

19th CONGRESS,
1st SESSION.

[Doc. No. 421.]

HO. OF REPS.
DEPT. OF STATE.

SLAVE SHIPS IN ALABAMA.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES.

TRANSMITTING THE

Proceedings of the Court and Marshal of the U. States.

FOR THE DISTRICT OF ALABAMA,

IN RELATION TO THE

Cargoes of certain Slave Ships, &c.

MARCH 8, 1826.

Read, and laid upon the Table.

WASHINGTON:

PRINTED BY GALES & SEATON

1826.

WASHINGTON, 8th March, 1826.

To the House of Representatives of the United States:

I transmit to the House of Representatives a report from the Secretary of State, with the proceedings of the Court and Marshal of the United States, for the District of Alabama; and other documents in relation to the cargoes of certain Slave ships, the Constitution, Louisa, and Merino, containing the information requested by a resolution of the House, of February 16, 1825.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE.

Washington, 7th March, 1826.

The Secretary of State, to whom has been referred, by the President, the resolution of the House of Representatives of the 16th February, 1825, requesting him to lay before the House "the proceedings of the Court and Marshal of the United States, for the District of Alabama, in relation to the cargoes of certain slave ships, the Constitution, Louisa, and Merino; and to communicate, especially, the fact, whether any of the African natives, composing part of those cargoes, have been sold within the United States, and, if so, when, where, and on what account." has the honor to report, herewith, transcripts from the records of the proceedings in the cases mentioned in the above resolution, together with copies of letters from the District Attorney and Marshal of Alabama, and from the Clerk of the District Court of Alabama, all of which have been just received, and which contain all the information in the Department of State within the scope of the resolution.

All which is respectfully submitted.

H. CLAY.

Mr. F. W. Armstrong to Mr. Clay.

BROWN'S HOTEL,

Washington City, 6th March, 1826

SIR: In obedience to the letter of Mr. Brent, of yesterday, enclosing a letter to Mr. Hitchcock, District Attorney for the United States, for the Southern District of Alabama, together with a copy of the resolution of the House of Representatives, passed the 16th February, 1825, on the subject of the African slaves imported into the United States some time since, in the vessels Constitution, Louisa, and Merino, I am enabled, by the arrival of Mr. Hitchcock, to refer you to the documents which he has brought with him from the Clerk's Office of our Court, and which contain all the information I am, officially, possessed of; and, which will, therefore, supercede the necessity of my making any report, whatever, on the subject.

I have the honor to be,

Your obedient servant.

F. W. ARMSTRONG, M. J. D.

Hon. HENRY CLAY,
Secretary of State.

Mr. Hitchcock to Mr. Clay.

BROWN'S HOTEL,

Washington City, 6th March, 1826.

SIR: In compliance with the request contained in the letter of Mr. Brent, of the 20th December last, for information, in obedience to the resolution of the House of Representatives, relating to the proceedings against, and dispositions of, certain Africans, seized on board the schooners Constitution, Louisa, and Merino, I addressed a letter to Jeremiah Austill, Esq. Clerk of the District Court of the United States, held at Mobile, requesting him to furnish a copy of the records in those cases, together with such other information, relating to the disposition of the Africans, as might be in his power to communicate.

I have, herewith, the honor to transmit a copy of the records in the three cases, together with a letter from Mr. Austill, dated 28th January, containing all the information I have to communicate.

I have the honor to be,

Very respectfully,

Your obedient servant,

H. HITCHCOCK.

HON. HENRY CLAY.

Secretary of State, Washington City.

Mr. Austill to Mr. Hitchcock.

MOBILE, *January 28th, 1826.*

SIR: In obedience to the resolution of the House of Representatives, in Congress assembled, enclosed in your letter under date of the 6th instant, I have made out a complete transcript, which is herewith enclosed: And, in answer to yours, have to say, that Daniel F. Walden received fifty-four negroes; after the apportionment was made, and a few days afterwards, he sold them in this city, at auction, to the highest bidder, and purchased twenty-two of them himself, and carried them to New Orleans; the balance of them were sold to citizens of this State: And the slaves imported in the schooners Louisa and Merino were sold in obedience to the order of Court, and purchased by the citizens of this place, except four of the negroes purchased by Allen Glover, of Demopolis, and James Wade, of Claiborne.

I have the honor to be your ob't. serv't.

JER'H AUSTILL.

HENRY HITCHCOCK, Esquire.

The Mandates from the Supreme Court are not embraced in the transcript.

Alabama Territory of the United States, General Court, July Term, 1818.

Before you, the Honorable Judges in and for the said Territory, come the United States of America, by William Crawford, their Attorney for said Territory, and give the Court here to understand and be informed, that on the ninth day of June, in the year of our Lord one thousand eight hundred and eighteen, the American vessel called Merino, having an American register, and of the burthen of seventy-five tons, or thereabouts, and owned in whole by Asahel Gross and William H. Robertson, having on board nineteen negroes: having, some short time previous, taken on board said negroes at the port of Havana, in the Island of Cuba, being a foreign port, in the possession of the King of Spain, with intent to land the same in the United States, and to hold the same as slaves to service or labor, was found, seized, and taken possession of, by Isaac M'Keever, Esq. Commander of the United States ketch or vessel called the Surprise, in the Bay of Pensacola, within the jurisdictional limits of the United States; and having on board also a valuable cargo, consisting of forty-four hogsheds of molasses, eighteen hogsheds of sugar, twenty-five boxes of sugar, ninety boxes of segars, fruits, straw hats, and baskets, two boxes of sugar, one barrel of coffee, and one keg of olives, two jars of olives, ship stores, and other articles; and that the said vessel, Merino, together with the cargo and negroes on board, have been brought by the said Isaac M'Keever, Esq. Commander, &c. into the Port of Mobile, in the District of Mobile, and are now within the jurisdiction of this Court, for a violation of the Act of Congress, entitled "An Act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," particularly for a violation of the seventh article of the said act.

