



MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

RELATIVE TO

The searching of American vessels by British ships of war.

AUGUST 2, 1850.

Referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States:

I herewith transmit to the Senate, in answer to its resolution of the 5th instant, requesting the President to communicate to that body "any information, if any has been received by the government, showing that an American vessel has been recently stopped upon the high seas and searched by a British ship of war," the accompanying copies of papers. The government has no knowledge of any alleged stopping or searching on the high seas of American vessels by British ships of war, except in the cases therein mentioned. The circumstances of these cases will appear by the enclosed correspondence, taken from the files of the Navy Department. No remonstrance or complaint, by the owners of these vessels, has been presented to the government of the United States.

MILLARD FILLMORE.

WASHINGTON, July 30, 1850.

UNITED STATES SHIP "PORTSMOUTH,"
Porto Praya, June 8, 1850.

SIR: I have the honor to enclose you herewith Commander Powell's report of his doings on the southern station, and copies of his correspondence, &c., numbered from 1 to 11, 13 to 18; also the affidavits of Captain R. J. Clark and Mr. H. C. Raymon, of the barque "*Navarre*," which vessel was captured by a British cruiser.

Commander Powell sent to me by the "Perry" three seamen, who were on board the "*Navarre*" at the time of her capture. I have taken their depositions, and forward them also.

Lieutenant Commanding Foote informed me that, when the officers and crew of the "*Navarre*" were brought into port, neither the captain nor mate came near him, though the crew all took refuge on board his vessel. Lieutenant Commanding Foote sent to Captain Clark, inviting him to come on board, if he had any complaint to make. He did not present himself. There can be no question of that vessel having been designed

for a slaver; and, had the "Perry" not been on the coast, the captain would not have been frightened into the abandonment of his vessel. Besides the cases mentioned by Commander Powell of the "Louisa Beaton" and "Catharine," some others have come to my knowledge of improper interference with our flag. Prompt notices will be taken of these matters. Commodore Fanshawe has evinced the greatest desire to avoid any difficulty with our flag, and, I am quite sure, will give ample satisfaction for every wrong done, and prevent the recurrence of any for the future. The position taken by Commander Powell and Lieutenant Foote will, of itself, insure the observance of proper respect to our flag. It is my intention to proceed directly to the south coast, and take all these matters under my own superintendence. The information you receive from the several reports now made will show you how shamefully our flag has been used for the purpose of carrying on the slave trade; and should you determine to continue our cruises on the southern station, you will see the necessity of providing for their support, without losing two-thirds of their time in coming here for supplies. There seems to me no better way than sending one of the public store-ships to remain on that part of the coast, and to be relieved at proper intervals of time by others with supplies, as they may be required. Such a vessel would act even as a cruiser, and be of as much service as a regular ship of war, besides affording a comfortable retreat for the sick. I would even recommend that one of the small vessels of war be detached, and a store-ship substituted in her place, with such a number of light guns as she might be able to carry. In that way, the magnitude of our force would be maintained, and its efficiency ample as it is now.

The British government have broken up the famous slave station at Gallinas; and so entirely abolished is the traffic in slaves, this side of Cape St. Paul's, that they cruise for its prevention to the eastward of that cape only.

If our vessels are to be continued south, and obliged to leave that coast for supplies, Rio Janeiro or Bahia would be more convenient than this place, and would keep the vessels constantly upon the track of the slavers.

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

F. H. GREGORY,

Commanding African squadron.

Hon. WM. BALLARD PRESTON,

Secretary of the Navy, Washington, D. C.

UNITED STATES SHIP "JOHN ADAMS,"
Off Ambriz, southwest coast of Africa, April 19, 1850.

COMMODORE: I have the honor to report the proceedings of the United States ship "John Adams," under my command, since sailing from Porto Praya, in obedience to your orders of the 6th of February last.

We touched at Monrovia, Liberia, (for kroomen and wood,) on the 17th, and sailed thence on the morning of the 21st of February. We passed close to Cape Palmas, without communicating, and shaped a course down the Gulf of Guinea. On the 10th of March anchored at Prince's island, where I remained until the 16th to refresh the crew and water ship.

As we left, on the morning of the day last named, we fell in

and communicated with the "Yorktown," Commodore Marston, bound into West Bay; all well. The course was shaped for Cape Lopez, on the coast of Africa, along which we ran, when the wind would serve, until the night of the 3d of April, when we anchored off Ambriz, and the next morning fell in with the "Perry."

The British war-steamers "Cyclops," Captain the Hon. G. F. Hastings, senior officer of the southern division, and "Rattler," Commander A. Cummings, came into the anchorage in a day or two. The French war-steamer "Caymau" also made the anchorage the night of the day that we arrived.

I entered immediately into friendly intercourse with the commander of each of the vessels named, during which I was made acquainted with the recent cases of capture of the vessels that make the subject of the correspondence I have the honor to forward to you.

I understand that two of the captured vessels have never been sent in for adjudication after capture. One of them, the "Rowena," was set fire to and destroyed by the British commander at her anchors, off Ambriz, because she was thought unseaworthy. She had put in for repairs, as the master reports. The fate of the other is not known.

Understanding from Captain Hastings that he designed to despatch a cruiser to Commodore Fanshawe (supposed to be at St. Helena) with the correspondence, and believing myself that this is too grave a matter for adjustment by a subordinate, I informed him that the "Perry" should convey the intelligence to you. In the mean time, affairs will wear a more favorable aspect for the interests of our commerce generally; and those doubtful cases, hitherto decided so summarily, may be guarded by the presence of American authorities, to which I am persuaded the British officers would gladly refer.

Leaving the "Perry" before Ambriz, in friendly co-operation with the British senior officer, I proceeded to Loando, some sixty miles to the southward, for information and for water. Here I met the master of the "Navarre," who, after the delay of several days, (he said he had been indisposed,) came on board and made before me the affidavit filed amongst the papers forwarded. I had received the mate on board at Ambriz.

Having accomplished the object of my visit to "Loando," I sailed on the 17th of April to rejoin the "Perry" and despatch her to you. This was effected on the 19th. She was still in company with the "Cyclops," the commander of which vessel (the Hon. G. F. Hastings) sent me a communication relative to the boarding of the "Louisa Beaton" by the "Flying Fish." You will of course decide whether the explanation be of a satisfactory nature. But, at all events, the object is in the main attained, when the parties are thus held to account for their alleged violation of our maritime rights.

On the 1st of April, according to the estimate of the purser, we had four months' provisions on board, with the exception of bread and rice, of which there were but three. Since that period I fell in with an American trader and procured bread enough to make up the fourth month, and rice can be had on the coast; so that, if the provision prove good, we can keep the station until the 1st of June next, by which time you may possibly have at your disposal (if such be your desire) a vessel to replace us. The English force on the southwest coast is a large one—

“Cyclops” and “Rattler” (steamers) I found here; “Pluto” (steamer) at the Congo; “Centaur” and “Gladiator” passed to the southward just prior to my arrival; “Water Witch” (brig) is off Benguela; “Flying Fish” (brig) off Kabenda; doubtless others—for information of which I respectfully refer you to Lieutenant Commanding Foote. These vessels have all made captures, and some of them of several vessels claiming, in the first instance, American nationality—in short, capturing under the circumstances set forth in the papers submitted to your consideration. Nor do I see any permanent remedy for it (unless approved) but the presence of an American force.

Our people are thus far healthy; and, up to this day, I have found the climate good. The officers are well.

I have already troubled you with a large correspondence, and will therefore conclude with the assurance that I am, commodore, very respectfully, your most obedient servant,

L. M. POWELL,
Commander.

Commodore FRANCIS H. GREGORY,
*Commanding United States naval forces
on the west coast of Africa.*

UNITED STATES SHIP “JOHN ADAMS,”
Off Ambriz, southwest coast of Africa, April 19, 1850.

COMMODORE: I have the honor to forward such papers of the barque “Navarre” as the late master, Clark, was able to put into my hands; also the shipping articles, preserved by the mate, Raymon, to be filed with the affidavits and sent to the Secretary of the Navy, at his request.

They are numbered from 1 to 16, with a receipt explaining the same.

I am, very respectfully, your most obedient servant,

L. M. POWELL, *Commander.*

Commodore F. H. GREGORY,
*Commanding United States naval forces
on the west coast of Africa.*

ST. PAUL DE LOANDO, *April 16, 1850.*

Received of Captain Robert J. Clark, late master of the American barque “Navarre,” of Philadelphia, the following list of papers pertaining to the said barque, purporting to be—

1. Crew list, Rio de Janeiro, 28th December, 1850, signed at the United States consulate by Carlos Raynsford, for United States consul;
2. Crew list, Santa Catharina, 15th January, 1850, signed at the United States consulate by Robert S. Cathcart, acting United States consul;
3. Certificate of crew list, Santa Catharina, 15th January, 1850, signed at the United States consulate by Robert S. Cathcart, acting United States consul;
4. Bill of health, Santa Catharina, 15th January, 1850;
5. Certificate of the nationality of the American barque “Navarre,” Santa Catharina, 15th January, 1850, signed at the United States consulate by R. S. Cathcart, acting United States consul;

6. Clearance from custom-house, January 15, 1850;
7. Bill of hospital tax, January 15, 1850;
8. Consul's bill for papers, &c., 15th January, 1850, signed by R. S. Cathcart, acting United States consul;
9. Certificate of deposit of substituted register and shipping papers in the United States consulate at Santa Catharina, signed by R. S. Cathcart, acting United States consul;

10. Certificate of increase of crew list, signed at the United States consulate at Santa Catharina, by R. S. Cathcart, United States consul.

Together with the shipping articles received from the mate at Ambriz, and also sundry old papers found in the said barque "Navarre" (subsequent to his purchase of her) by Captain Clark.

L. M. POWELL,
Commander in the U. S. navy, and com'g U. S. ship "John Adams."

ST. PAUL DE LOANDO,
United States ship "John Adams," April 17, 1850.

SIR: I herewith enclose a receipted list of papers left in my hands by you yesterday.

I also take this occasion to certify that you made a protest to me, in full, setting forth the illegal capture, by her Britannic Majesty's steamship "Firefly," of the American barque "Navarre," of Philadelphia, of which you are the late master.

Very respectfully, your obedient servant,
L. M. POWELL, *Commander.*

Capt. ROBERT J. CLARK,
Late master of the barque "Navarre," St. Paul de Loando.

U. S. "SHIP JOHN ADAMS,"
At sea, off Ambriz, April, 1850.

COMMODORE: I forward for your information the accompanying correspondence with the commanders of her Britannic Majesty's cruisers named therein, touching the capture of several vessels claiming to be American, but said to have been seized under Brazilian colors, as Brazilian property, by the officers of the British cruisers, after the American flag had been struck; and also the complaints of some of the captured parties, together with those of two masters of American merchant vessels, the only two I have fallen in with on the southwest coast of Africa.

The list of captures, for which I beg to refer you to Lieutenant Commanding A. H. Foote, who furnished me with it, may be deemed a large one; and the cause of capture, so far as set forth in the enclosed reports of British officers, seems to be inadequate and insufficient. Under this impression I have interposed, so far as the very imperfect information, received for the most part from the British commanders, would justify the interposition.

That our flag is used and abused for the purpose of sheltering the African slave trader, both here and on the coast of Brazil, is a shameful truth—by Brazilians, and other foreigners, to evade the British cruisers;

and by our own people, to cover foreigners and their property from search and capture, when the latter were destined for the slave trade. But this, though unlawful before an American tribunal, gives no right to a foreign officer to visit, search, and seize an American vessel; nor has this been the plea for seizure, but quoted to strengthen the alleged cause, to wit: "false American papers"—to sustain which allegation, not a tittle of evidence other than assertion has been adduced.

In the mean time, several vessels under the flag, with American master, mate, and crew, proper log-book, and "American papers," are boarded, the papers declared "false," and another nationality set up, seemingly for the sole purpose of seizure. For why should another party volunteer to be seized as a guilty party? The vessel is "seized accordingly," sent up to St. Helena, and in ten days thereafter passes through the court.

These entire proceedings appear to me to be so irregular as to require their immediate communication to the commander-in-chief; and I have therefore determined to despatch the "Perry," whose time is up, or nearly so, with this information.

With the hope, commodore, that these proceedings will meet your approbation, I am, sir, very respectfully, your obedient servant,

L. M. POWELL, *Commander.*

Commodore FRANCIS H. GREGORY,
*Commanding U. S. naval forces,
Coast of Africa.*

U. S. SHIP "JOHN ADAMS,"

Off Ambriz, southwest coast of Africa, April 7, 1850.

SIR: On the list of captures of American vessels, or vessels under the American flag, politely furnished by Captain Hastings, of the "Cyclops," to Lieutenant Foote, commanding U. S. brig "Perry," I find the "Lucy Ann" named as one of them, and seized by the "Rattler," under your command.

As everything connected with the use and abuse of the American flag on this coast is necessarily of peculiar interest at this moment, I most respectfully request that you will be pleased to communicate to me, for the information of my government, the requisite details for the thorough understanding of the case in question.

With high consideration, I am, sir, very respectfully, your obedient servant,

L. M. POWELL,
Commander U. S. Navy.

Commander A. CUMMING,
*Commanding H. B. M. steam-sloop "Rattler,"
off Ambriz, southwest coast of Africa.*

H. M. STEAM-SLOOP "RATTLER,"
Off Ambriz, April 7, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of this day, requesting me to furnish you, for the information of your government, with the details of the capture by H. M. sloop under my command of a brig "called" the "Lucy Ann," on the 20th February, with 547 slaves.

In compliance with your request, I beg to enclose a copy of the particulars attending her seizure, which I had the honor to transmit on that occasion to the British commander-in-chief, Commodore Fanshawe, C. B.

With high consideration, I have the honor to be, sir, your obedient servant,

ARTHUR CUMMING, *Commander.*

Commander L. M. POWELL,
Commanding U. S. corvette "John Adams."

