mr. Dumas, that he knew nothing of the fate of the "Cyrus" after his abandonment of her, is consistent with fact. And, assuredly, such a sequel justified Captain Bosanquet in having doubted her national character, and in having required to see her papers.

With regard to the second charge, that Captain Bosanquet's conduct and language were violent, and that he showed disrespect towards the United States flag in effecting his purpose of seeing the papers; if this had been the case, Captain Bosanquet would have merited, and would have been visited with, the severe displeasure of her Majesty.

But it is to be observed that the very protest of Mr. Dumas shows that he himself did what he could, by irritating language, to provoke hasty expressions on the part of Captain Bosanquet, and that he gave the lie direct to that officer; and that he used violence to a person who was with Captain Bosanquet; and that he called upon his men to arm themselves with handspikes and knives, to prevent Captain Bosanquet from obtaining a sight of the papers of the vessel.

And with respect to the alleged violence of Captain Bosanquet; Capt. Bosanquet utterly denies the charge, and states that during the whole of his proceedings towards the "Cyrus" he behaved with as much mildness and courtesy as possible towards Mr. Dumas; and the commander of her Majesty's squadron, upon inquiry into the facts, declares that he believes that the statement of Mr. Dumas, in this respect, is a gross misrepresentation. And considering the difficulty of attaching credit to other assertions of Mr. Dumas, and the excitement under which he appears, by his own account, to have acted, the undersigned feels fully justified in placing faith in the declaration of her Majesty's officers.

With respect to the third charge, namely, that of taking the papers of the "Cyrus" away from the vessel; her Majesty's government regret that they cannot acquit Captain Bosanquet of a serious transgression of his duty. He has adduced, in extenuation, that the case was so suspicious, and the papers so imperfect and so much calculated to increase the suspicions already existing, that he thought it necessary to copy them, in order to produce them in court if the "Cyrus" were taken as a Spanish vessel, or to forward them to the United States for the United States government to inquire into, if she should return thither; and that, the vessel being in port, she was not detained by his doing so, as would have been the case if she had been at sea. But her Majesty's government entirely admit that these considerations did not justify Capt. Bosanquet's proceeding, and that officer, immediately on its coming to the knowledge of the commodore, was severely and properly reprov'd for it.

With the above exception, the undersigned trusts that the government of the United States will see no grounds to condemn the conduct of Capt. Bosanquet in this very suspicious case, relating, as it does, to a vessel detected in the full prosecution of a slave trade adventure within a few hours of her having claimed the protection of the American flag—a claim which, it cannot be doubted, was put forward at a time when she had already divested herself of all right to be considered as an American.

The undersigned avails himself of this occasion to renew to Mr. McLane the assurance of his distinguished consideration.

ABERDEEN.

LOUIS McLANE, Esq., &c., &c., &c.