The said United States, by their said Attorney, further shew to the Judges of this Honorable Court, that, on or about the third day of June, in the year of our Lord one thousand eight hundred and eighteen, divers citizens of the United States took and received on board of the American vessel called the Merino, owned in whole by American citizens, by Asahel Gross and William H. Robertson, and transported from the Island of Cuba, being a foreign place, in the possession of the King of Spain, nineteen negroes, not being inhabitants nor held to service by the laws of either of the States or Territories of the United States, for the purpose of being held to service; and that the said vessel called the Merino, together with a valuable cargo, and the said negroes, were, on or about the 9th day of June, in the year 1818, found, seized, and taken possession of, in the Bay of Pensacola, within the jurisdictional limits of the United States, by Isaac M'Keever, Esquire, Commandant of the United States ketch or vessel called the Surprise; and that the said vessel called the Merino, together with her cargo, and the said negroes, have been brought by the said Isaac M'Keever, Esquire, Commander, &c. to the Port of Mobile, in

the District of Mobile, and within the jurisdiction of this Court, for a violation of the laws of the United States, particularly for a violation of the fourth section of the Act of Congress, entitled "An Act in addition to an Act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same." The United States, by their said Attorney, further give the Judges of this Honorable Court to understand and be informed, that, on or about the 25th day of April, in the year 1818, divers citizens of the United States fitted, equipped, and prepared to sail, the American vessel called the Merino, having an American register, from the Port of Mobile, within the jurisdiction of the United States, for the purpose of procuring negroes from the Island of Cuba, a foreign place, in the possession of the King of Spain, to be transported to Pensacola, a place in the possession of the King of Spain on the said 25th day of April, 1818, but now, and on the 9th day of June, 1818, in the possession of the United States of America, and thence to Mobile, in the District of Mobile, in the United States, and that the said vessel called the Merino, together with her cargo and the nineteen negroes taken on board of the said vessel, at the Island of Cuba aforesaid, were, on the 9th day of June, 1818, found, seized, and taken possession of, in the Bay of Pensacola, navigable from the sea by vessels of ten tons burthen or upwards, by Isaac M-Keever, Esquire, Commander of the United States ketch or vessel called the Surprise, in pursuance of instructions from the proper officers.

Wherefore the said United States pray that a citation may issue, and that the said vessel Merino, together with her tackle, apparel, and furniture, and also her cargo, may be declared, by a decree of this Court, to be forfeited to the said United States, and may be condemned to be sold, and the proceeds of such sale may be distributed according to law.

And the said United States further pray that the said nineteen negroes may, in virtue of the Acts of Congress, in such case made and provided, and of the Act of the Territorial Legislature, passed in pursuance of the Acts of Congress in such cases, be declared, by a Decree of this Court, to be forfeited, and may be condemned to be sold, and the proceeds of sale distributed according to law.

WM. CRAWFORD,

Attorney of the U. S. for the Alabama Territory.

Filed 16th June, 1818.

F. H. GAINES, D. C. and C.

Alabama Territory of the United States, General Court of said territory.

The President of the United States to the Marshal of the said Territory, greeting:—You are hereby commanded to seize and into your

possession take the American schooner called the Merino now riding at anchor in the port of Mobile in said territory, together with her tackle, apparel, and furniture, and the cargo found on board of her, consisting of the following goods, wares, and merchandise, viz: forty four hogsheads of molasses, eighteen hogsheads of sugar, twenty-five boxes of sugar, ninety boxes of cigars, fruits, straw hats and baskets, two boxes of sugar, one barrel of coffee, one keg of olives, two jars of do. ship-stores and other articles; also, nineteen negro slaves which were imported in the same schooner Merino, contrary, as is alleged, to the laws of the U. States, and you are hereby authorized empowered and strictly enjoined, peremptorily to cite, and admonish, all persons whatsoever having or pretending to have, any right, title, or interest, or claim in or to the said schooner Merino, her tackle, apparel, and furniture, and the cargo found on board of her, and slaves libelled in our said court, for a breach of the laws of the United States aforesaid, to be and appear before the Honorable the General Court of the Alabama Territory, to be holden at the town of St. Stephens, in the county of Washington, in said territory, on the first Monday of July, in the year of our Lord one thousand eight hundred and eighteen. And whatsoever you shall do in the premises you shall duly certify unto the judges aforesaid at the time and place aforesaid, together with these presents.

Witness the Hon. Harry Toulmin, Senior Judge of our said court, the first Monday of January, in the year of Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty second year.

Issued 16th June, 1818.

Attest

F. H. GAINES,
D. C. Gen. Ct.

Received the 17th June 1818, and executed the 18th on the schooner and the within memorandum of goods.

J. P. KENNEDY, D. M.

Alabama Territory of the United States, General Court.

The President of the United States to the Marshal of said Territory, greeting:

Whereas nineteen African negroes found on board the American schooner called the Merino, have been libelled in the said court for a violation of the laws of the United States, and have been seized and by you taken into possession as liable to condemnation, and whereas Francis Barrias, Ignatius Balderas, Diego Crispo, and Henry Michelet, subjects of the King of Spain, residing in the town of Pensacola, in the province of West Florida, a part of the dominions of the King of Spain, have claimed the said nineteen African negroes, as being

their true, lawful, and *bona fide* property, and praying that the same may be restored, you are therefore commanded and strictly enjoined to cite and admonish all persons having or pretending to have any interest in the condemnation of the aforesaid nineteen African negroes, to be and appear before the General Court of the Alabama Territory, to be holden in the town of St. Stephens. on the first Monday in January next, to show cause to the said court when in session, if any they have or can, why the aforesaid nineteen African negroes should not be restored to the said Francis Barrias, Ignatius Balderas, Diego Crispo, and Henry Michelet, and whatsoever you shall do in the premises you shall duly certify, under your hand and seal, to our said court when in session.

Witness the Hon. Harry Toulmin, Senior Judge of our said court, the first Monday in July, in the year of our Lord one thousand eight hundred and eighteen, and of the sovereignty and Independence of the United States of America the forty-third year.

Issued 29 August, 1818,

Attest

F. H. GAINES.

D. C. Gen. Ct.

Advertised.

J. HANES, *Marshal.*

The United States <i>vs.</i> schooner Louisa and cargo.	}	In the General court of the Alabama Territory in admiralty sitting.
The United States <i>vs.</i> The schooner Louisa and cargo.	}	In the Gen. Court of the Alabama Territory, in admiralty sitting.

Unto the said Court comes Samuel Paxton, by his attorney David Rust, and claims the said schooner Louisa, mentioned in the said libel of the United States. in this behalf filed—as his own lawful property, and denying all and singular the allegations in the said libel of the said United States contained, he owns that the said schooner is not forfeited to the United States for any such cause as is in the said libel alleged, and prays that the same may be restored to them with costs, &c. &c.

Of the Term of July, in the year of our Lord one thousand eight hundred and eighteen.

To the Honorable the Judges of the General Court of the Alabama Territory, in Admiralty sitting:

The libel of Francis Barrias, Ignacios Balderas, Diego Crispo, and Henry Michelet, all and each of them subjects of the King of Spain, residing in Pensacola, in the Province of West Florida, a part of the dominions of the King of Spain,*most respectfully alleges, propounds, and states, that your libellants, on or about the third of

June, in the year of Christ one thousand eight hundred and eighteen, did ship in and on board a certain American schooner called the Merino, nineteen negroes, slaves, to wit: the said Francis Barrias one negro slave, the said Ignacios Balderos two negro slaves, the said Diego Crispo twelve negro slaves, and the said Henry Michelet four negro slaves, the true, lawful, and bona fide property of your libellants, to be transported in and on board the said schooner to Pensacola, in the Province of West Florida, from the port of Havanna, in the Island of Cuba, a part of the dominions of their Sovereign the King of Spain, where the said schooner then was, and both of which places, of shipment and delivery, were then, and now are, provinces, colonies, or dependencies of the kingdom of Spain, aforesaid; that the said schooner did proceed on her said voyage, with the said negroes on board, with the intention to land and deliver the same at Pensacola, aforesaid, to your libellants, according to the undertaking and agreement of the master of said schooner; that, upon the arrival of the said schooner, at the port of Pensacola aforesaid, the same was occupied by the military forces of the United States, by virtue of certain articles of capitulation with the authorities and forces of the King of Spain; the said schooner, with the said nineteen negroes on board, were then and there, in the harbor of Pensacola, illegally and forcibly seized and taken by the force and power of the officers and crew, and guns, of the United States' ketch Surprise, Lieut. Isaac M. Keever, commander, and sent into Mobile, in the Alabama Territory, in the United States, where the said negroes and the said vessel now are, in custody of the Marshal of this Court, and proceedings instituted against them, in this Honorable Court, for condemnation; all which your libellants expressly allege, is contrary to the law of nations and of the United States; therefore, they pray that Admiralty process may issue against the said nineteen negroes, that the usual monition may issue, and that they may be decreed to be restored to them, with costs.