HER MAJESTY'S STEAM-SLOOP "RATTLER,"
At sea, February 22, 1850.

SIR: I have the honor to inform you that, on the 20th instant, her Majesty's sloop "Rattler" captured a brig called the "Lucy Ann," with five hundred and forty-seven slaves on board.

The facts connected with this capture are instructive, and will tend to show the difficulties which beset an officer in the discharge of an onerous duty on this coast; and I therefore beg to submit the following:

On the evening of the 18th instant, I personally boarded this vessel, for the first time, off Ambrizette, and examined her papers, to ascertain her nationality. They appeared to me in order, and sufficient to justify her sailing under the flag of the United States. They had also previously been examined by several experienced officers, without a defect having been detected. The visit, sir, was performed with the respect due to the honorable flag she had assumed, and in strict compliance with the instructions—the brig not even having been hove-to on my going on board or quitting her. Her movements, however, having excited my suspicion, at night-fall, I placed her Majesty's sloop in a position to "see her," should she sail with slaves; and on the morning of the 20th, the same brig hove in sight, standing to the westward, having a moderate breeze, and under all sail. As she continued her course, and no effort to escape being made, I was enabled to board her at 9h. 30m. a. m., and was shown the papers I had previously examined, without observing any alteration. She was at this time under the United States flag. Her decks were perfectly clean, and her hatchways carefully—I may add almost hermetically—closed, and a boom-boat over all. When about to leave, a low, indistinct murmur, wrung from the accumulating sufferings of her human cargo, became audible, and steam, forced from the pressure below, visible. I "mutely" directed the ostensible captain's attention to this, when he instantly declared the papers to be false—that he was not the master—ordered the mate to haul the American ensign down, and hoist her proper colors, Brazilian, under which flag the hatches were removed, and a most revolting spectacle exhibited. More than five hundred slaves of both sexes had been thrust below, impressed with the idea that, if they betrayed themselves by

the slightest noise, their lives would be immediately sacrificed: they therefore preserved the strictest silence until the powers of endurance became exhausted.

I endeavored to secure the papers, which were confessedly false, but found an opportunity had been taken to throw them overboard—a circumstance I much regret.

Many of the crew were evidently citizens of the United States—which, however, they denied; and, in the absence of any proof of their nationality, I was reluctantly induced to allow them to land with the Brazilian crew. Their anxiety to avoid being recognised as Americans is a clear proof of the sincerity of that government; for they looked with dread upon the sure and certain punishment that would have awaited them.

I believe, sir, I am not singular in my opinion, when I state that at least one-half of the successful part of the slave trade is carried on under the American flag—but certainly not under its protection. I have had the opportunity of meeting American cruisers in the bights of Benin and Biafra, and can bear testimony to the vigilance with which their officers watch over their flag, in order to prevent its being violated by adventurers who may think proper to hoist it, without any legal right, for the impunity it affords them; but the number of American cruisers on the station is so small, in proportion to the immense extent of the slave-dealing coast, that it is to be feared, unless that squadron is increased, or more extended powers granted to the commanders of her Majesty's cruisers in ascertaining (in these waters) the true nationality of a vessel hoisting the flag of a nation not a party to the slave treaties, the generous sacrifices of our country may be lost, and the hopes of the African philanthropist never be realized.

I have the honor to be, sir, your most obedient servant,
ARTHUR CUMMING,

Commander.

Commodore ARTHUR FANSHAWE, C. B.,
Commander-in-chief, &c.

U. S. SHIP "JOHN ADAMS,"

Near Ambriz, southwest coast of Africa, April 7, 1850.

SIR: The verbal information tendered by you during my visit to-day, touching the capture of several vessels under the novel and peculiar circumstances of wearing the flag of the United States, showing American papers, officered and manned in part by American citizens, and exhibiting a log-book in due form to the boarding officer and to the commander of H. B. M. cruiser conducting the examination; and then, when notified that the examination was not satisfactory, and the determination announced that the vessel and parties claiming American nationality should be sent for adjudication to the United States authorities, the striking said United States flag, destroying the papers, (in one case by seizing them from the hands of the British officer, and casting them into the sea,) the absolute denial of being the proper officers of said vessel or vessels, and bringing forward new claimants to the ownership and officers in the persons of Brazilians, who were hitherto silent lookers on, and who hoisted the Brazilian flag, and the consequent seizure of the vessel,—

were heard by me with the interest which the subject merited. I take this occasion to say that it was received in the friendly spirit which marked the tone of the communication—with a full appreciation of the difficult and embarrassing circumstances attending the transactions.

It would have been my duty to request of you a more formal statement of the details of capture or seizure of the vessels, but for the information also given that the subject-matter had already been transferred to the commander in chief of the British forces on the coast of Africa.

I agree with you that the *past* occurrences in question are in the proper channel of communication between the functionaries of our respective governments.

But as new cases of similar character may present themselves, I feel impelled by a sense of duty to repeat here the opinion expressed at the interview above recited, with some additional reflections. On the high seas, the flag, the papers, the American master, mate, and crew in part, the log-book, and American *build* of the vessel, are evidence of American nationality which must be conclusive, as to *foreigners*. These embrace all the evidence which ships can give as to their true and lawful character; and they may be defective in many respects, in the eye of the law of the nations to which they belong, respectively, without forfeit of loss of nationality, which can only be changed under certain provisions of the law. The averments of parties claiming the benefit of American nationality must be either admitted or denied. If the first, the officials of a foreign power have, of right, no manner of control or jurisdiction, *no matter what the purport of the voyage may be*, (piracy excepted) If denied, there exists no right in the foreign official to adjudicate the case on the high seas: the claimants and their property must be taken into court, or must be released.

If these principles be sound, apply them to the case now in question. The vessel is American in model, an American claims to be her master, as also her mate and crew in part, the papers are exhibited, the log-book opened, all under her proper flag, but the foreign boarding officer is not yet satisfied as to her nationality. There are suspicious Brazilians about the deck, and he demands a further scrutiny, and finds the vessel prepared to receive or actually full of slaves. In the mean time, the master is alarmed, hauls down the American flag, destroys his papers, declares he is not the captain, calls out a Brazilian, who invests himself with office as the captain. All this, in some cases, in the presence of the British officer, who seizes the vessel as Brazilian, and discharges the delinquents. *He adjudicates* the case as far as the American parties are concerned, and perhaps wrongfully—certainly so far as the suppression of the slave trade is involved; and this is the only object for which our governments expend the treasure and sacrifice the lives of our people on this coast so freely—wrongfully, for the probabilities are that the destroyed papers are genuine documents, which, produced in evidence against the parties before United States tribunals, would subject them to heavy penalties of the laws prohibiting the slave trade—wrongfully, for the parties, be they who they may, are not held to answer for their crimes.

Is it not, therefore, reasonable to infer that this is the motive for the destruction of the papers—that they are too good for preservation? If so, or if there be a reasonable doubt of it, is not the adjudication premature and wrongful, both as regards the government of the United States, which

alone has jurisdiction in the case, and wrongful, as regards the common object, to wit : the suppression of the African slave trade, from the absolute impunity afforded to the atrocious violators of our laws? Hence, is not the inference a fair one, not that the papers were false, but genuine, and proved too much?

It is wrong in other respects. It is a dangerous exercise of surveillance over the commerce of a friendly nation; for the boarding officer may be mistaken. That such is the fact, perhaps in most of the enumerated instances, may fairly be inferred from the admission that one or more of the vessels captured by H. B. M. cruisers—the “Lucy Ann,” for instance—had been previously examined, and suffered to proceed on her voyage as a true and lawful American trader, and two days after was seized by the same cruiser, (“Rattler,”) with identical papers. Such proceedings lead directly to those vexatious annoyances which tend to disturb the otherwise amicable relations of nations ardently desirous of perpetuating peace. Two instances in point have already been brought under my notice, though but a few days upon the coast—the first, that of the barque “Catharine,” Stodder, master, spoken at sea, before my arrival; and the second, the report of the master of the “Louisa Beaton,” Captain Bailey—the second American merchant trader which I have fallen in with here.

It pained me to learn from each of the parties named that they felt aggrieved at what they deemed vexatious interruptions, to which they had been subjected by the British cruisers whilst in the prosecution of their lawful commerce.

I transmit the report of the boarding officer of this ship.

The second complained to me in person that he had been boarded off Kabenda by an officer from the “*Flying Fish*,” who ordered his hatches to be taken off, but was requested by said master first to examine his papers before he searched, and reminded that the laws of the United States did not admit of the right of search.

The African slave trade is carried on to the same extent nearly (as a point of delivery) on the Brazil coast, along the shores of which is the great highway of half the commerce of the United States. Shall this summary process to be translated thither? The statement of the case carries its proper answer. However much the hearts of our people may be set upon the abolition of the African slave trade, I do not hazard much in saying that they are not prepared to pay this price to effect it.

But let us reverse the case as made by the captors of the vessel, which has led to these reflections. The vessel hoists the Brazilian flag, shows her papers and her log. The Brazilian master and his crew appear, to meet the scrutiny of the boarding officer. She fails to prove her nationality, and is about to be seized, for any supposed cause. Shall it be suffered that his first character may be repudiated, and the vessel rescued at the last moment by a transfer of it to another party, kept in reserve for such a contingency? And yet such is the case in hand, and applies, I believe, to each and all of the recent captures made by her Britannic Majesty’s cruisers on this station, where the American flag was used.

The conversation at this stage naturally turned upon a remedy for these embarrassing difficulties in the way of officers charged with the execution of duties involving consequences of so grave a nature. The naval commanders of our respective countries are enjoined by the treaty of 1842 to

consult for co-operation in the measures best calculated to effect the common object; and I gave you my opinion then, and take this occasion to repeat it, that I do not think the admission of the second-hand claimants to confer new nationality on the vessel about to be disposed of, on the high responsibility of the captors, for the reasons above recited, is the best means of effecting the suppression of the African slave trade; that, on the contrary, whilst it may do grievous wrong to one of the parties, it secures the evil-doers from the penalty of the law.

In conclusion, I refer with unfeigned gratification to the sequel of our renewed conference upon the matter now in question, wherein you say that the presence of the United States forces on this coast will enable you to refer cases of doubtful nationality affecting American interests to the authorities most concerned, and that such will be the course of her Britannic Majesty's cruisers under your orders until the result of the contemplated reference to your commander-in-chief shall be known; and to the readiness manifested by you to co-operate in any manner with the naval forces of the United States in the more effectual suppression of the slave trade.

Permit me to add that the acquaintance which has grown out of our brief intercourse with yourself and officers has been a source of pleasure to me, and that I am, sir, most respectfully, your obedient servant,

L. M. POWELL,

Commander United States Navy.

Captain the Hon. GEORGE F. HASTINGS,

*Senior officer of the Southern Division of H. B. M. forces
on the southwest coast of Africa, off Ambriz.*

HER BRITANNIC MAJESTY'S STEAMSHIP "CYCLOPS,"
Off Ambriz, southwest coast of Africa, April 8, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, recapitulating a conversation which I had the honor of holding with you on the subject of the recent captures made by her Britannic Majesty's cruisers on the south coast, of *Brazilian vessels*, who, on first boarding, displayed the American colors, and produced American papers to our boarding officers, but eventually, on the officer observing the illegality of their papers, register, &c., and doubting their nationality, changed their characters immediately to Brazilian, and, without any intimidation or coercion on our parts, deliberately destroyed the American papers, hauled down the American colors, and gave their vessels up as fully-equipped Brazilians for the slave trade.

I gladly bear testimony to the most perfect correctness of this conversation, as related by you from memory, on this subject, and would now beg to offer you my remarks upon the statements you have thought it your duty to address to me.

1. I would beg very respectfully to deny that in any of our recent captures we have attempted to adjudicate upon any of the cases; for, on the vessels being delivered over to us as Brazilians, they were detained, and, in every instance but *two*, (which were vessels in a disabled and leaky state,) sent to St. Helena for adjudication, and, by our accounts received from the admiralty court there, have been condemned. Had the American papers which were presented been the legal ones, and the mas-

ter remained true to his colors, of course our duty would have been, doubting the vessel's nationality, to have apprized the American authorities of the vessel's suspicious character, and have left the case in their hands; but the destruction of the papers by the parties placed it beyond our power to bring any charge against them as other than Brazilians, which the majority of the crew claimed to be.

2. The complaints which you state have been made already to you by the masters of the American traders—that they felt aggrieved at what they deemed vexatious interference, to which they were subjected—surprise me much, for in no instance has any complaint been preferred to me by any master of an American vessel. It is true that we have certainly boarded American traders, but, in every instance that has come to my knowledge, strictly complied with the spirit of the treaty between the United States and Great Britain in visiting vessels of the former nation to ascertain their true nationality.

We have been placed in a very difficult and delicate position with respect to American traders, not having seen any American cruisers on this coast for, I believe, the last two years; and vessels which to-day were boarded by our cruisers as Americans, having, as they stated, general cargo on board for the coast of Africa, have been captured the next day with slaves on board, under Brazilian colors, and given up to us as Brazilian vessels. One case out of many I beg to send for your information, as contained in the letter (marked No. 1) enclosed.

3. I can see no analogy in the cases you "*reverse*"—vessels employed as legal traders not being permitted to carry *two* sets of papers, or claim for their convenience a nationality they are not entitled to; and I consider it my duty in any part of the world to detain and send for trial before the proper tribunal vessels so situated. In my opinion, such vessels would be considered pirates, and vessels of war could legally detain them on the high seas. I am also of opinion, from the knowledge which I have obtained in the recent captures, that had an American cruiser fallen in with any of those vessels, and no British vessel in sight, they would have displayed the Brazilian colors, and presented Brazilian papers, for the purpose of evading the American officers' scrutiny.

I enclose a report (marked No. 2) detailing the capture of the barque "*Pilot*" by her Britannic Majesty's steam-ship under my command. I boarded her in person, and examined her papers. No intimidation or threats were used, but the vessel was deliberately given up to me as a Brazilian slave vessel. This same vessel was recognised by some of our officers as having visited this part of the coast (Ambriz) last July, then called the "*Quincy*," of Boston, and commanded by the same person, who presented himself as the master on the last occasion; that he shipped 750 slaves in the month before named; had landed them in safety in the Brazils; and it not being considered expedient to appear again on the coast under the name of "*Quincy*," the vessel was differently painted, a false register was obtained at Rio, and her name altered to the "*Pilot*." This system has been going on for some years, as well as a constant sale of American vessels, coming over to this coast with legal cargoes, who have been disposed of to the slave dealers after the cargoes have been sold—the flag and papers retained for their protection up to the moment of the embarkation of the slaves. Indeed, an instance of this occurred a few weeks since, by the American brigantine "*Chatsworth*," of Balti-

more, having escaped with six hundred slaves from the neighborhood of Ambriz.

I can assure you, sir, of my very great desire, as well as that of every one of my brother officers on this coast, to confine ourselves strictly to the treaty agreed upon by our respective governments in visiting vessels of your nation; and I shall have pleasure in apprizing you for the future of all vessels that I may deem to be of a suspicious character, in order that you may take such steps as may appear to you necessary.

It only remains for me to add that I shall gladly co-operate with you on every occasion for the furtherance of the suppression of the African slave trade; and it has given me great pleasure to have had the honor of making your acquaintance.

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

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

Commander in the United States Navy, commanding the

U. S. ship "John Adams," senior officer of the U. S.

naval forces south of the equator, Ambriz.

[Enclosure No. 1.]

"CYCLOPS," LOANDO, *December 2, 1849.*

SIR: I have the honor to bring to your notice the following particulars with reference to the boarding of the American brigantine "Casco" by a boat of her Majesty's steamship under my command, at daylight on the 27th ultimo, while steaming to the southward. Between Ambriz and Mazula a sail was observed close under the land, and on coming up with the vessel she showed American colors. I sent Lieutenant Branch to board her. The master produced a paper called a sea-letter from the consul of the United States at Rio de Janeiro, (Mr. Gorham Parks,) granting that vessel protection whilst trading in Africa, and stating that the "Casco" had been disposed of by one American citizen to another in the harbor of Rio de Janeiro, after a survey—the cargo stated to be general, and bound to Ambriz. I felt doubtful as to the American's honesty; but, being in want of coal, I proceeded towards Loando, and on my way fortunately fell in with, some time afterwards, her Majesty's steam-vessel "Pluto," and directed her commander to proceed to watch the movements of the "Casco."

The next morning the "Pluto" discovered the above-named vessel at anchor, in the act of shipping a cargo of slaves. She immediately slipped, and "Pluto," after a short chase, captured her, having on board 420 slaves, without papers. I have not yet received my official report from Lieutenant Jolliffe, but will transmit it to you the moment received.

I regret to say the American flag has been made use of on many occasions, since I have been employed on this division of the station, for the purpose of affording protection to the vessels engaged in the slave trade, so as to permit arrangements to be made by agents of the parties for the purchase of cargoes of slaves; and whenever a good opportunity is observed, such as the absence of a British cruiser, the shipment is effected,

the colors hauled down, and the papers destroyed or secreted, perhaps to be again used on another occasion.

No American vessel of war has been seen on this part of the coast for many months; and if this system of making use of or purchasing American nationality is continued, in my opinion, no efforts on the part of the cruisers will have any avail in putting a stop to the traffic in slaves.

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

G. F. HASTINGS, *Captain*.

TO ARTHUR FANSHAW, Esq., C. B.,

Commodore, and commander-in-chief, west coast of Africa.

[Enclosure No. 2.]

“CYCLOPS,” LOANDO, *January 11, 1850.*

SIR: Whilst at anchor in Ambriz roads, awaiting the arrival of her Majesty's steam-vessel “Pluto,” two sails were observed in the offing, which, on the weather clearing, were made out to be the “Pluto” and a barque under American colors.

Lieutenant Jolliffe boarded the barque, and considered the papers produced by her master very unsatisfactory; but, as the vessel was bound to Ambriz, he thought it right to bring the matter under my notice. On the barque anchoring, I visited her, and demanded to see her papers. The master produced the register, in which it was stated she was bound to California; and he asserted she had been sold in the harbor of Rio de Janeiro, having put in there in distress, to a Mr. Frank Smith, a resident of that place, but an American citizen, being a native of Philadelphia. The master produced no document mentioning the transfer and sale of the vessel, sea-letter, nor indeed any authority for wearing the colors under which she was at the time. I informed him that I doubted his nationality—more particularly as out of the crew on deck there was only one other American person, the rest being foreigners—and in consequence should search the vessel. On opening the hatches, she was found to be fully fitted for the slave trade, with fourteen Brazilians on the slave-deck, in addition to the foreigners already mentioned, and two Brazilians on deck as passengers.

I then acquainted the master with my intention to detain the vessel, and that I would deliberate respecting her disposal, and returned on board the “Cyclops.” Some two hours afterwards, one of the Brazilian passengers, who now affirmed himself to be the real captain, came on board, and acquainted me that, feeling it useless to evade capture, he had destroyed the false American colors and papers, and substituted the Brazilian flag. I therefore was at liberty to seize his vessel, and in consequence took possession of the Brazilian barque “Pilot,” of 300 tons, fully equipped for the slave trade; and I sent her to St. Helena in charge of Lieutenant Dew.

I found the barque “Pilot,” at that time an American, was disposed of, as before stated, some months since, to Mr. F. Smith, of Rio de Janeiro, who, I hear, is the same individual who was mentioned in the sea-letter produced by the brigantine “Casco,” (the capture and case attending it was reported in one of my letters to you of the 2d ultimo,) which

vessel came over to the coast of Africa under nearly the same circumstances as the barque. If Mr. Smith is enabled to purchase American vessels, procure protection from the United States consul, he (Mr. Smith) being, as I am informed, in the pay of the slave merchants at Rio de Janeiro, and thus procure for Brazilian property the fraudulent use of the American flag, with impunity, the performance of our duty in suppressing the slave trade will be increased in difficulties, it being in many cases scarcely possible to discern between the *true* and *false* American.

The person (Mr. J. Myers) who represented himself, on my boarding the "Pilot," as the American master, has since informed me that he held the same position on board the alleged American barque "Quincy," (whom you, sir, may remember being on the south coast in June and July last;) that she was at the time boarded by the "Centaur," and the cruisers (*bona fide* Brazilian property) had all the requisite fitments for slaves, and in charge of a Brazilian master, who appeared as passenger; that the Quincy shipped 650 slaves the same night that she was boarded by some of the boats of our cruisers, and that before this shipment took place they had at Ambriz embarked their full cargo of slaves; but, the smoke of a steamer appearing in the offing, (which vessel afterwards proved to be the "Centaur,") the whole of the slaves were relanded in less than one hour, having employed upwards of thirty-five boats for this service; and that, on being boarded by the "Centaur's" boat, the American master and papers were again produced.

I bring these strong cases under your notice, and would respectfully solicit your directions for my guidance on again falling in with Brazilian vessels, the owners of which have apparently purchased the right to display the American flag and produce American papers for their protection.

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

GEO. F. HASTINGS, *Captain.*

ARTHUR FANSHAW, Esq., C. B.,

Commodore, and commander-in-chief, west coast of Africa.

UNITED STATES SHIP "JOHN ADAMS,"
Off Ambriz, southwest coast of Africa, April 8, 1850.

SIR: I have the honor to enclose you a paper marked A, being a statement of Captain Stodder, of the American barque "Catharine," made to Lieutenant Pegram, of this ship, who boarded said barque on the 2d instant, with the full assurance that the submission of the same will elicit a satisfactory explanation.

Also statement marked B, being the certificate of Braddick Chester, mate of the American brig "Louisa Beaton," in reference to the boarding of that brig by her Britannic Majesty's cruiser "Flying Fish's" boarding officer, about the 28th of March last, off Congo river, which certificate is confirmed by Mr. Joseph Bailey, master of the "Louisa Beaton."

Also the affidavit of Hiram C. Raynon, late mate of the barque "Navarre," marked C; to all of which I referred in my letter of yesterday.

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

L. M. POWELL,

Commander United States Navy.

Captain GEORGE F. HASTINGS,

*Senior officer of the Southern Division of H. B. M. forces,
southwestern coast of Africa.*

A.

April 2, 1850, boarded the American barque Catharine, of Salem, Captain Stodder, two days out from Ambriz.

Captain Stodder states that, about a fortnight ago, the barque "Navarre," of Philadelphia, was captured at Ambriz, by the British steamer "Firefly." The English commander boarded the "Navarre," and threatened her captain that he would lift his hatches and search the hold for evidence of his being engaged in the slave trade. Finally, he told the captain that, if he persisted in keeping American colors up, he would capture him, and deliver his vessel and crew to the American commodore, who would send him to the United States to stand his trial for piracy. Intimidated by this menace, the captain of the "Navarre" hauled down his American colors, said the vessel was not an American, and hoisted a Brazilian flag. On this, she was taken possession of by the British commander. The "Navarre" had a slave-deck laid. The captain is now at Loando.

Captain Stodder stated that he had been much annoyed himself by English cruisers firing shot at him, and compelling him to heave-to; among others, he was chased by the launch of the "Centaur," which fired shot at him, and afterwards rockets at his sails, for the purpose, as he believes, of crippling him. He has been frequently hove-to by shot fired from vessels which knew him perfectly well for an American and fair trader. He says he could not move about the coast without being harassed in this way. A vessel that had been lying by his side in the morning, and whose officers had then made purchases of him, would fire at him when under way in the afternoon, under pretence of not knowing who he was. Captain Stodder thinks it highly important that our cruisers should be kept on this part of the coast, to protect our legal commerce from interferences which are not only vexatious in themselves, but frequently attended with serious loss of time, and sometimes jeoparding the objects of the voyage.

R. B. PEGRAM,
Licutenant United States Navy.

Witness present:

J. BEALE, *Surgeon U. S. Navy.*

B.

I, Braddick Chester, mate of the American brig "Louisa Beaton," do hereby certify that I took off the main hatch, by order of the master, Joseph Bailey, and thereupon the boarding officer from the British man-of-war "Flying Fish" did, with some of his people, enter the hold with lights in a lantern, and, after examination, proceeded to the forehold, the hatches of which were lifted, and the same parties entered and examined the said forehold. We had one hundred and fifty kegs of gunpowder in the forehold, and no one on board had ever entered it with a light, nor did any one of our people descend into either hold during the search or examination.

BRADDICK CHESTER.

OFF AMBRIZ, *April 8, 1850.*

Witness: C. C. POWELL.

I confirm the above statement in all respects; and further add, that a lady passenger was terrified by the accidental explosion of a pistol-cap as the boarding party leaped on board at night, she thinking it a gun discharged; and hereunto set my hand. This took place about 9 p. m., on or about the 28th March last.

JOSEPH BAILEY.

C.

UNITED STATES SHIP "JOHN ADAMS,"
Off Ambriz, west coast of Africa.

Personally appeared before me, Levin M. Powell, commander in the United States navy, in command of said ship "John Adams," on this 8th day of April, A. D. 1850, Hiram C. Raymon, who, being duly sworn, deposes and saith: That he was born in the State of Massachusetts, and follows the sea, and, being in Rio de Janeiro, was recommended to Captain Clark, who wanted a mate. Agreed with said Clark to sail as mate of the barque "Navarre," then commanded by said Clark. Agreed to serve with said Clark in said barque "Navarre" for nine months, according to terms and conditions set forth in the shipping articles preserved by him and now produced, which said articles were signed and certified, in due form, in the office of the United States consul at Rio de Janeiro, in the presence of said consul, (Kent,) the whole being done by him, and, to the best of his knowledge and belief, by all the parties, in good faith; and further, that the shipping articles now produced, as aforesaid, is a good and lawful document in all respects.

The deponent further saith that the barque "Navarre" sailed on the first day of January, 1850, on a voyage to St. Catharine's, Brazil, for a freight; that Captain Clark negotiated for several days with the master of the American ship "Oceanus," of Boston, then at St. Catharine's, recently damaged on her voyage to California, as to the terms on which said Clark would take the cargo of said "Oceanus" on freight to California; that the amount offered—to wit, ten thousand dollars—was not deemed sufficient, and that thereon said Clark announced his intention to sail for the coast of Africa, with the view to a sale of his vessel, (said "Navarre,") if a purchaser on his terms should be found.

And the deponent further saith that the papers of said "Navarre"—to wit, her register, shipping articles, &c.—were in all respects true and lawful papers; that the said vessel had been engaged in trade between Philadelphia and Pernambuco several voyages; and that when she sailed from Rio, with deponent on board, the papers, as aforesaid, were delivered to the said master (Clark) in the office of the United States consul for said city.

And the deponent further saith that he served in the capacity of mate to said Captain Clark, the master of said "Navarre," up to the period of the capture of said barque, off the town of Ambriz, on the southwest coast of Africa, on or about the 21st day of March, 1850, by the British war-steamer "Firefly;" and that he so served, so far as he was concerned, in the belief that she was thus far engaged in a true and lawful commerce.

Ex.—2

But the deponent further saith that the lading of the vessel was confined to water in casks, which the master said was for ballast, and to other articles known on the coast of Africa as farina; that there were sundry Brazilians on board, who labored in the common duties of the vessel, but who are not entered on the aforesaid shipping articles, the which did excite his (the deponent's) apprehension on the voyage that the said master (Clark) might thereby compromise the character of his vessel, and violate the laws of the United States passed for the prevention and suppression of the African slave trade.