D. RUST, *Proctor.*

Let Admiralty process issue.

HARRY TOULMIN, *J. A. T.*

H. Y. WEBB, *J. A. T.*

9th July, 1818.

Issued, 29th August, 1818.

F. H. GAINES, *D. C. Gen. Ct.*

The United States, <i>vs.</i> Schooner Merino and cargo.	}	In the General Court of the Alabama Territory—in Admiralty.
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Unto the said Court comes Wm. H. Robertson and Asahel Gross, by David Rust, their Proctor, and claims the schooner Merino, her tackle, wearing apparel, and furniture, and merchandise, and cargo, found on board of said schooner, and mentioned in the said libel of the United States, in this behalf filed, as his own lawful property, and de-

nying all and singular the allegations in the said libel of the United States contained. They aver, that said schooner, her tackle, wearing apparel, furniture, and merchandise, and cargo, found on board of said schooner, is not forfeited to the United States, for any such cause as is, in the said libel, alleged; and prays that the same may be restored to them, with costs, &c.

DAVID RUST, *Proctor.*

William H. Robertson, the claimant in this cause, being sworn, says, that the facts set forth in the foregoing claim, are true.

WM. H. ROBERTSON.

Sworn in open Court, this 8th June, 1821.

R. C. LANE, *Clerk.*

ALABAMA GENERAL COURT, *July Term, 1818.*

The United States,	}
<i>vs.</i>	
Schooner Merino, and cargo.	}
The United States,	
<i>vs.</i>	}
Schooner Louisa, and cargo.	
The United States,	}
<i>vs.</i>	
Sch'r. Constitution, and cargo.	}

On the trial of the above causes, it was agreed, as well on the part of the United States, as for the claimants of the three schooners, that they shall be admitted to be American vessels, and commanded by American citizens, to wit: the Merino, owned by Asahel Gross and William H. Robertson; the Louisa, owned by Samuel Paxton; and the Constitution, owned by M. White and — Walden, and that all the above owners are American citizens; and that the commanders, to wit: Asahel Gross, commander of the Merino, Pedro Revero, commander of the Louisa, and — Peckham, commander of the Constitution, are all American citizens.

D. RUST,

Attorney for Claimants.

Memorandum of the cargo of the schooner Merino, which was discharged from on board of said vessel, and placed in the custody of the Marshal of the Alabama Territory, in consequence of an order of seizure, to said Marshal directed, bearing date the — day of June, 1818, from the General Court of said Territory:

1 box of Sweetmeats,	-	-	landed and stored.
1 do bottled Brandy, (half full)	broken open,		do
1 large box of Jellies, broken open,	two-thirds full,		do
79 boxes of Cigars	-	-	do

21 Baskets	-	-	-	-	do
45 Straw Flats	-	-	-	-	do
1 barrel of Coffee	-	-	-	-	do
2 jars of Olives	-	-	-	-	do
27 boxes of Sugar	-	-	-	-	do
18 hhds. of do	-	-	-	-	do
44 hhds. of Molasses,	13 landed and stored.				
19 Slaves,	in the custody of the Deputy Marshal.				

Account of sales of fruit and perishable property, taken on board the schooner Merino, and sold by consent, for the benefit of those whom it may concern:

413 Pine Apples at 12½	-	-	-	\$ 51 62½
72 Cocoa Nuts, at 6¼	-	-	-	4 50
775 Plantains	-	-	-	11 50
8 Watermelons	-	-	-	2 00
2 barrels of Limes, at \$ 21	-	-	-	42 00
				<hr/>
				111 62½
890 Cocoa Nuts, at 7 cents	-	-	-	57 40
				<hr/>
				\$ 169 02½

Valuation of the schooner Merino and cargo, appraised by Christopher Strong Stewart, D. Duval, and Henry D. Merritt:

Schooner, valued at nine hundred dollars,	-	-	\$ 900 00
<i>Cargo:</i>			
6 boxes of brown Sugar, 2,392 at 7 cts.	-	-	167 44
19 do white 7,644 at 10	-	-	764 40
44 hhds. Molasses, 4,474 at 40	-	-	1,791 60
18 do Muscovado Sugar, 13,693 at 8 cents	-	-	1,095 44
72 quarter boxes Segars, at \$2 50	-	-	180 00
2 half do do at \$ 5	-	-	10 00
5 whole do do at 10	-	-	50 00
33 gent. Chip Hats, at 50 cents	-	-	16 50
3 large brim do	-	-	3 00
22 Palmeta Blankets, at 6 cents	-	-	1 37½
			<hr/>
			4,980 75½

Sale of fruits by the Marshal, not returned
The above valuation is made, exclusive of duties.

CHRISTOPHER S. STEWART.
D. DUVAL.
HENRY D. MERRITT.

Mobile, 25th July, 1818.

Filed, 30th July, 1818.

F. H. GAINES, D. C. Gen. C't.

Alabama Territory of the United States:

The President of the United States to the Marshal of said Territory, greeting:

Whereas, at a General Court holden for said Territory, in the town of St. Stephens, on the 1st Monday of July, 1818, it was ordered, that the vessel *Merino* and cargo, and the schr. *Louisa* and cargo, and the schooner *Constitution* and cargo, should be delivered to the claimants of the same, on their entering into bond in the appraised value thereof, with Samuel H. Garrow, Lewis Judson, David Files, John W. Simonton, and Joseph S. Patten, or any four of them, David Files being one, as securities for the forthcoming of the property, to abide the decision and decree of the said Court; And whereas an appraisalment, on oath, of the valuation of the vessel *Merino* and cargo has been filed, and bond in double the amount thereof, conditioned as aforesaid, entered into and filed in the Clerk's office of said Court, with David Files, Jotham S. Patten, John W. Simonton, and S. H. Garrow, as securities—you are therefore required and strictly commanded, that you deliver unto William H. Robertson and Asahel Gross the said vessel called the *Merino*, her tackle, apparel, and furniture, and the cargo on board the same, consisting of six boxes of brown sugar, weight 2,392 lbs. nineteen boxes of white sugar, 7,644 lbs. forty-four hogsheads of molasses, 4,479 gallons, eighteen hogsheads of muscovado sugar, weighing 3,693 lbs. seventy-two quarter boxes of Spanish segars, two half boxes of the same, five whole boxes of the same, thirty-three gentlemen's chip hats, three large brimmed ditto, and two palmetto blankets, together with the proceeds of the sale of the fruits sold by the Marshal, being part of the cargo, which said vessel called *Merino* and cargo aforesaid, by our writ, you have seized and taken into your possession, for a violation of the laws of the United States, as by their libel we are given tounderstand; and whatsoever you shall do in the premises, you shall certify to our said Judges of said Court, at the Court to be holden for said Territory, in the town of St. Stephens, on the first Monday of January next. Witness, the Honorable HARRY TOLMIN, Esq. Senior Judge of said Court, the first Monday of July, A. D. 1818, and 43d year of American Independence.