And the deponent further saith that, for the whole period included between his entry on board as mate, on the 27th of December, and the capture of the barque "Navarre," on the 21st day of March, by the "Firefly," as aforesaid, he kept the log-book of the vessel, as the true and lawful record thereof, according to law; that the original shipping articles which are produced, as aforesaid, are the true articles. Further, that he had seen the ship's papers, and that they were the true and proper papers, to the best of his knowledge and belief; and that the barque "Navarre," when first boarded and held in durance by the foreign officers and men, was in all respects, and in good faith, an American merchant trader of true and lawful character.

And the deponent further saith that said papers were in the hands of the foreign officer and officers at two several times; that he knoweth not what disposition was made of them; but that he believes they were destroyed by, or suffered to be destroyed in the presence of, said officers, under threat of delivery of said ship and people to the American authorities, to be tried for alleged violation of the laws of the United States, in terms and words, to wit: "Well, captain, you had better let me take you; for if I deliver you up to the American authorities, you know how they will deal with you;" that the said master (Clark) seemed to be intimidated, and ordered to be hauled down the American flag; and that the said Clark further ordered him (the deponent) to hoist a Brazilian ensign, and the captain of the "Firefly" ordered his people to take charge of the vessel and to open the hatches; thereupon the barque was seized by the officers of said British steamer "Firefly," and the people found on board the barque suffered to go at large.

And further the deponent saith not.

HIRAM C. RAYMON.

Sworn to and subscribed before me, the said Levin M. Powell, this 5th day of April, 1850.

L. M. POWELL, *Commander.*

In presence of—

ED. C. DORAN, *Purser United States Navy.*

Affidavit of Charles Blanchard, seaman barque "Navarre."

Know all men by these presents, that, on the day of the date hereof, personally appeared before me, E. Peck, commander in the United States navy, Charles Blanchard, a native of Brooksfield, in the State of Maine,

who, being duly sworn on the Holy Evangelist of Almighty God, did depose and declare, that, on or about the 23d of December, 1849, being at Rio Janeiro, he shipped as seaman on board the American barque "Navarre," Captain Clark; the alleged object was to proceed to the island of St. Catharine's, there to take in the cargo of the American ship "Oceanica" (condemned) and convey the same to California. At the time of sailing from Rio de Janeiro, there was on board the barque seven men before the mast, one cook and steward, captain and two mates: all hailed to be Americans except one, and were regularly shipped by the American consul.

On arriving at St. Catharine's, the captain, as deponent understood, declined going to California, alleging the insufficiency of compensation. Remained at St. Catharine's some eight or ten days, and, shipping one man and a boy, we left, as deponent understood, for the Cape de Verde islands. The first land made after leaving St. Catharine's was San Juan, near Cape Frio, and the next day anchored in a bay called Rio Ostris. Soon after arriving at Rio Ostris, the barque's crew were sent on shore to make sails. While thus employed, a gang of Portuguese or Brazilians were employed in putting on board a number of water-casks, (thinks about one hundred,) together with a quantity of plank, rice, beans, farina, and jerked beef. While in Rio Ostris, several of the crew asked for their discharge, which the captain refused. Some deserted, but were taken and brought back. Took with us from Rio Ostris seven Portuguese or Brazilians, who the captain said were passengers for the coast of Africa. One had authority over the others, and lived in the cabin; the rest messed with the crew. In about forty days we made the coast of Africa to the southward of Benguela. Sent a boat on shore with the Portuguese captain and two of his men; in about half an hour they returned. We then made sail out to sea; next day made the land at the same place. The Portuguese captain, two of his men, and the mate, went on shore and sounded, and reported that there was a good anchorage; were gone about an hour; when they returned, the barque again stood to sea. Next day, about 11 a. m., was boarded by a boat from her Britannic Majesty's brig "Water-Witch." Before the boat reached the barque, the Portuguese and his men secreted themselves in the hold. The captain and officer went into the cabin; heard the officer ask the captain where he was bound? He replied, "To Benguela." Officer then asked if he had any cargo on board? He replied, "Yes." The officer then left. Soon after this, the brig came near us and gave us the latitude and longitude, after which we made sail and shaped our course for Benguela, the "Water-Witch" remaining astern of us; this was about 1 p. m. At 2 p. m., deponent had the watch on deck; the brig fired a gun; the captain came up, and deponent told him that a gun had been fired to bring them to; he said he would wait for another; the brig then fired a shot over them, when the barque was hove-to. Two boats then came alongside from the brig. The boarding officer asked the captain where he was bound to now? Captain replied that he did not like to stand too near the land. Deponent left the officers on board when he went below, at 4 a. m. Deponent came on deck at half-past 7 a. m.; the officer had then left. The brig was in sight on our lee quarter; kept in sight and astern all day. Towards evening the brig passed ahead of us. Soon after this the captain hove overboard a side-ladder for a drag to deaden the ship's way, so as to allow the brig to gain

on him. About half-past eight p. m. lost sight of the brig; then hove-to for about half an hour; then filled away and steered NNE. The third day after leaving the brig, made Anbriz, and was boarded by an officer from her Britannic Majesty's ship "Firefly." He went into the cabin with the captain; when they returned on deck, the officer mustered the crew. The officer remained on board about three-fourths of an hour, when he left for the "steamer," about eight or ten miles distant. Soon after this the barque came to an anchor; in about an hour the steamer came in and anchored near us, and sent a boat alongside. After this boat had left, our captain left for the shore with his baggage, when he was hailed by an English officer, who was coming on board the second time, and who told him he would like to see him. He then returned on board. Did not hear what passed between the British officer and the captain. Heard the captain order the mate to haul down the American and hoist the Brazilian flag. The crew proceeded aft to prevent this, and deponent seized the signal halliards, when he was struck by a British sailor, who drew a cutlass on him, while another presented his pistol at him. The mate then hauled down the American flag, threw it overboard, and hoisted the Brazilian in its stead. Heard the English commander tell the captain that he was determined to search his vessel. Does not remember whether the search was begun before or after the American flag was struck. Had heard the captain tell the mate, "if the worst came to the worst, he would haul down the American and hoist the Brazilian flag." Also heard the captain say, that the reason he did not go into Benguela was, because the brig "Perry" was there and would take him; and that he did not want to be taken by Americans. While to the southward of Benguela, the captain called the crew, and endeavored to get a boat's crew to put him and the mate on shore, alleging his apprehension of falling into the hands of the "Perry." When the British commander took possession of the "Navarre," he offered to take the Americans to Loando, which he did, and put them on board the United States brig "Perry," except the captain and mate, who went directly on shore, and did not go on board the "Perry" while she remained there.

CHAS. BLANCFARD, *Seaman.*

Sworn to and subscribed before me, this sixteenth day of May, A. D. one thousand eight hundred and fifty.

In testimony whereunto, I have hereunto set my hand and affixed my official seal, the 16th day of May, in the year of our Lord one
[L. s.] thousand eight hundred and fifty.

E. PECK,
Commander U. S. Navy.

Affidavit of John Robertson, seaman barque "Navarre."

The following deposition was made on board the United States flag-ship "Portsmouth," by John Robertson, seaman, one of the crew of the barque "Navarre," captured on the west coast of Africa by her Britannic Majesty's steamer "Firefly:"

John Robertson was born in Baltimore, Maryland. Shipped on board the barque "Navarre" on the 23d day of December, 1849, in Rio de Janeiro.

ro, by the American consul. Sailed from Rio de Janeiro to St. Catharine's for the cargo of an American ship (condemned at that place) to go to California, but could not agree as to terms, and sailed from thence to Rio Ostris; arrived there in two or three days; after anchoring, unbent sails, and sent them with the crew on shore; the men of the "Navarre" were employed on shore in making a new suit of sails. There were sent on board the "Navarre" 101 casks of water, some planks, besides a quantity of bags and barrels of provisions. The provisions and water were conveyed on board by a crew of Portuguese, which joined the vessel when she sailed for the coast of Africa. I, as well as others, suspected that all was not right. The first land we made was Little Fish or Elephant bay. We ran along down the land to a little bay, near which there were several small houses. We hove-to at this place, and the captain sent a boat on shore with the Portuguese captain and two of his men; in a short time the boat returned, when she was hoisted up, and we stood off the land all that night, and next day tacked ship and stood in shore, and then tacked and stood off awhile, when we tacked again and stood in for the shore. We were in shore about meridian; hove-to. The mate went on shore in the bay and sounded; when he returned, he said there were twenty fathoms of water close in shore. Filled away and stood off until 12 o'clock next day, when we made a sail; she fired a gun, and we hove-to, and was boarded by the captain of her Britannic Majesty's brig "Water-Witch." Our captain said that he was out of his reckoning; the captain of the "Water-Witch" said he would go on board, and run under the "Navarre's" stern, and give us our latitude, longitude, and course. He (the captain) went on board, and the brig passed under the "Navarre's" stern, and gave the latitude, longitude, and course. We then stood for Benguela, (this was about 2 o'clock p. m.) the brig hove-to, and we stood on our course for about a half hour, and then we hauled on the wind on the starboard tack; the brig filled away and followed after us. She (the brig) was under top-sails and topgallant-sails until dark, when she made sail and stood for us. Between 7 and 8 p. m., we had lost sight of the brig, and tacked ship and stood off the land. I had the watch below from 8 to midnight. When I came on deck, the "Navarre" was under all sail on the wind on the port tack. At 1 p. m., we tacked ship; and at the time of tacking, a shot was fired from the windward, and passed over us. We then hove-to, and the brig came down across our bow, and spoke the "Navarre," and said: "Captain, do you think we are blind?" She then hove-to to leeward of us, and sent a boat on board with three officers. One kept the deck, while the other two went below. I left them on board when I "turned in," at 4 o'clock a. m. When all hands were called, I came on deck; the "Navarre" and the brig were under all sail, standing in for Benguela, and continued so during the day. At sunset, the brig was on the starboard bow. Between 7 and 8 p. m., the captain hove a side-ladder overboard for a drag. At about 9 p. m., we hove-to, the brig on our lee quarter, distant about three miles. The captain said that was Benguela, (alluding to a light in sight,) and said he would not run in. Shortly after, the mate and Portuguese captain had a conversation on the lee side of the quarter-deck; and we squared away and steered northward, the brig not in sight; at 8 a. m., lost sight of the land. We made the land about Ambriz on the third or fourth morning after having lost sight of it. At 4 o'clock, on coming on

deck, I was informed that the Portuguese captain and two men had left the vessel in the "jolly-boat." During the morning watch we were boarded by the launch of her Britannic Majesty's steamer "Firefly." The officer came on board and asked the captain where he was bound; he answered, "To Ambriz;" they then went below together; came on deck again in about ten minutes—the officer having a list of the crew in his hand. The officer then directed the men to come aft, and then asked each what his name was. The captain asked him below to breakfast. He remained on board until 8 o'clock, when the steamer hove in sight. During this time, the "Navarre" was standing in for the anchorage of Ambriz; the launch stood for the steamer. At about 9 o'clock we anchored at Ambriz; the steamer came in and sent a boat on board. I heard nothing that passed between the captain and officer; he remained on board about 15 minutes. The boat returned to the "steamer," when she stood in for a short distance, and came to anchor on our starboard bow. After the "steamer's" boat had left us, the captain ordered the launch to be got out, and had a bag and two boxes of cigars passed into it; he then ordered three men in the boat to pull him ashore. About this time two launches came alongside from the "steamer," and our launch was dropped astern, in order to allow room for the "steamer's" launches to come alongside. Two officers came on board and went below with the captain; remained on board about 15 minutes, and then returned to the "steamer." On their leaving, the captain of the "Navarre" got in his boat, with three of the crew, and commenced pulling ashore. The "gig" of the steamer was lowered, and the captain of the steamer, with two other boats, pulled for the "Navarre." One of the boats hailed the captain of the "Navarre," and said that the captain of the steamer wanted to speak to him, upon which he returned to the barque. The captain and officers of the steamer got on board the "Navarre," and was soon followed by her captain. About thirty men from the steamer came on board armed. The captain of the "Navarre" went below immediately on coming on board. Some of the officers of the steamer were on deck, and some below. In about a half an hour after the officers came on board from the steamer, the captain of the "Navarre" came up in the companion-way, and said to the mate, "Haul down the American flag, and hoist the Brazilian;" as soon as we heard that, we all rushed aft, but was prevented from getting upon the quarter-deck by the men from the steamer, who had received orders from their captain not to permit us; they all had drawn cutlasses. Blanchard succeeded in passing by them, and had the signal halliards in his hand. The mate hauled down their colors, and hove them overboard. The men from the steamer then went to work to break open the hatches, commencing at the half-deck hatch. We saw the captain of the steamer in the starboard gangway; we told him that "we were done out of our wages; if he wanted to take the vessel, to take her under her own flag, and give her up to an American man-of-war." The captain told us to keep silence, or he would try us as pirates; he said that the captain had signed his name as a Brazilian, and we could gain nothing, nor get nothing. We were all transferred, "bag and hammock," on board the steamer, and was carried to St. Paul's de Loando, and then transferred on board the United States brig "Perry." At all times, when the British officers came on board, the Brazilians were secreted in the hold. The captain or the mate did not,

to my knowledge, go on board the "Perry" during our stay in Leando. I was satisfied in my own mind, while on the coast, that our vessel was intended for the slave trade.

JOHN ROBERTSON, *Seaman.*

Sworn to and subscribed before me, this sixteenth day of May, A. D. one thousand eight hundred and fifty.

[L. s.] In testimony whereof, I have hereunto set my hand and affixed my official seal, the 16th day of May, in the year of our Lord one thousand eight hundred and fifty.

E. PECK,

Commander United States Navy.

Affidavit of John Foster, steward of the barque "Navarre."

Know all men by these presents, that, on the day of the date hereof, personally appeared before me, E. Peck, commander in the United States navy, John Foster, a native of Genesee county, in the State of New York, who, being duly sworn on the Holy Evangelist of Almighty God, did depose and declare, that on or about the 23d of December, 1849, being at Rio de Janeiro, he shipped as steward on board the American barque "Navarre," Captain Clark. The alleged object was to proceed to the island of St. Catharine's, there to take in the cargo of the American ship "Occana," and convey the same to California. At the time sailing from Rio de Janeiro, there was on board the barque seven men before the mast, one cook and steward, captain, and two mates: all hailed to be Americans except one, and were regularly entered before the American consul. On arriving at St. Catharine's, the captain said he would not go to California, the freight offered him not being sufficient. Remained at St. Catharine's about two weeks; then left, ostensibly for the purpose of proceeding to the Cape de Verde islands. The first land made, after leaving St. Catharine's, was Cape Frio, on the coast of Brazil; the same evening we anchored in a bay called Rio Ostris. Soon after arriving, the crew of the barque went on shore to make a suit of sails; in the meanwhile, a gang of Portuguese or Brazilians put on board a large number of water-casks, together with a quantity of planks, beans, rice, and farina, and a launch-load of jerked beef. While at Rio Ostris, the crew desired to be discharged, which the captain positively refused to grant. Some deserted, but were brought back by the police of the country. The day before sailing from Rio Ostris, seven Brazilians or Portuguese came on board, who the captain said were passengers for the coast of Africa. One of them had authority over the others, and lived in the cabin; the balance messed with the crew. Does not remember the day of sailing from Rio Ostris. Had about forty days' passage to the coast of Africa; made the land to the southward of Benguela, and sent a boat on shore with the Portuguese captain and several of his men; they remained on shore but a few minutes; when they returned, made sail, and stood out to sea; next day returned to same place, when the mate went ashore with a lead line, and sounded; he reported a good anchorage; again stood out to sea. That day, about 11 a. m., was boarded by a boat from her British Ma-

jesty's brig "Water-Witch." When the boat came alongside, we displayed our American colors. The officer asked the captain where he was from; he answered, "Brazil." He asked him where he was bound; he replied, "To Benguela." The captain and officer then went into the cabin and drank some porter. Before the boat from the "Water-Witch" reached the "Navarre," the Portuguese captain and his crew concealed themselves in the hold, and remained there until the boat had left. The officer asked the captain to show him the vessel's papers, which he did, and ordered the crew aft, when the officer called their names from the crew list. The officer then told the captain that the United States brig "Perry" was at Benguela, and, as he was going there himself, he would accompany him. The officer then left the vessel, and the "Navarre" filled away; the "Water-Witch" continued lying-to. Soon after this the captain called the crew aft, and told them that if the "Perry" was in Benguela he would be taken prisoner, and proposed that they should all go on shore, at the same time offering to secure their wages and provide for them while on the coast. The crew objected. He then proposed that himself and mate should be put on shore, and that he would give the ship's papers to the second mate to do with as he pleased. The crew objected to this, and were desirous to fall in with the "Perry." Deponent, having no watch, knows nothing from personal observation of what passed during the night. When he came on deck in the morning, the "Water-Witch" was in sight a long distance ahead. Soon after dark, lost sight of the "Water-Witch," when the captain altered his course from Benguela. Thinks the third day, in the morning, after passing Benguela, they were off Ambriz, and were boarded by a boat from her Britannic Majesty's steamer "Firefly." Before the boat reached the barque, the Portuguese captain and crew concealed themselves in the hold, as before. The captain invited the officer into the cabin, where they drank wine and breakfasted together. The officer asked to see the ship's papers, which the captain gave him, and then ordered the crew sent aft, when the officer called their names. Officer then left for the steamer, about eight or ten miles distant, and the "Navarre" came to anchor soon after off Ambriz. In a short time the steamer came in, when another boat came alongside with two officers; they had some intercourse with the captain, which the deponent did not hear, and then left. After they had gone, the captain started for the shore with his baggage. On his way he was hailed by the commander of the steamer, who told him he was going on board the barque, and desired to see him. The captain returned; himself and the commander of the steamer went into the cabin. Deponent was at the galley, and knows nothing of what passed in the cabin. In a short time he saw the mate come on deck with the Brazilian colors. He commenced hauling down the American colors, when the crew came aft to prevent the lowering of their flag; when they were stopped by the British sailors, who were armed with pistols and cutlasses. One man, (Charles Blanchard,) who had seized hold of the signal-halliards, was struck on the back of the head by one of the English sailors, while others raised their cutlasses against him. The mate then hauled down the American flag, threw it overboard, and hoisted the Brazilian colors in its stead. The Portuguese captain and crew were landed at Ambriz; the Americans were carried to Loande, where they found the United States brig "Perry," and the crew went on board of her; the captain

and mate did not. The captain left the steamer by the first opportunity, the mate left while the "Perry's" boat was alongside. Neither captain or mate went on board the "Perry" while she remained at Loando. Deponent has no doubt the object of the captain and owners of the "Navarre" was to employ her in the slave trade.

JOHN FOSTER, *Steward.*

Sworn and subscribed before me, this sixteenth day of May, A. D. one thousand eight hundred and fifty.

In testimony whereof, I have hereunto set my hand and affixed [L. s.] my official seal, the 16th day of May, in the year of our Lord one thousand eight hundred and fifty.

E. PECK,
Commander U. S. Navy

HER BRITANNIC MAJESTY'S STEAM-SHIP "CYCLOPS,"
Off Ambriz, southwest coast of Africa, April 9, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, with the enclosures A, B, and C.

The statement marked B being an affidavit of the mate of the American brigantine "Louisa Beaton," certified by the master, with reference to the illegal search made by an officer of her Britannic Majesty's sloop "Flying Fish," on boarding the "Louisa Beaton," off Kabenda, on the 28th of March last, as I expect the daily arrival of the "Flying Fish," I would desire to wait the commander's arrival before replying to the mate's affidavit, and will call upon the commander for his report of the circumstances attending the boarding of the "Louisa Beaton," and trust that I may be enabled to give you a satisfactory explanation.

The affidavit marked C, of Hiram C. Raymon, late mate of the Brazilian barque "Navarre"—I regret that the departure of her Britannic Majesty's steam-sloop "Firefly" for England will prevent me from calling upon the commander for an immediate explanation of the circumstances; but I will transmit the document to the British commander-in-chief, who, I have no doubt, will take the necessary steps for the arrangement of this matter; but I would respectfully request that the party complaining, as well as the late master of the "Navarre," who is stated to be at present at "Loando," might be forthcoming to prove the assertions made in the affidavit. It does appear extraordinary, that the party who made the affidavit, on being conveyed to Loando in the "Firefly," after the capture of the "Navarre," and there meeting with, and, as I heard, being transferred to, the U. S. brig "Perry," did not, whilst the commander of the "Firefly" was present, make this affidavit to the commander of the "Perry," in order that the truth might be elicited then and there, and inquiry made into the whole of the circumstances attending the capture of that vessel; and I therefore much doubt the truth of the mate's statement, until further proof. I observe throughout the affidavit that the mate makes no mention of any American citizen being the owner of the "Navarre," nor, on the occasion of her capture, her being fully equipped for the slave trade.

With reference to the complaint made by Captain Stodder, of the American barque "Catharine," to Lieutenant Pegram, of the "John

Adams," relative in the first place to the supposed conduct of the commander of her Britannic Majesty's steam-sloop "Firefly," on board the barque "Navarre," off Ambriz, I beg to state, that, at the period of the "Navarre's" capture by that sloop, the "Catharine" was at anchor in Loando; therefore, Captain Stodder's statement can only have been made from hearsay of that officer's proceedings on the occasion in question. Secondly, from the constant changing of the nationality of vessels on this coast, it became absolutely necessary for us to visit every vessel that was sighted, and on all occasions. I have no recollection of any shot having been fired by any of the cruisers at the "Catharine," except once, when a blank cartridge was fired from a musket, on the "Cyclops'" first visiting the said barque at night, not having seen her before, when the master would not heave-to, with a fresh breeze, and he was then exceedingly uncivil to the boarding officer. I have frequently met the "Catharine" since, and never boarded her.

With respect to the complaint from Captain Stodder against the "Centaur's" barge, I am fortunately acquainted with the whole circumstances, and will therefore relate them for your information: The "Centaur's" barge cruising off Mazula, between the hours of 7 and 10 p. m.—I am not certain as to the correct time, but it was after dark—a vessel was observed by the officer in charge of the barge, running along the land. Chase was given, and, although the vessel must have observed the boat, every means seemed to be used to evade the visit. After some pulling, a blank cartridge was fired from the 6-pounder brass gun in the bows; the vessel took no notice of the same; and, after a little time, a rocket; but the officer declared to me that it was pointed quite clear of the masts and sails. This had the desired effect. The barque hove-to, and, on boarding, the officer learned that the vessel was the American barque "Catharine," from Loando. The captain was exceedingly uncivil; and, on the officer's observing that he might have allowed his boat to come alongside before, and not used means to prevent her, the captain replied that he never hove-to for a launch; and the mate, who was present, observed that whoever stated that means were used to prevent the boat reaching the barque was a "bloody liar." These are the facts of the case; and, on Commodore Fanshawe's learning the occurrence, he requested me to mention the matter to the commander of the "Perry." The "Catharine" met the United States man-of-war, off Ambriz, the day after the "Centaur's" barge boarded her; but I did not learn that any complaint had been preferred by Captain Stodder on the subject previous to your letter, although the "Centaur" was at anchor in the roadstead of Ambriz whilst the "Catharine" and "Perry" were together there.

The officer in charge of the "Centaur's" boat had never met or boarded the "Catharine" before, and was not aware, until he reached her deck, that she was an American vessel.

I trust these explanations, until other letters can be forwarded to you, will be satisfactory.

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

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

*Commander in the United States Navy, com'g
the U. S. ship "John Adams," senior officer of
the U. S. naval forces south of the equator, Ambriz.*

U. S. SHIP "JOHN ADAMS,"
Off Ambriz, April 9, 1850.

SIR: I enclose for your perusal a letter from Captain the Hon. George F. Hastings, of her Britannic Majesty's steam-ship "Cyclops," and senior officer of the southern division of the British squadron on this coast, wherein you are mentioned in connexion with the explanations given relative to the several captures and boarding operations conducted by her Britannic Majesty's cruisers.

Be pleased to give me your report of the same, for the information of the commander-in-chief of our forces in this quarter.

Very respectfully, your obedient servant,

L. M. POWELL,
Commander and senior officer.

Lieut. Com'g ANDREW H. FOOTE,
Commanding U. S. brig "Perry."

Be pleased to return the papers at an early moment.

L. M. P.

U. S. BRIG "PERRY,"
Off Ambriz, April 10, 1850.

SIR: Your letter of the 9th instant, enclosing a communication addressed to you from the Honorable Captain Hastings, of her Britannic Majesty's steamer "Cyclops," wherein I am mentioned in connexion with the "Navarre" and the "Catharine," with your directions to report on the same, has been received.

In relation to the "Navarre," her captain and mate went on shore on the arrival of her Majesty's steamer "Firefly" at Loando, and did not, at any time, come on board the "Perry," although I requested Captain Stodder, of the barque "Catharine," to inform the captain of the "Navarre" that, if he had any complaint to make, if he would come on board, I would attend to it while the "Firefly" was present. There were six American seamen on board of the "Navarre" when captured, whom I received on board of this vessel, at their request, as they stated that they had been deceived as to the object of their voyage, and wished to be conveyed to Commodore Gregory, commanding the station; but, on reconsideration, they applied to go on shore, and, having no evidence of any breach of the laws of the United States which would authorize their detention, five of them were permitted to leave the vessel, and the remaining one was, at his own request, yesterday sent on board of the "John Adams," under your command.

In relation to the "Centaur's" launch boarding the "Catharine," no complaint was preferred to me by Captain Stodder, her commander. Being under way on the arrival of the "Catharine" at Ambriz, I had no communication with her, except to send the letter-bag on board by my clerk, who, on his return, reported that Captain Stodder, or the mate, had sportively remarked that the "Cyclops" had again fired at him, and,

when the boat came alongside, he had told the officer to tell his captain "that he had better keep his potatoes to himself."

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

ANDREW H. FOOTE,

Lieutenant Commanding.

Commander LEVIN M. POWELL,

Commanding U. S. sloop "John Adams."

UNITED STATES SHIP "JOHN ADAMS,"

Off Ambriz, southwest coast of Africa, April 10, 1850.

SIR: Herewith I have the honor to enclose for your information a report made by Lieutenant Commanding Andrew H. Foote, of the United States brig "Perry," touching the matters which refer to him contained in your letter of the 9th instant, addressed to me.

I do this with the more pleasure, inasmuch as it strengthens the force of the explanation so promptly rendered by you on the subject of complaint submitted to your consideration by me, and as a manifestation of my sincere desire to arrive at truth, without pausing to consider whose interests may be affected. Should any testimony of a more favorable nature, bearing upon the questions lately mooted, fall into my hands, be assured that it will afford me real pleasure to be able to convey the information to you.

I take the occasion to make a more formal acknowledgment of the receipt of your letter of the 8th, and at the same time of yours dated the 9th April, 1850, and to express to you my sense of the honest and friendly manner in which you have met my call for information.

Perhaps I should also have replied more definitely to the question put in our several conferences, to wit: What are her Britannic Majesty's officers to do, if, in the effort to effect the common object specified in the 8th article of the treaty of Washington, they cannot look behind the flag and papers of a vessel claiming to be American, in order to verify her nationality?

I am at liberty to give but one answer, and that admits of no mistake. The United States recognise no *right* of "visit" or "search" of vessels wearing the flag of the United States, for any purpose, by a foreign officer, on the high seas. Whenever this right is disregarded, and the visit made, and the search conducted, it is at the peril and on the responsibility of the party acting.

Pardon me, sir, for this short rejoinder to your arguments: it struck me as being due to frankness. And believe, sir, that I am, with high consideration, your obedient servant,

L. M. POWELL,

Commander U. S. N.