Issued, 31st July, 1818.

Attest:—F. H. GAINES, *D. C. Gen. C't.*

Received, 6th August, 1818.—J. P. KENNEDY, *D. Marshal*—and delivered agreeably to the within order.

Received, 8th August, 1818, of Joseph P. Kennedy, Esq. Deputy Marshal of the Alabama Territory, forty-three straw hats, seventy-two quarter boxes of segars, two boxes of sugar, two half do. five whole do. and a quantity of baskets.

For Wm. H. Robertson and Asahel Gross,

J. W. SIMONTON.

Received, 9th August, 1818, of Joseph P. Kennedy, Deputy Marshal, nineteen boxes of white, and six boxes of brown sugar, mentioned in the within certificate.

J. W. SIMONTON,

For William H. Robertson and Asahel Gross.

Received, Mobile, 20th August, 1818, of Joseph P. Kennedy, Esq. forty-four hogsheads of molasses, eighteen hogsheads of sugars, nineteen boxes of white do. six do. brown do. a quantity of baskets and straw hats; all other receipts given heretofore, for this property, to be considered null and void.

J. W. SIMONTON,

For Wm. H. Robertson and A. Gross.

William H. Robertson, Agent for Crispo and Michelet, two of the claimants in the case of the United States against schooner Merino and cargo of slaves, being duly sworn, deposes and says, that he received a letter a few days since, from Michelet, who stated therein, that he had received a letter from one of the claimants in Havana, requesting to know when the Court would meet, and, generally, information on the subject of the prosecution against the property claimed by them; and that, to his knowledge, they had employed counsel, of whose aid they have been deprived in this Court, by circumstances over which they have had no control.

WM. H. ROBERTSON.

Sworn to, in open Court, 26th Feb. 1821.

R. C. LANE, *Clerk.*

And now comes here, William H. Robertson, by Samuel Acre, his Proctor, and claims the schooner Merino, her tackle, apparel, and furniture, and cargo; and for his claim and answer unto the said libel, he saith, that the said schooner and cargo are the bona fide property of this claimant and Asahel Gross; that on or about the 10th day of June, in the year 1818, the said schooner sailed from the port of Havana, in the Island of Cuba, in the dominions of the King of Spain, bound for the port of Pensacola, in the Province of West Florida, then a port belonging to the King of Spain. This claimant further answering, saith, that, while prosecuting the voyage aforesaid, and after the arrival of the said schooner in the Bay of Pensacola, within the territorial jurisdiction of the King of Spain, and while at anchor under the guns of the Fort of the Barrancas, belonging to the King of Spain aforesaid, and within the harbor of Pensacola aforesaid, was forcibly seized and taken possession of by the Navy of the United States, between whom and the King of Spain there then was, and still is, peace and amity, and by the commander of the gun vessel ketch Surprise, sent into the port of Mobile, within the territories and jurisdictional limits of the United States; and this claimant, further answering, saith, the negroes found on board of said schooner were brought by her from the said port of Havana, in the Island of Cuba.

in the dominions of the King of Spain aforesaid, and were taken on board as passengers, the property of Spanish subjects, residing in Pensacola, and with intent to land them in Pensacola aforesaid, and not within any part or place of the United States, or of the Territories thereof: and that the said schooner and cargo are not forfeited under any of the laws of the United States: whereof the said Robertson doth claim the said schooner, her apparel, furniture, and tackle, and cargo, as the bona fide property of himself and Asahel Gross, aforesaid, and praying the same may be restored, and that they may have their costs, in this matter sustained, and their damages, occasioned by the seizure and detention of the said schooner, so unlawfully made, to them decreed.

SAMUEL ACRE,

Proctor for claimant.

Sworn and subscribed to, in open Court, the 14th January, 1822.

W. H. ROBERTSON.

R. C. LANE. *Clerk.*

UNITED STATES OF AMERICA, }
Alabama Territory. }

General Court, July Term, 1818.

Be it remembered, that before the Honorable the Judges of the General Court in and for the Alabama Territory, comes William Crawford, Attorney of the United States of America, in and for the said Territory, and prosecuting as well on behalf of the United States as of George M. Brook, Esq. a Colonel in the Army of the United States, gives the Court here to understand and be informed, that heretofore, to wit: on the 9th day of June, in the year 1818, upon waters navigable from the sea by vessels of ten or more tons burthen, the said George M. Brooke, Esq. seized, as forfeited under the laws of the United States, a certain schooner or vessel called the Constitution, of the burthen of — tons, or thereabouts, together with her tackle, apparel, and furniture, and the goods and effects found on board the said schooner, to wit: one hundred boxes brown Havana sugar, and seventy-five bags of coffee, and also at the same time seized, on board of said schooner, eighty-four negroes, as subject to such regulations as the Legislature of the Alabama Territory has made, or may make, for the disposing of the same: For this, that after the 10th day of May, in the year 1800, to wit: between the 1st and 10th days of June, in the year 1818, the said schooner or vessel called Constitution, being a vessel of the United States, owned by a citizen or citizens of the United States, to the said Attorney as yet unknown, was employed in carrying on trade, business, or traffic, contrary to the true intent and meaning of the act of the Congress of the United States, passed on the 10th day of May, in the year 1800, entitled "An act in addition to an act entitled An act to prohibit the carrying on the

First count.
1st and 4th sect.
Act of May, 1800.

slave trade from the United States, to any foreign place or country," that is to say, was, between the 1st and 10th days of June, in the year 1818, aforesaid, employed or made use of in the transportation of slaves from one foreign place or country to another, to wit: was employed or made use of in the transportation or carrying of eighty-four negro slaves from the foreign port or place of Havana, in the Island of Cuba, to the foreign port or place of Pensacola, in the Province of West Florida, contrary to the form of said act, whereby, and by force of the said act, the said schooner or vessel called Constitution, together with the tackle, apparel, and furniture, and the said goods and effects, other than slaves, found on board of the said schooner, became, and are, forfeited.