Captain Hon. GEORGE F. HASTINGS,

H. B. M. steamship "Cyclops," and senior officer

*of southern division of her Britannic Majesty's forces,
southwest coast of Africa.*

HER BRITANNIC MAJESTY'S STEAM-SHIP "CYCLOPS,"
Off Ambriz, southwest coast of Africa, April 11, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, with an enclosure from Lieutenant Andrew H. Foote, commanding the United States brig of war "Perry;" and it affords me extreme pleasure to observe that the explanations which I tendered you in my letter of the 9th instant have been strengthened by that officer's report.

But, with reference to the latter part of Lieutenant Foote's letter, in which he states that Captain Stodder, of the American barque "Catharine," sportively remarked "that the 'Cyclops' had again fired at him, and, when the boat came alongside, he told the officer to tell the captain that he had better keep his potatoes to himself;" I would observe that Captain Stodder has made a false accusation relative to our proceedings. The "Cyclops" did not sight the "Catharine" on the passage from Loando to Ambriz, where she met the "Perry;" and you will remember that, on Lieutenant Pegram, of the "John Adams," boarding the "Catharine," two days afterwards, no complaint was made by the captain against the "Cyclops," but one relating to the "Centaur's" barge. I therefore deny, most emphatically, ever having fired at the "Catharine," except on one occasion, three months since, when she first came to the coast, at night, with a fresh breeze blowing, for the purpose of bringing her to—never having seen her before; and then, a blank musket-cartridge was fired to windward.

With regard to the latter part of your letter, in which you state it as your opinion "that foreign officers have no right to look behind the flag and papers of a vessel claiming to be *American*, in order to verify her nationality; and also that the United States will not recognise the right of *visit* or *search* of vessels wearing the flag of the United States, for any purpose, by any foreign officer, on the high seas," I would answer, that I am perfectly aware that the treaty of Washington gives no right to our officers to visit or search an *American vessel*; but the government of the United States are far from claiming that the flag of the Union should give immunity to those who have no right to wear it; and in my *instructions* I am acquainted that most assuredly Great Britain never will allow vessels of other nations to escape visit and examination by merely hoisting an United States flag, or the flag of any other nation which has not granted to Great Britain the right of search.

On the coast, it is extremely difficult to ascertain, without visit, the nationality of a vessel; for to-day you pass a vessel displaying the American flag, and in your opinion a lawful trader, but to-morrow the same vessel, when met, (having embarked a cargo of negroes in the interval,) presents another nationality. Many Brazilian vessels have attempted to evade capture, whilst chased by a British cruiser, by hoisting the American flag, but, on observing no hope of escape, have displayed their true nationality.

In conclusion, I take the liberty of transmitting for your information an extract from the instructions under which I am acting, in the event of our meeting vessels who, from intelligence I may have received, or from their manœuvres, or other sufficient cause, I may have reason to believe, do not belong to the nation indicated by their colors. To those instructions I have implicitly (as well as every one of my brother officers, in our inter-

course with, or visit to, foreign vessels, whose nations do not give the right of search to Great Britain) attended; and it is our duty, until receiving further instructions, to be guided by those commands on all future occasions.

In the event of an United States cruiser being in company, and joining with our cruiser in the chase of a suspected vessel, who may, on our pursuing her, display the flag of the Union, but afterwards hoist the Brazilian colors, it will be my desire, as well as duty, to give way to the American cruiser in paying the first visit to the suspected vessel; but you will, of course, bear in mind that the United States have no treaty with Brazil granting the right of search. You cannot, therefore, visit or search a Brazilian vessel, the American flag having been only used by the "chase" to evade pursuit of the British cruiser.

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

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

Com'r U. S. Navy, com'g U. S. ship of war "John Adams,"

*senior officer in command of the United States naval forces
south of the equator.*

A true extract from the instructions for the senior officer of her Majesty's ships and vessels on the west coast of Africa, with respect to the treaty with the United States of America signed at Washington on the 9th August, 1842.

Accordingly, when, from intelligence which the officer commanding her Majesty's cruiser may have received, or from the manœuvres of the vessel, or other sufficient cause, he may have reason to believe that the vessel does not belong to the nation indicated by her colors, he is, if the state of the weather will admit of it, to go ahead of the suspected vessel, after communicating his intentions by hailing, and to drop a boat on board of her, to ascertain her nationality, without causing her detention, in the event of her really proving to be a vessel of the nation the colors of which she has displayed, and, therefore, one which he is not authorized to search; but, should the strength of the wind or other circumstances render such mode of visiting the stranger impracticable, he is to require the suspected vessel to be brought to, in order that the nationality may be ascertained, and he will be justified in enforcing it, if necessary—understanding always that he is not to resort to any coercive measures until every other shall have failed. And the officer who boards the stranger is to be instructed merely, in the first instance, to satisfy himself by the vessel's papers, or other proof, of her nationality; and if she prove really to be a vessel of the nation designated by her colors, and one which he is not authorized to search, he is to lose no time in quitting her—offering to note on the papers of the vessel the cause of his having suspected her nationality, as well as the number of minutes the vessel was detained (if detained at all) for the object in question. Such notation is to be signed by the boarding officer, specifying his rank, and the name of her Majesty's cruiser; and, whether the commander of the visited vessel consents to such notation on the ves-

sel's papers or not, (and it is not to be done without his consent,) all the said particulars are to be immediately inserted in the log-book of her Majesty's cruiser, and a full and a complete statement of the circumstances is to be sent, addressed to the Secretary of the Admiralty, by the first safe opportunity, direct to England, and also a similar statement to you, as senior officer on the station, to be forwarded by you to our secretary, accompanied by any remarks you may have reason to make thereon.

Of course, in cases where the suspicion of the commander turns out to be well-founded, and the vessel boarded proves, notwithstanding her colors, not to belong to the nation designated by those colors, the commander of her Majesty's cruiser will deal with her as he would have been authorized and required to do had she not hoisted a false flag.

GEO. F. HASTINGS,

Captain of her Britannic Majesty's ship "Cyclops."

UNITED STATES SHIP "JOHN ADAMS,"

Port of Loando, April 16, 1850.

Personally appeared before me, L. M. Powell, commander in the United States navy, in command of said "John Adams," on this 16th day of April, 1850, Robert J. Clark, who, being duly sworn, deposed and saith:

That he was born in the State of Massachusetts, and follows the sea; that he was master of the American barque "Navarre," of Philadelphia; that, being in Rio de Janeiro, after having sold his former vessel, of which he was also master and part owner, with the proceeds of said sale, did, on or about the 29th day of December, 1849, purchase from Maxwell Wright & Co., American merchants, residents in said port of Riode Janeiro, the American barque "Navarre," together with her tackle, apparel, and equipment, complete. That on said sale the register of said barque was duly delivered to the American consul, and one-half thereof was retained in said consul's hands, and the other half forwarded to the United States, as is customary, and bill of sale, and sea-letters, duly authenticated by the seal and signature of the United States consul, delivered to deponent, in lieu of the register at the office of the said consul.

And further, the deponent saith, that a proper crew was shipped by the consul for service in said barque, on the terms and conditions set forth in the shipping articles now produced, and certified, the 29th day of December, 1849, and sealed with the consular seal.

And further, that he cleared for St. Catharine's, in Brazil, as set forth, and sailed from Rio, and reached said port of St. Catharine's, with a view to take on freight the cargo of the ship "Oceanus;" which negotiation failing, he (the deponent) saith that he cleared for the Cape de Verde islands—as per clearance produced—and that he touched on several ports, to wit: Benguela and Ambriz, on the coast of Africa, with the hope and intent of making a favorable sale of said barque; failing in which, it was his design to prosecute his voyage to the Cape de Verdes, and take in a cargo of salt, either for the United States or Brazil.

And the deponent further saith, that, on the 14th day of March, 1850, being then off the coast of Benguela, in Africa, eighty miles at sea, he was boarded by her Britannic Majesty's brig "Water-Witch"—for which he voluntarily hove-to for some two hours; that the boarding officer care-

fully examined the papers of said barque; and at 11 a. m. the two vessels parted. The deponent then steered for the port of Benguela all the succeeding night, and stood off shore toward morning to wait for daylight, when the deponent was aroused by the report of a great gun; and shortly after the noise of a shot passing close ahead, fired from a second gun, caused the deponent to heave-to. The same man-of-war brig then came up and sent a party, in three boats, under the first lieutenant of said brig "Water-Witch," who took charge of the vessel as soon as they came on board, taking the wheel, &c. The papers of the said barque were again examined—a midshipman was left in charge on deck, two of the boarding boats were sent back to the "Water Witch," and the barque remained in possession of the boarding party, as aforesaid, from about half-past 2 a. m. of the 15th to 10 a. m. of the same day. The commander of said brig—named Guim, or some name like it—came on board at 9 or 9½ a. m., and then gave the vessel up, with a promise that he would keep within gun-shot until he put me (the deponent) under the "Perry's" guns, then supposed to be lying in the port of Benguela. To all which the deponent replied, that is all that he (deponent) wanted, if he persisted in detaining him.

And the deponent further saith, that he sailed thence for Ambriz, or the Congo, and that he arrived near Ambriz, fifteen miles south thereof, on the morning of the 19th of March, when, about 8 of the clock in the forenoon, the "Navarre" was boarded by the launch of the steamer "Firefly," which boat was commanded by a Mr. Downard, who remained on board, with the people of the boat, until the "Firefly" was hull up—say 11 of the clock a. m. The said officer of the launch closely examined the papers of the said barque.

About half-past 2 p. m. of the same day, 19th March, the deponent anchored at Ambriz; when he (the deponent) was forthwith boarded by another boat, under the first lieutenant, who required the crew of the "Navarre" to be sent from their duty on the yards (furling sails) to the deck, and they were mustered a second time that day by a second officer. The papers were again examined by said lieutenant, after which he returned on board the British steamer "Firefly."

And here the deponent further saith, that the crew of the British steamer "Firefly" was mustered, and the meditated capture made known to them by her officers, and the risk thereof; and the proposal was made, and an understanding had mutually, that, in the event of the capture being an unlawful one, all the parties on board the British steamer would agree to share the damages in the same proportion that each would have shared in her if a lawful prize—not of his own knowledge, but as he heard from the first and second lieutenants of said British steamer "Firefly."

And the deponent further saith, that, being harassed with the investigation so often repeated, and anxious to go on shore on his (deponent's) business, that he got into his boat for the purpose, and he proceeded some distance, when he was overhauled by a boat of the "Firefly," with her commander in her, and taken back to his vessel, the "Navarre;" and thereupon the said commander of "Firefly" examined his papers, being the fourth time during the period of four hours' detention that said papers had been demanded and examined.

And the deponent saith, that he believes he finally condemned the

papers, as follows, by the persuasion of his officers, which he, the said commander, announced by saying to deponent that the papers were false, and the deponent a prisoner, ordering the lieutenant to take charge of the vessel. The United States flag was then flying, and was not hauled down for twenty-five minutes afterwards, when the deponent ordered his mate to haul down the American colors, notifying the British officers that he threw the vessel on their hands, and that he would make his protest before competent authority of the illegal capture of his vessel.

The deponent further saith, that the boarding party had previously looked into the main hold, by forcing the communicating door with the between-decks, and were lifting the main hatches, when he (deponent) abandoned the vessel on their hands.

And the deponent further saith, that the papers of said barque "Navarre" were true and lawful papers; that all the said papers would now be produced, but for the destruction of the sea letter, bill of sale, and crew list, by the tearing up of the same in presence of deponent by the officer who became prize master, and who threw, with his own hand, the fragments thereof out of the cabin window of said barque "Navarre."

And the deponent further saith, that he was in no manner a party to the hoisting of the Brazilian flag on board the barque "Navarre;" that it was done after the deponent had abandoned the vessel to the captors, under his aforesaid verbal protest, and whilst deponent was in her cabin, endeavoring to save his papers and property.

And further solemnly declares, that he (the deponent) never again had the above-recited lost papers in his possession, after said papers had passed into the hands of the commander of the British steamer-of-war the "Firefly."

And further the deponent saith not.

ROBERT J. CLARK.

Sworn to and subscribed before me, the said L. M. Powell, this sixteenth day of April, 1850.

L. M. POWELL,
Commander United States Navy.

In presence of—

HENRY L. BAINBRIDGE.

JANUARY 10, 1850.

The barque "Pilot," stated to be an American, was boarded this day by H. B. M. steam-vessel "Pluto," Lieutenant Jolliffe, who, on going on board the "Cyclops," reported to me that he doubted the nationality of the "Pilot." On the "Pilot" anchoring at Ambriz, I proceeded, in company with Lieutenant Dew, of the "Cyclops," and, on seeing the master, he stated that the "Pilot" had been sold at Rio, and that after the sale he (Myers) was appointed master by the new owner. He produced the old register, previous to sale, but no sea-letter or permission from the United States consul to trade under the present ownership. Doubting, therefore, the "Pilot's" nationality, and having a similar case with respect to the brigantine "Casco," lately captured and condemned at St. Helena, I proceeded to examine the crew, and found one or two Americans—the remainder Brazilians; and, further, on looking into the hold, I found the

"Pilot" had no cargo on board, but a slave-deck laid, water and farina on board, and perfect equipment for the shipment of slaves. Therefore, I am fully convinced that the American flag, now at the mizzen or peak, she is not entitled to; and, in consequence of the suspicion of her nationality, detained her, either for the purpose of handing over to the first American ship-of-war I may fall in with, or to send her for adjudication.

G. F. HASTINGS,
Captain commanding H. B. M. steamer "Cyclops,"
and senior officer of Southern Division.

Witness: R. DEW,
Lieutenant R. N.

UNITED STATES BRIG "PERRY,"
Off Ambriz, March 25, 1850.

SIR: Will you do me the favor to give me a detailed account of the circumstances attending the capture of the barque "Navarre" by her Majesty's steamer "Firefly?"