And also, for this, that, after the 1st day of January, in the year 1808, to wit: between the 1st and 10th days of June, aforesaid, the said schooner or vessel called

Second count,
5th sec. Act 2d
March, 1807.

Constitution, was found in a river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board some negro, mulatto, or persons of color, to wit: having on board the aforesaid eighty-four negroes, seized as aforesaid, for the purpose of selling them as slaves, or with intent to land the same in some port or place within the jurisdiction of the United States, contrary to the prohibitions of the acts of the Congress of the United States, in such case made and provided: whereby, and by force of the said acts, the said schooner or vessel, together with her tackle, apparel, and furniture, and the said goods and effects found on board the same, became, and are, forfeited.

And also, for this, that, after the 20th day of April, in the year 1818, a citizen or citizens of the United States, or some other person or persons, to the said Attorney as yet unknown, for himself or themselves, or for some other person or persons, to the said Attorney also unknown, either as master, factor, or owner, did build, fit, equip, load, or otherwise prepare, a ship or vessel, in a port or place within the jurisdiction of the United States, for the purpose of procuring some negro, mulatto, or person of color, from some foreign kingdom, place, or country, to be transported to some port or place to be held, sold, or disposed of as slaves, or to be held to service or labor, contrary to the form of the act in that case made and provided: and that the said schooner or vessel called Constitution, is a ship or vessel, was so fitted out, equipped, laden, or otherwise prepared for the purpose aforesaid, contrary to the form of the act in such case made and provided: whereby, and by force of the said act, the said schooner or vessel called Constitution, her tackle, apparel, and furniture, and lading, consisting of the said one hundred boxes of brown Havana sugar, and seventy-five bags of coffee, became, and are, forfeited.

Third count,
2d sec. Act 2d
April, 1818.

And also, for this, that, after the said 20th day of April, in the year 1818, to wit: between the 1st and 10th days of June aforesaid, a certain citizen or citizens of the U. States, or some person or persons resident within the jurisd-

Fourth Count,
4th sec. Act 20th
April, 1818.

diction of the same, to the said Attorney as yet unknown, did take on board, receive, or transport, from the port of Havana, a foreign kingdom, place, or country, under the dominion of the King of Spain, a certain negro, mulatto, or person of color, to wit: eighty-four negroes, seized as aforesaid, not being an inhabitant or inhabitants, nor held to service by the laws of either of the States or Territories of the United States, in a certain ship or vessel, boat, or other water craft, for the purpose of holding, selling, or otherwise disposing of such person or persons, as a slave or slaves, or to be held to service or labor, contrary to the form of the act in such case made and provided; and that the said schooner or vessel called Constitution, is the ship, boat, or other water craft, on which the said negro, mulatto, or person of color, to wit: the aforesaid eighty-four negroes, was or were taken on board, received, or transported as aforesaid, contrary to the form of the statute in such case made and provided; whereby, and by force of the said act, the said schooner or vessel called Constitution, her tackle, apparel, and furniture, and the goods and effects found on board the same, or that were imported in the same voyage, to wit: the one hundred boxes brown Havana sugar, and seventy-five bags of coffee, became, and are, forfeited.

And the said Attorney, who prosecutes as aforesaid, gives the Court here further to understand and be informed, that the schooner or vessel called Constitution, together with the said goods and effects found on board the same, and also the said eighty-four negroes seized as subject to the regulations aforesaid, have been conveyed and are now within the limits of the Alabama Territory, and within the jurisdiction of this Honorable Court.

Wherefore in consideration of the premises, the said Attorney, who prosecutes as aforesaid, prays that after due proceedings had according to law, the said schooner Constitution, her tackle, apparel, and furniture, together with the said 100 boxes of brown Havana sugar, and 75 bags of coffee, the said goods and effects found on board the same, may be condemned as forfeited, and that the proceeds of the sale thereof, may be distributed according to law.

And further prays, that the said eighty-four negroes may be and remain, subject to the regulations of the legislature of the Alabama territory, disposing of such negroes in the premises.

WM. CRAWFORD,

Attorney of the United States for the Alabama Territory.

Filed in office, 7th January, 1819.

The Alabama Territory of the United States.

GENERAL COURT OF SAID TERRITORY.

The President of the United States, to the Marshal of said Territory, greeting:—

You are hereby commanded to seize and into your possession take, the American schooner called the Constitution, now riding at anchor

at the port of Mobile, together with the tackle, apparel and furniture, of said vessel, and likewise the cargo on board of said vessel, was said vessel called the Constitution, her tackle, apparel, and furniture, and cargo, have been libelled before the General Court of the Alabama territory, for a violation of the laws of the United States, particularly of the Revenue Laws thereof, and you are hereby authorized, empowered and strictly enjoined, to cite and admonish all persons, having or pretending any right, title, interest, or claim, in or to the said vessel, called the Constitution, her tackle, apparel, furniture, and cargo, personally to be and appear before the General Court of the Alabama territory, to be holden in the town of St. Stephens, on the first Monday of January next, to shew cause to the said Court, when in session, if any they have, or can, why the said vessel, called the Constitution, her tackle, apparel, furniture, and cargo, should not be condemned as forfeited to the said United States, and whatsoever you shall do in the premises, you shall duly certify under your hand and seal, to our said court when in session.

Witness the Honorable Harry Toulmin, Senior Judge of our said Court, the first Monday of July, A. D. 1818, and of the Sovereignty and Independence of the United States of America the forty-third year.

Issued 15th July, 1818.

ATTEST—F. H. GAINES, *D. C. General Court.*

Received the 16th July, 1818.

Executed on the said schooner Constitution and cargo, July 16th, 1818.

J. P. KENNEDY, *D. M. of the A. T.*

The Alabama Territory of the United States.

GENERAL COURT OF SAID TERRITORY.

The President of the United States to the Marshal of said Territory.

Greeting:

You are hereby commanded to seize and into your possession take the American schooner called the Constitution, now riding at anchor at the port of Mobile, together with the tackle, apparel, and furniture of said vessel, likewise the cargo on board of said vessel and eighty-four negroes which were found on board said vessel: which said vessel called Constitution, her tackle, apparel, furniture and cargo, as well as the said eighty-four negroes, have been libelled before the General Court of the Alabama Territory, for a violation of the laws of the United States, particularly an act, entitled "An act in addition to an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the 1st day of January, 1808, and to repeal certain parts of the same." And you are hereby authorized, empowered, and strictly enjoined, to cite

and admonish all persons having or pretending any right, title, interest, or claim, in or to the said vessel called the Constitution, her tackle, apparel, and furniture, and cargo, and negroes, before enumerated, personally to be and appear before the General Court of the Alabama Territory, to be holden in the town of St. Stephens, on the first Monday of January next, to show cause to the said Court, when in session, if any they have or can, why the said vessel called the Constitution, her tackle, apparel, and furniture, and cargo, and the said eighty-four negroes, should not be condemned as forfeited to the said United States; and whatsoever you shall do in the premises, you shall duly certify, under your hand and seal, to our said Court, when in session.

Witness the Honorable Harry Toulmin, Senior Judge of our said Court, the first Monday of July, A. D. 1818, and of the sovereignty and independence of the United States the forty-third year.

Issued 15th July, 1818.

Attest: F. H. GAINES, D. C. Gen. C't.

Received, the 16th July, 1818.

Executed on said schooner Constitution and cargo, and eighty negro slaves, 16th July, 1818.

J. P. KENNEDY,
D. M. of A. Territory.

Of the Term of July, in the year of our Lord one thousand eight hundred and eighteen.

To the Honorable the Judges of the Alabama Territory, in Admiralty sitting:

The libel of Antonio de Frias and David Nagle, all and each of them subjects of the King of Spain, residing in the city of Havana, in the Island of Cuba, a part of the dominions of the King of Spain, most respectfully alleges, propounds, and states, that your libellants, on or about the 16th June, 1818, did ship in and on board a certain American schooner called the Constitution, eighty-four negro slaves, to wit: the said Antonio de Frias sixty-nine negro slaves, and the said David Nagle fifteen negro slaves, the true, lawful, and bona fide property of your libellants, to be transported in and on board the said schooner Constitution, to Pensacola, in the Province of East Florida, a part of the Kingdom of Spain, from the said port of Havana, where the said schooner then was, and both of which places of shipment and delivery were then, and now are, provinces, colonies, or dependencies of the Kingdom of Spain aforesaid; and the aforesaid negroes, at Pensacola, were to be delivered to Henry Mitchelet and John Innerarity, both in-

habitants of Pensacola, and subjects of the King of Spain; that the said schooner did proceed on her said voyage, with the said negroes on board, with the intention to land and deliver the same at Pensacola aforesaid, to your libellants, consignees aforesaid, according to the agreement and undertaking of the master of said schooner.

That, upon the arrival of the said schooner at the port of Pensacola aforesaid, the same was occupied by the military forces of the United States, by virtue of certain articles of capitulation with the authorities and forces of the King of Spain: that the said schooner, with the said eighty-four negroes on board, were then and there, in the harbor of Pensacola, illegally and forcibly seized by a military detachment from the Fort Carlos, at the Barrancas, of the United States' Army, under the command of George M. Brooke, an officer of the United States' Army, commanding the said Fort, and the said negroes were sent in the said schooner, with a military armed guard on board, into the port of Mobile, in the Alabama Territory, in the United States, where the said vessel and the said negroes now are, in custody of the Marshal of this Court, and proceedings instituted against them in this Honorable Court, for condemnation; all which your libellants expressly allege is contrary to the law of nations and of the United States: Wherefore, they pray that Admiralty process may issue against the said eighty-four negroes, that the usual monition may issue, and that they may be decreed to be restored to them, with costs, &c.

D. RUST, *Proctor.*

Let Admiralty process issue.

HARRY TOULMIN,
Judge A. T.
H. Y. WEBB, J. A. T.

Issued 29th August, 1818.

F. H. GAINES, Dt Clk.

Alabama Territory of the United States, General Court.

The President of the United States, to the Marshal of the said Territory, Greeting:

Whereas, eighty four African negroes, found on board the American schooner called the Constitution, have been libelled in the said Court, for a violation of the laws of the United States, and been seized, and by you taken into possession, as liable to condemnation, and whereas, Antonio De Frias and David Nagle, subjects of the King of Spain, residing in the City of Havana, in the Island of Cuba, a part of the dominions of the King of Spain, have claimed the eighty-four African negroes, as being their true, lawful, and bona fide property, and praying that the same may be restored: you are, therefore, commanded, and strictly enjoined, to cite and admonish all persons having, or pretending to have, any interest in the condemnation of the aforesaid eighty-four African negroes, to be and appear before the General Court of

the Alabama Territory, to be holden at the Town of St. Stephens, on the first Monday of January next, to show cause to the said Court, when in session, if any they have, or can, why the aforesaid African negroes should not be restored to the said Antonio De Frias and David Nagle: And whatsoever you shall do in the premises, you shall duly certify under your hand and seal, when in session.

Witness, the Honorable Harry Toulmin, Esquire, Senior Judge of our said Court, the first Monday in July, in the year of our Lord one thousand eight hundred and eighteen, and of the sovereignty and independence of the United States of America the forty-third year.

Issued, 29th August, 1818.

Attest.

F. H. GAINES,
D. C. General Court.

Advertised.

J. HAUES, *Marshal.*

The United States,
vs.
The schooner Constitution and Cargo, } In the General Court of the
Alabama Territory, in admiralty sitting.

¶ Unto the said Court comes Daniel T. Walden and Maunsel White, by their Attorney, David Rust, and claims the said schooner Constitution, mentioned in the said libel of the United States, in that behalf filed, as their own lawful property; and denying all and singular the allegations in the said libel of the said United States contained. They aver, that the said schooner is not forfeited to the United States for any such cause, as is, in the said libel, alleged; and prays that the same may be restored to him, with costs, &c. &c.

The United States,
vs.
The schooner Constitution and Cargo, } In the General Court of the
Alabama Territory, in admiralty sitting.

Unto the said Court comes David Nagle, by David Rust, his proctor, and claims the cargo on board the said schooner, mentioned in the said libel of the United States, in this behalf filed, as his own lawful property; and denying all and singular the allegations in the said libel of the said United States contained. They aver, that the said cargo is not forfeited to the United States for any such causes, as is, in the said libel alleged; and prays that the same may be restored to him, with costs, &c. &c.

We, Henry D. Merrit, Christopher Strong Stewart, and Daniel Duval, do solemnly, sincerely, and truly swear, that we will diligently examine, appraise, the value of the schooners Merino, Louisa, and Constitution, and their respective cargoes, which have been seized and li-

belled in the General Court of the Alabama Territory, according to our best skill and judgment, and true returns make. So help us God.

HENRY D. MERRITT,
CHRISTOPHER STRONG STEWART,
DANIEL DUVAL.

Sworn and subscribed to before us, this 14th day of July, 1818.

ADDIN LEWIS,
JOHN KING, jr.
ALVAN ROBESHOW,
Standing Commissioners.

Valuation of the Schooner Constitution and Cargo, by Christopher S. Stewart, D. Duval and Henry D. Merritt.

Schooner Constitution, including her tackle and apparel, valued at two thousand five hundred dollars.	\$2,500 00
100 boxes brown Havana sugar, weighing 42,156 lbs. at 7 cts. per lb.	2,950 92
75 bags of coffee, weighing 11,766 lbs. at 22 cts.	2,588 52
	\$8,039 44
	\$8,039 44

Amount of valuation of Schooner Constitution and Cargo, \$8,039⁴⁴/₁₀₀, exclusive of duties.

Mobile, 25th July, 1818.

CHRISTOPHER S. STEWART,
D. DUVAL,
HENRY D. MERRITT.