I ask for the information as the "Navarre" was boarded when under American colors, although displaying Brazilian colors when captured.

I have the honor to be, sir, respectfully,

ANDREW H. FOOTE.

Commander JOHN TUDOR,
Com'g H. B. M. steamer "Firefly."

H. B. M. STEAMER "FIREFLY,"
Off Ambriz, March 26, 1850.

SIR: In reply to your letter of the 25th instant, I beg to inform you that the slave barque seized under Brazilian flag, 19th instant, had flying, at the time she was boarded, an American ensign. The boarding officer having doubts of her nationality, in consequence of her papers not appearing to be regular, I, although severely ill of diarrhœa at the time, considered it my duty to go on board; when, being convinced that her papers were false, I informed the person calling himself master of her that it was my duty to send him to the American squadron, or, in the event of not falling in with them, to New York. He said he hoped I would not do so. I told him I had no alternative. He immediately went upon deck and ordered the American ensign to be hauled down, to throw it overboard, and to hoist their proper colors. The American ensign was hauled down and thrown overboard by the mate, who immediately hoisted the Brazilian ensign. A man now came on deck from below, saying "I am the captain of this vessel: she is Brazilian property, and fully fitted for the slave trade"—which the person who first appeared acknowledged, stating that he was himself a Brazilian subject. Having obtained this from them in writing—the person who first called himself captain having signed it as "Antonio José Fania"—and having had the signing of the document witnessed by two officers of the "Firefly," I now opened her hatches, found all the Brazilian crew below, slave-deck laid, water filled, provisions for the slaves, and slave shackles.

The Americans on board expressed a wish not to be landed at Ambriz. I asked them if they wished to be given up to an American man-of-war; if so, I would take them on board the "Firefly." They said they would; that when they left Rio they were not aware they had shipped for a slaving voyage, and did not know it until she regularly fitted as a slaver at St. Catharine's. I took them on board, and delivered them up to you at St. Paul de Loando.

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

JOHN TUDOR, *Commander.*

Captain FOOTE,

U. S. sloop-of-war "Perry."

HER MAJESTY'S STEAMER "FIREFLY,"

Loando, March 21, 1850.

Sir: I beg to forward you the information you requested, relative to vessels that have been boarded by the "Firefly," or her boats, upon her station off the "Congo," under the American flag. All of these vessels have taken slaves from some part of the coast or other, and, with the exception of the "Lucy Ann," taken by her Majesty's ship "Rattler," with five hundred and upwards on board, have escaped, although each of them has been boarded by most of the cruisers on the station previous to shipping; but, not having the right of search, upon overhauling their papers, and to the best of our judgment not being able to detect any inaccuracies in such papers, our duty with the American flag ended. These are vessels that have been boarded by myself or boats; but the senior officer of the division (the Hon. Captain Hastings) can give you a list of many more, all of which would have been good prizes to any American man-of-war or officer having the right of search, for we are well assured that all of them came over to this coast fully fitted and equipped for the slave trade.

From the sentiments you expressed when I had the pleasure of seeing you, last night, relative to the determination of your government not to allow the flag of the States to be made use of as a cover to carry on this inhuman traffic, I regret much that the pleasure of making your acquaintance has only fallen to my lot at a moment when the time of my service on this western coast of Africa has expired; but feel satisfied that not only on the part of the senior officer of the division, (the Hon. Captain Hastings,) but also of my brother officers still remaining on service on the coast, you will meet the most cordial co-operation in the suppression of the slave trade.

I sail to-morrow on my way towards England, and shall be most happy to take charge of any letters or despatches you may wish to send.

I send you a gun for your boat-service, which, as it is my own private property, I beg you to accept; and with every wish for your success, I have the honor to be, sir, your most obedient and humble servant,

JOHN TUDOR,
Commander.

To Captain FOOTE,

United States sloop-of-war "Perry."

Names of ves- sels.	Rig.	Where boarded.	Where be- longing.	Where from.	Where bound.
Meteor.....	Brig	River Congo..	Baltimore ..	Rio de Janeiro..	River Congo.
R. de Zaldo...	Brig	do.....	[Boarded by	the boats.]	
Chester.....	Barque.....	do.....	New York ..	Victoria.....	River Congo.
Chatsworth. ...	Brigantine..	do.....	Baltimore ..	Bahia.....	Do.
Lucy Ann.	Brig	do.....	Boston.....	Rio de Janeiro..	Do.

Barque "Adelaide," 248, S. S. Gamage, master—entered August 18, 1848; sailed September 12, 1848.

Barque "La Grange," 159, August Levett, master—entered September 8, 1848; sailed October 24, 1848.

Hermaphrodite brig "Bridgeton," 144, Buckley, master—entered September 27, 1848; sailed October 1, 1848.

Barque "Ennonus," 240, Appleton, master—entered December 23, 1848; sailed December 31, 1848.

Brig "Harriet," 228, T. Dulins, master—entered January 2, 1849; sailed January 11, 1849.

Brig "Albertine," 203, Montgomery, master—entered January 13, 1849; sailed January 21, 1849.

Brigantine "Whig," of New York—entered January 13, 1849; sailed January 21, 1849.

Barque "Casco"—entered January 13, 1849; sailed January 21, 1849.

Brig "Imogen"—entered January 13, 1849; sailed January 21, 1849.

Brig "Rowena"—entered January 13, 1849; sailed January 21, 1849.

Barque "Pilot," of Boston—entered January 13, 1849; sailed January 21, 1849.

Hermaphrodite brig "Chatsworth," 1,846, J. D. Johnson, master—entered January 11, 1850; sailed January 21, 1850.

Barque "Mary Richardson"—entered January 11, 1850; sailed January 21, 1850.

Brig "Lucy Ann"—entered January 11, 1850; sailed January 21, 1850.

NOTE BY L. M. POWELL.—I believe these vessels have all been captured, with the "Ann D. Richardson," "Huntingdon," "Snow," "Incarnacion," and others.

UNITED STATES SHIP "JOHN ADAMS,"

Off Ambriz, April 19, 1850.

SIR: I have herewith the honor to acknowledge the receipt of your letter of the 11th April, together with the enclosure of a copy of a portion of your instructions, which you have so kindly communicated for my information.

You have taken great trouble to answer the complaint of the master of the "Catharine" and others; and, although I feel bound to transmit the document to the commander-in-chief, yet the object of the government is in a great measure accomplished in bringing this subject before the higher

authorities of both squadrons. In explanation of that portion of my letter quoted by you, I believe that I speak by authority when I say that "the United States are sincerely desirous wholly to suppress the iniquitous traffic, and with that view have declared it to be piracy."

It is also to be observed that the piracy of which I speak is piracy by the laws of nations, and not that which is made so by the municipal laws of any particular country. Of the latter character is the slave trade, which is declared to be piracy by act of Congress. The right, therefore, which, by the general consent of nations, exists in regard to vessels suspected of being engaged in piracy, does not extend to those suspected of being engaged in the slave trade. As to them there is no *right of visitation* or search, so far as American vessels are concerned, except by our own vessels of war. But the claim of the United States that their trading vessels shall not be visited for *any* purpose (except on suspicion of piracy) by the cruisers of other nations, presupposes that the vessel visited is *really* American. In what manner this fact is to be ascertained, is the only question which presents any difficulty.

The flag which the vessel wears is *prima facie* evidence, although it is not conclusive proof, of her nationality. It is a mere emblem, and loses its true character when it is worn by those who have no right to wear it. Any vessel which displays the American flag claims to be American, and therefore may be rightfully boarded and examined by an American cruiser, *if* there be any circumstances attending her to justify a suspicion that she is not what she professes to be. But the privilege does not extend to cruisers of any other nation; that is, it cannot be conceded to them as a *right*. The United States certainly do not claim that the mere hoisting of their flag shall give immunity to those who have no right to wear it. Such a pretension would subject their flag to degradation and dishonor, because it would make it a cover for other crimes of similar atrocity. But they *do* claim that their own citizens who rightfully display it shall have all the protection which it implies. Whenever, therefore, a cruiser of any other nation shall venture to board a vessel under the flag of the United States, she will do it on her own responsibility for all the consequences.

The eighth article of the treaty seems to have been agreed to with the undoubted view of preventing all difficulty or disagreement on this point, and to enable the naval officers of the respective parties to it to co-operate, mainly (in addition to the suppression of the slave trade) in order to remove all cause or pretext for the exercise of either scrutiny or protection over the commerce of each other.

Thus far I believe I may venture to say that I express the views and policy recognised by our government, and for any violation of which, by them, or with their consent, the naval officers of the United States will be held accountable.

Nor are these principles held to be true when applied to foreign officers only. The same obligations are imposed on the naval officers of the United States in their relations with the vessels of all other nations. No right of visit, no right of search, no scrutiny or examination, no interference whatever with the merchant marine of other nations, is authorized or countenanced by the government of the United States, except in cases of well-grounded suspicions of piracy.

Notwithstanding, such is the exigency of the duties of the naval service,

that I need not tell you our naval officers are often called on to visit vessels of all nations on the high seas, whenever, under a foreign flag, the visit is one of courtesy, solely for the purpose of giving and receiving information, and I may add, perhaps, of cultivating those amicable feelings, by friendly acts, which are enjoined by our government with great earnestness in their *instructions*.

I feel obliged to you for so much of your instructions as you have kindly communicated to me. When we thus know the boundary, we are better prepared to keep within the limits. Be pleased to accept the foregoing as my response to the points therein, and as a more full explanation of my letter of the 10th.

Notwithstanding these variant views, I doubt not, when the cases arise, a common ground broad enough for both will easily be found by officers sincerely desirous of effecting the humane purpose of our common object.

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

L. M. POWELL, *Commander*.

To Captain the Hon. GEORGE F. HASTINGS,
Com'g her Britannic Majesty's steam-ship "Cyclops,"
senior officer in command of Southern Division of her
Britannic Majesty's naval forces, southwest coast of Africa.

HER BRITANNIC MAJESTY'S STEAM-SHIP "CYCLOPS,"
Off Ambriz, southwest coast of Africa, April 18, 1850.

SIR: In reply to your letter of the 8th instant, forwarding an affidavit made before you, marked A, by Braddick Chester, mate of the American brigantine "Louisa Beaton," relative to the inspection of that vessel's hold by an officer of her Britannic Majesty's sloop "Flying Fish," on the 28th of March last, off Kabenda, I acquaint you that, having met the "Flying Fish" this day, and placed the subject before her commander, he has forwarded me his reply, a copy of which, marked No. 1, I transmit for your information, and trust that the same will be satisfactory to you.

Whilst lying at Ambriz, in her Britannic Majesty's steam-ship under my command, on the 8th instant, the ship you command being in company, the "Louisa Beaton" arrived at that anchorage; and, ascertaining that some cabin supplies could be procured from that vessel, several of the officers of the ship visited her for the purpose of purchasing a few articles—the master of the said vessel being, I believe, on board the ship you command at the same time, making the complaint you forwarded to me relative to the charge affecting an officer of the "Flying Fish." It so happened that two of the officers of the "Cyclops" entered into conversation with the lady passenger, who it appears is the master's wife; and, in the course of conversation, without any solicitation on their part, she related the particulars of the occurrence before mentioned, and, on their return to the "Cyclops," having heard the charge made by Mr. Bailey, the husband of the lady, they handed me a statement, of which the enclosed, marked No. 2, is a copy.

I would further observe, that the boarding of the "Louisa Beaton" by the "Flying Fish" took place, or is said to have taken place, on the 28th March, between which date and the 8th instant she was boarded by her Britannic Majesty's steam-ships "Gladiator" and "Rattler," also by the

United States brig-of-war "Perry;" and I am informed by the respective officers commanding these vessels (for I made it my business to inquire of them) that no complaint was made to those officers, on their boarding her, by the master of the "Louisa Beaton," against the act said to be committed by the officer of the "Flying Fish," on the date alluded to; and it does, therefore, appear to me that having heard that a correspondence was passing between us, on the 8th instant, having reference to the recent capture of Brazilian vessels, who attempted to evade the search of her Britannic Majesty's cruisers by displaying an American ensign and presenting fraudulent American papers, induced the party to come before you with an imaginary complaint of the interference by a British officer with an American vessel.

The mate of the Brazilian barque "Navarre's" affidavit is also dated the same day—when the said mate had the opportunity, as I have previously stated to you in my letter of the 9th instant, the very day after the capture of his vessel, by presenting himself, in the harbor of Loando, before the United States officer in command of the "Perry," at the time the "Firefly" was present there, to make the affidavit or complaint in question; but none was made at that period.

I hope the explanations offered will be deemed satisfactory; and acquaint you that the whole of the correspondence which has passed between us will be submitted by me to my commander-in-chief, who, I have no doubt, will take an early opportunity of communicating with Commodore Gregory, commanding the United States squadron on this coast, on the subject.

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

GEO. F. HASTINGS,

Captain in her Britannic Majesty's Navy.

LEVIN M. POWELL, Esq.,

Commander United States Navy, commanding

United States ship "John Adams," senior officer

of the United States naval forces south of the equator.

No. 1.

HER MAJESTY'S SLOOP "FLYING FISH,"

Off Ambriz, April 18, 1850.

SIR: In compliance with your directions, I have called upon the officer (Lieutenant Holme) sent in charge of the boats of her Majesty's sloop "Flying Fish," under my command, which were sent to board a strange sail on the evening of the 21st of March, (and not the 28th, as your letter states,) which proved to be the "Louisa Beaton;" and herewith enclose the statement of Lieutenant Holme, relating fully the particulars of his proceedings on board of said vessel. Being fully acquainted with the stringent orders requiring great caution to prevent giving ground of complaint on boarding vessels displaying the colors of the United States of America, I have not failed to impress on the officers appointed to this duty the necessity of strict adherence both to the letter and spirit of them.