I certify that the duties on the Cargo of the Schooner Constitution, H. Peckham, master, from Havana, and the tonnage duty on the said vessel, have been paid, or secured to be paid, according to law.

Given under my hand, at the Custom House, Mobile, this 27th day of July, 1818.

ADDIN LEWIS, *Collector.*

Alabama Territory of the United States. }
MOBILE COUNTY.

To John Hanes, Marshal of the Alabama Territory of the United States, or to his lawful deputy, greeting:

Forasmuch as Lieutenant Abram L. Sands, of the U. S. corps of Artillery, upon oath before me, Alvan Robeshow, Esq. hath made information, that on the 24th day of June, A. D. 1818, the American schooner Constitution, whereof Henry Peckham is master, and Daniel T. Waldon is supercargo, bound from the port of Havana, a foreign port,

to the port of New-Orleans, in the state of Louisiana, laden with sugar and coffee, and having on board a quantity of negroes, slaves, was taken possession of by Colonel George M. Brooke, of the U. States' army and the garrison at fort San Carlos De Barrancas, in Pensacola Bay, off that post, charged with a violation of the several acts of the Congress of the United States, relating to the slave trade, these are therefore to command you that, immediately upon sight hereof, you do apprehend the said Henry Peckham, and Daniel T. Waldon, and bring them before me, the Chief Justice aforesaid, to answer the premises and to be dealt with according to the laws of the United States, in such cases made and provided. Herein fail not.

Given under the hand and seal of Alvan Robeshow, the Chief Justice aforesaid, this 29th day of June, A. D. 1818.

ALVAN ROBESHOW, *C. J. O. C. in C. M.* [I. s.]

Received 29th June, 1818.

J. P. KENNEDY, D. M.

Executed 29th June, 1818.

The United States of America, }
ALABAMA DISTRICT.

District Court, Mobile, February Term, 1821.

And now before the Honorable Court, sitting in admiralty, comes Curtis Lewis, of the town of Mobile, in said District, being at the time hereinafter mentioned, the inspector of the port and District of Mobile, and commander of the Revenue Boat of the said port and district, who claims and prosecutes, as well in behalf of himself, as of his crew on board of said boat, and gives the court to understand and be informed, that heretofore, to wit: on the 29th of June, in the year 1818, the said Lewis did command, as master, the boat aforesaid—that the said boat was a commissioned vessel of the United States—that he the said Lewis, commanding as aforesaid, and with the said vessel and the said crew on board thereof, in the day and year aforesaid, at sea, to wit: near Mobile Point, and within the jurisdiction of the United States, and of the said District aforesaid, did seize and take as forfeited, under the laws of the United States as forfeited, a certain schooner or vessel called Constitution, of — tons burthen, together with her tackle and apparel, and goods and effects, on board of said schooner, to wit: one hundred boxes brown Havana sugar, and seventy-five bags of coffee, and also seized on board of said schooner eighty four African negro slaves, as subject to such regulations as the legislature of the Territory, now state of Alabama, had provided, and the said Lewis did then and there bring the said schooner, taken and seized as aforesaid, into the said port of Mobile, whereof due report was made to the Collector of the said port, and also to the District Attorney of the United States for said District.

And the said Lewis, in behalf of himself and crew aforesaid, further

propounds and declares, that the said schooner Constitution, at the time of the seizure aforesaid, was employed in carrying on trade, business, or traffic, contrary to the true intent and meaning of the act of Congress, passed in the year 1800, entitled an act in addition to the act, entitled an act to prohibit the carrying on the slave trade from the United States, to any foreign place or country," that the said schooner was owned at the time of the said seizure, by a citizen or citizens of the United States, to the said Lewis unknown, and was then and there employed in carrying the said negro slaves from the foreign place of Havana, in the Island of Cuba, to the other foreign place of Pensacola, in West Florida, and the said Curtis, also in behalf of said crew, propounds and states, that the said schooner Constitution, after the 22d of March, 1794, to wit: on the — day of — 1818, was prepared within the port of New Orleans, within the United States, by certain persons who were citizens of the United States, or persons therein residing, to the said Lewis unknown, as master or factor of said schooner, and was caused by said persons to sail from the said port of New Orleans, for the purpose of carrying on trade and traffic in slaves, to a foreign country, to wit: to Havana in the Island of Cuba, and at the time of the seizure aforesaid, to wit: on the said 29th June, 1818, the said schooner was employed in carrying on trade and traffic in slaves, contrary to the true intent and meaning of the act of congress, entitled "an act to prohibit the carrying on the slave trade from the United States to any foreign place or country"—passed 22d March, 1794, and the other acts of Congress, prohibiting the slave trade, and the said Curtis also, for himself and crew aforesaid, further propounds, that the said schooner Constitution at the time of the said seizure, made as aforesaid, was found, to wit: on the said 29th June, 1818, on the high seas, within the jurisdictional limits of the United States, and of the District of Alabama, having on board eight-four negroes, for the purpose of selling them as slaves, or with intent to land them in the United States, contrary to the prohibition of the act of Congress in such case, passed 2d March, 1807, and was on the said 29th June, 1818, when seized, a vessel of the United States, and the Revenue boat aforesaid was then an armed vessel of the United States, and then on a cruise—all which premises are and were true, public, and notorious, of which true proof having made, the said Curtis prays the usual process of monition of this Honorable Court, in this behalf, to be made, and that all persons interested in said schooner, tackle, apparel, furniture and goods, and effects, found on board, be cited to appear to answer the premises, and that all due proceedings be had, that the said schooner, her tackle, apparel, furniture, and goods, found on board, and effect the causes appearing, and others not mentioned, and appearing, be condemned by the definitive sentence, as forfeited and adjudged, &c.

CURTIS LEWIS,
By J. PICKENS, *Att'y.*

Filed 24th Feb. 1814.

R. C. LANE, *Clk.*

STATE OF ALABAMA.

Curtis Lewis, being sworn, deposes and says, that, on the 6th of July, 1818, he presented William Crawford, Esq. Attorney for the United States, a copy of a seizure of the Schooner Constitution, of New York, her cargo, and eighty-three African negroes, on board the same. He further deposes and says, that the said Attorney asked him, the said Lewis, on what section or sections of the slave act he would have the libel founded? To which the deponent answered, you can best judge.

CURTIS LEWIS.

Subscribed and sworn to before me, this 27th Feb. 1821.

ROBERT CARR LANE.

Clerk Alabama District.