It being about nine o'clock in the evening, and consequently dark, when the "Louisa Beaton" was boarded, no colors were displayed on board either vessel; consequently, the vessel was not known to be of the United States of America until boarded by Lieutenant Holme. I beg to add, in confirmation of Lieutenant Holme's letter, that, on his return to her Majes-

ty's sloop under my command, and reporting to me his proceedings on board the "Louisa Beaton," it perfectly agreed with the statement which he now makes in his letter—the truth of which is further confirmed by the report which you have enclosed to me from your office, which it appears they received in the course of a conversation with the wife of the master of the said vessel, some time after the occurrence complained of. I may further add, that I have no reason to imagine the master of the "Louisa Beaton" had any complaint to make as to the manner of Lieutenant Holme's examination, as, on the forenoon of the following day, the vessels being becalmed near each other, I gave permission to some of the officers of the "Flying Fish" to go on board the said vessel, for the purpose of purchasing supplies for their messes &c., which they were most readily supplied with, and I am informed that the greatest good feeling existed between them. Neither did I receive from the master of the vessel any communication, or complaint relative to boarding the vessel by Lieutenant Holme, on the previous evening.

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

G. EDWIN PATEY,

Commander.

Captain the Honorable G. F. HASTINGS,

Her Majesty's steam-ship "Cyclops."

HER MAJESTY'S SLOOP "FLYING FISH,"

Off Ambriz, April 18, 1850.

SIR: In compliance with your directions, I beg to state the particulars of the boarding of the "Louisa Beaton" by the boats of this sloop, under my charge, on the night of the 21st (the "Louisa Beaton" was boarded on the 21st, not 28th, March, by the boats of her Majesty's sloop "Flying Fish") March last, off Kabenda.

On boarding, I examined the vessel's papers, to ascertain her nationality; but, seeing on her deck some large water-casks and plank, I asked the master if he would permit me to look into his hold, as several vessels had lately been captured wearing the colors of the United States, but whose papers, on examination, were found to be false. He answered that he was aware of the abuse of his flag, and that he in no way objected to satisfy me in respect to his cargo; and *himself* ordered the hatches to be taken off. I then entered the afterhold, a man with a lantern attending. But a part of the cargo was disturbed. The master then *asked* me if I would like to examine the forehold. I assented. When I descended, the mate (I think) pointed to some casks containing powder, but not until the lantern had been lowered into the hold. I should think that the examination lasted about fifteen minutes, after which I spent some time with him in conversation with the master—during which time, and in subsequent communications, he made no complaint of my proceedings. And I beg further to say, that the vessel was not in any way detained.

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

E. F. HOLME, *Lieutenant.*

GEO. E. PATEY, Esq.,

Commander H. M. sloop "Flying Fish."

P. S.—I may be permitted to add that my report is fully borne out by the statement of the master's wife to the officers of the "Cyclops," in which it will be perceived that no complaint was made at the time of the manner of my examination.

E. F. H.

No. 2.

HER MAJESTY'S STEAM-SHIP "CYCLOPS,"
Off Ambriz, April 8, 1850.

We, the undersigned, do hereby certify, that on this day we were present in the cabin of the American brigantine "Louisa Beaton," and were informed by Mrs. Bailey, the captain's wife, "that, on the evening of the 28th of March last, the said vessel was suddenly boarded by a boat of her Majesty's sloop 'Flying Fish;' that, after ascertaining her nationality, the boarding officer said to Mr. Bailey, 'I dare say it is all right; but what are you doing with all these water-casks on deck? Have you any objection to letting me see your holds?' Upon which my husband immediately ordered the mate to open them; and the boarding officer was so well pleased with their contents, that some of the officers of the 'Flying Fish' visited the 'Louisa Beaton' the next day, and made considerable purchases for their messes from her stock of sundries."

H. ADAIR,

First Lieutenant Royal Marine Artillery.

H. J. K. MIELL,

Clerk.

UNITED STATES SHIP "PORTSMOUTH,"
Porto Praya, June 8, 1850.

SIR: I have the honor to transmit you herewith a report from Commander Marston, covering the complaint of Captain Benjamin Joseph, of the brig "Bridgeton," of Philadelphia, that his vessel had been improperly boarded by the British gun-brig "Contest," with the correspondence had on the subject. The only objection I find to Commander Marston's conduct on the occasion is, that he should have expressed himself satisfied, when it was his duty to have left it an open question, and referred the matter to me.

I had information that the brig "Bridgeton" was on the coast for the purpose of being employed as a slaver; that she sailed from Bahia with an entire crew of Brazilians, excepting the captain. Commander Marston found that her crew were Brazilians, but suffered her to pass on a certificate of the United States consul at Bahia "that Americans could not be obtained for the voyage." I have every reason to believe that this vessel, after having been supplied with an anchor from the "Yorktown," left the coast with a cargo of slaves. The law requires that all American vessels shall have a certain portion of their crews Americans. I am not aware that an American consul has the power, under any circumstances, of deviating from the law. I would respectfully request your instructions on

this point; for I would certainly have arrested the "Bridgeton," had I fallen in with her.

I have the honor to be, very respectfully, your obedient servant,
 F. H. GREGORY,
Commanding African Squadron.

HON. WM. BALLARD PRESTON,
Secretary of the Navy, Washington, D. C.

UNITED STATES SHIP "YORKTOWN,"
Monrovia Roads, April 8, 1850.

SIR: I deem it my duty specially to report to you, that, while lying at Quitta, the American brig "Bridgeton," of Philadelphia, came in, the captain of which, Benjamin Joseph, reported to me that her Britannic Majesty's brig "Contest," commanded by the Hon. J. W. S. Spencer, then at anchor near me, had, on the night of the 27th February, boarded him, and searched every part of his vessel, going down into the hold with lights, opening casks, lockers, &c., &c. I immediately took his deposition, in confirmation of what he had stated to me, which he swore to, in presence of proper witnesses, and which is herewith enclosed to you. I then wrote to Captain Spencer, protesting against his searching any American vessel in future—a copy of which communication I herein enclose to you, as also a copy of his answer to the same, as well as that of my reply to him.

Trusting that my action in the case will prove satisfactory to our government, as well as to yourself, I have the honor to be, very respectfully, your obedient servant,

JOHN MARSTON, *Commander.*

COM. FRANCIS H. GREGORY,
Commanding U. S. naval forces, west coast of Africa.

UNITED STATES SHIP "YORKTOWN,"
Off Quitta, March 2, 1850.

SIR: Since I had the pleasure of seeing you this morning, I have had an interview with Benjamin Joseph, the master of the American brig "Bridgeton," of Philadelphia, who informed me that, on the night of the 27th of February, he was boarded by a boat from your brig, and that your officers and men, after having been informed of his nationality, searched every part of his vessel, opening lockers, and going down into the hold with lights, opening casks, &c.

The United States do not recognise the right of any nation to search an American vessel; and one of the chief objects of the treaty between our respective governments in placing an American squadron on this coast was to avoid any difficulty which might arise from vessels of Great Britain visiting those of America.

I therefore deem it my duty to protest against your searching any Amer-

ican vessel in future, and to inform you that the present instance will be referred to my government.

I have the honor to be, very respectfully, your obedient servant,
 JOHN MARSTON,
Commander U. S. N.

Captain SPENCER,
Commanding H. B. M. brig "Contest," off Quitta.

HER BRITANNIC MAJESTY'S SLOOP "CONTEST,"
Off Quitta, March 2, 1850.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, relative to a statement made by the master of the brigantine "Bridgeton," of being searched, on the evening of the 27th ultimo, by a boat belonging to her Majesty's brig under my command.

I beg leave to inform you that your letter gave me the first intimation that such an occurrence had taken place.

I have since made inquiries from the subordinate officer, who was sent on board the "Bridgeton" for the sole purpose of bringing that vessel's log and passport, by the master's request; and I very much regret to find that the subordinate officer allowed his boat's crew to leave their boat, and that they looked into the hold and a locker; but all deny having made any further search.

I can only express my sincere regret that the officer should so much have neglected his duty as to allow *any of his crew* to leave their boat. Our instructions particularly direct that, when a search is to be made, the officer's rank shall not be *under third* in command; and as this officer is very junior, I trust that you will see that no infringement on the treaty between the United States and Great Britain was intended, as, had it been my intention to search, I should have sent the second lieutenant, at least.

I have the honor to be, very respectfully, your obedient servant,
 JOHN W. S. SPENCER,
Commander.

Captain J. MARSTON,
*United States Navy, commanding U. S. ship "Yorktown,"
 off Quitta.*

UNITED STATES SHIP "YORKTOWN,"
Off Quitta, March 2, 1850.

SIR: I have the honor to acknowledge the receipt of your letter, in answer to mine of this day, and have pleasure in saying that, so far as you are concerned, it is perfectly satisfactory, and I shall feel gratified in forwarding a copy of the same to the commander-in-chief.

The young officer whom you speak of as having disobeyed your orders, no doubt, did it under a misapprehension of his duty, and I trust that it will be so considered by Commodore Fanshawe.

I have the honor to be, very respectfully, your obedient servant,
 JOHN MARSTON,
Commander.

Captain JOHN W. S. SPENCER,
Commanding H. B. M. brig "Contest," off Quitta.

UNITED STATES SHIP "YORKTOWN,"
Off Quitta, March 2, 1850.

This is to certify that I command the American hermaphrodite brig "Bridgeton," of Philadelphia; and that, on the night of the 27th of February, 1850, I was boarded by a boat from her Britannic Majesty's brig "Contest," Captain Spencer, and that every part of my vessel was searched with lights by the English officers and men, opening casks, lockers, &c., &c.

BENJAMIN JOSEPH,
Master of the American brig Bridgeton, of Philadelphia.

Signed, sealed, and sworn to in my presence.

JOHN MARSTON,
Commander.

Witnesses:

THOMAS R. ROOTES, *Lieutenant.*
JOHN L. FOX, *Surgeon.*

UNITED STATES SHIP "PORTSMOUTH,"
Porto Praya, June 8, 1850.

SIR: I have the honor to enclose you the copy of a letter from Commander Slaughter, covering the report of Captain H. N. Canfield, of the American schooner "David C. Foster," complaining of the conduct of the commander of the British brig-of-war "Wolverine."

I shall take the earliest opportunity of bringing the matter to the notice of the commander of the British forces.

I have the honor to be, very respectfully, your obedient servant,
F. H. GREGORY,
Commanding African Squadron.

HON. WM. BALLARD PRESTON,
Secretary of the Navy, Washington, D. C..

UNITED STATES BRIG "BAINBRIDGE,"
Porto Praya, May 28, 1850.

SIR: I have the honor to lay before you a communication (together with a fair copy of the same) made me by the master of the American schooner "David C. Foster," complaining of the insult offered the American flag by the commander of her Britannic Majesty's brig the "Wolverine," in firing at his vessel, and his unjustifiable procedure in ordering the schooner to heave-to, that he might send a boat on board to examine her at his leisure, which was unceremoniously done—the officers coming on board without asking permission, and the vessel thereby subject to detention, when it was highly important she should reach her port of destination as soon as possible, for reasons therein assigned. I respectfully submit this statement to you for consideration, as I have no authority to act in the case.

I am, sir, very respectfully, your obedient servant,
A. G. SLAUGHTER,
Commander.

Commodore FRANCIS H. GREGORY,
Commanding African Squadron, Porto Praya.

SCHOONER "DAVID C. FOSTER,"
Liberia, Port of Monrovia, May 13, 1850.

DEAR SIR: I wish to inform you that I have been detained by the British brig-of-war "Wolverine," while on a voyage from New Orleans to Liberia, that caused much suffering on board. The particulars, perhaps, will be worth your notice, and, as I have been put to considerable expense and trouble, I feel it my duty to lay them before you for your consideration:

March 12.—The schooner "David C. Foster" was cleared in New Orleans, with seventy-eight emigrants as passengers, with their provisions, for the port of Monrovia, Liberia.

March 17.—Put to sea. After twenty-five days at sea, finding that I was short of wood, it was thought proper to cook but one meal per day.

May 1.—The last of the wood was consumed in latitude $7^{\circ} 50' N.$, longitude $13^{\circ} 38' W.$

May 2.—Eight o'clock a. m., made a brig on our lee bow, about 12 miles distant, steering about SE. by S. I was then steering ESE., with the wind SW. fresh. At 12 o'clock (same date) made Cape Mount, latitude $6^{\circ} 26' N.$, longitude $11^{\circ} 40' W.$ Altered my course to SE. by S., the brig being about six miles astern; made her out a brig-of-war.

May 3.—Three o'clock p. m., hoisted her colors; as soon as possible I hoisted the American colors. The wind getting light, she gained on the schooner fast. At half-past 4 o'clock, the wind breezing again, the brig began to drop astern. She then fired a gun for me to heave-to. I hove up in the wind, and hauled my jib-sheet to windward, and waited for her to come up with me. As soon as she was in hailing distance, she hailed me, and ordered me to shorten sail, that he might, at his pleasure, send a boat alongside. After the brig had shortened sail, a boat came alongside, with two officers and five men, (the officers coming on board without permission,) and very abruptly demanded to know who was the captain. I then informed them that I was the master of the vessel. He then said his only business was, to inform me that the reason the captain of the "Wolverine" detained me was because I did not hoist my colors sooner. After conversing between themselves for a few moments, they said they were satisfied, and got in their boat, and went on board the brig. I then made sail, and pursued my voyage for Monrovia. Had I not been detained, I should have arrived in port on Friday morning; but was afterwards becalmed, and did not get in port till it was too late to land my emigrants on Saturday; and there was much suffering, for want of proper food and fuel to cook with. If, then, you think the matter worth your notice, I ask for some protection against such insults when pursuing my lawful business.

Your obedient servant,

N. H. CANFIELD,

Master of the American schooner "David C. Foster."

Captain SLAUGHTER,

Of the American brig-of-war "Bainbridge."