UNITED STATES OF AMERICA, }
Alabama District. }

At the District Court for the said Alabama District, at the February term, 1821, holden at Mobile, comes Addin Lewis, the Collector of the Customs in and for the port of Mobile, in said District, and respectfully prefers his claim, under the laws of the United States, and of the Territory and State of Alabama, in and to the proportional part of eighty-four negroes, taken on board the schooner Constitution, nineteen negroes taken on board the Merino, and six negroes taken on board the Louisa; all of which negroes were seized and brought into the said port on or about the 29th June, 1818, as liable to forfeiture for violating the laws of the United States, prohibiting the slave trade, and the importation of slaves. And the said Lewis gives the Court here to understand, and be informed, that, at the time of the seizure and bringing into port of the negroes, as aforesaid, he was and still is, the Collector of said port, and that, by the laws of the United States, and of this Territory, now State, the said Lewis was and is entitled, if there be no informer, to one-half, and, if there be an informer or prosecutor, to one-fourth of the said negroes, taken and brought in as aforesaid, contrary to the said laws of the United States; and that the said Lewis gave due information to the District Attorney of the United States and to the Governor of this Territory. Wherefore, the said Lewis, after due force of all the material matters herein set forth, prays that the said negroes may be condemned, according to law, and so disposed of that the said Lewis may obtain his proper distribution, &c.

ADDIN LEWIS.

By **J. PICKENS**, his Att'y.

Filed, 27th February, 1821.

R. C. LANE. *Clerk.*

To the Hon. Charles Tait, Esq. Judge of the District Court of the United States for the Alabama District.

The petition of Curtis Lewis humbly sheweth to your honor, that, on or about the 29th July, 1818. he, as inspector and commander of the Revenue Boat of the United States for the district and port of Mobile, on a cruise, boarded the American schooner Constitution, of New York, off Mobile Point, on the high seas: that he found on board said vessel eighty-four African negroes. which, he was informed, had been transported on board said vessel from Havana, a foreign country or place, to Pensacola, a foreign place or country. He was also informed that Col. Brooke, then commanding the troops of the United States in Pensacola, took possession of said vessel, and ordered Capt. A. L. Sands on board, to take the vessel, cargo, and slaves to Mobile, which vessel your petitioner seized, in due form, as commander of the United States' Revenue Boat, the said vessel having no register on board; that your petitioner considers himself the only legal captor, agreeably to the 4th section of the act of Congress, passed the 10th day of May, 1800, and other acts, passed to prohibit the slave trade in American vessels: the 4th section of the said act of the 10th May, 1800, making it lawful for the commanders of commissioned vessels of the navy or the revenue to seize, and bring into port for condemnation, ships or vessels found contravening the provisions of said act, does not include officers of the army. Your petitioner also considers himself entitled to possession of said negroes, subject to such regulations as were made by the Territorial or State Legislatures: but, that the General Court of the Alabama Territory, at July term, 1818, made an order, by and with the advice and consent of said Court and some of the parties interested, for the said slaves to be delivered to James Caller, David Files, and Benjamin S. Smoot, on their entering into bond, &c. as will more fully appear by the records, and made an order on the 9th July, 1818, for the Marshal to deliver said negroes to the aforesaid persons; that, after which, on the 13th day of said month, an order of seizure, issued to the Marshal, to seize, and into his custody take, said vessels, cargo and slaves, as having been libelled in the General Court, which, also, will more fully appear by said order of seizure; that, in conformity to the orders of Court aforesaid, the eighty-four negroes were delivered to Messrs. Caller, Files and Smoot, aforesaid, who have had the custody and labor of said negroes ever since: that, on examining the libel filed in said Court, which is now depending in this honorable Court, the said negroes are not libelled, or their condemnation prayed for, in the said libel against said vessel and cargo, but the libel states that the eighty negroes are subject to such regulations as the Legislature of Alabama has made, or may make, for disposing of the same, as will more fully appear by reference to the libel filed by the Attorney for the United States.

That your petitioner considers himself entitled to a fourth part of said negroes, or the proceeds thereof, under the territorial laws then in force; that they have been taken out of the possession of your pe-

tioner, and placed out of the jurisdiction of the Territorial or State Courts, by the order and disposition made of said negroes, in ordering to be delivered to bondsmen aforesaid, to which your petitioner never gave his consent as a captor, and as by the nature of the recognizance, the said negroes are to be returned to the possession of the said Court when demanded, and, as your petitioner is informed, that many of said negroes are dead, he prays that your Honor will order the said negroes returned to the custody of the Court, and cause such measures to be taken, as to bring said negroes as aforesaid, without delay: and that they may be restored to the possession of your petitioner, a captor, or to the Marshal, until trial can be had, so as that they may be subject to such regulations as were made at the time of the seizure, or have been made by the aforesaid Legislature of the Territory or the State of Alabama, and under the provisions of the 5th section of the act of Congress, passed the 20th day of April, 1818, and that your Honor will make such orders, touching the premises, as the circumstance of the case may require, for the safety of said property.

CURTIS LEWIS.

Filed February, 1821.

R. C. LANE, *Clerk.*

To the Honorable the Judge of the United States District Court.

The petition of Curtis Lewis, and John Quinn, respectfully represents to your honor, that your petitioners are claimants as captors, of one hundred and eight negroes, seized on board the schooner Constitution, Merino, and Louisa, in the year 1818, as contravening the laws of the United States, which said negroes were allowed to be bonded by the late general court of the Alabama Territory. But, as two of the securities, Col. Files, and James Caller, have lately departed this life, and the third and surviving bondsman may not be able to respond for so considerable a sum as that fixed upon by the said court, your petitioners therefore, prays your honor the circumstances of the case considered, to issue such order to the Marshal of the District of Alabama, touching the said negroes, as to your honor shall seem necessary, and your petitioners, as in duty bound, will pray, &c.

CURTIS LEWIS.

J. QUINN.

STATE OF ALABAMA. }
 City of Mobile. }

Curtis Lewis and John Quinn, being sworn, depose and sayeth, that they verily believe it to be unsafe for the captors, as well as the claimants of the negroes captured in the schooner Constitution, Loui-

sa, and Merino, to remain in their present situation, and further they sayeth not.

CURTIS LEWIS.

J. QUINN.

Sworn and subscribed to, before me, this 15th February, 1821.

ROBERT CARR LANE,
Clerk Alabama District.

Alabama, District of the United States, June Term, 1821.

Gilbert C. Russell appears, in open court, and on oath, declares, that for the special purpose of getting certain African negroes, agreeably to an order of Court of said District, made at the February term last past, then in the possession of the representatives of James Caller, late of Washington County, he took a deputation from the Marshal of the said District, and made application to Mrs. Winifred Caller, the executrix, or administratrix of the estate of said James, for said negroes; that after considerable equivocation and delay, she delivered him sixteen of the said negroes out of twenty-six that she had in her care, and alleged that the other ten had run off, to keep from going to work on the Bay of Mobile. The said deponent further states, that one Robert Caller, of the county of Clark, acknowledged that he had had fifteen of the said twenty-six negroes in his care; that he had delivered them to a negro man of Mrs. Caller's, from whom ten of them had run off, but that in about two or three days he expected that he could find them, or that they would come in, so that they could be delivered agreeably to the application made by deponent as deputy Marshal. The said ten negroes have not been delivered, and deponent is informed, and believes, that they have been removed out of the State, by the aid and connivance of the said Robert Caller, who has said that he had disposed of them agreeably to the instructions of the said Mrs. Winifred Caller, from whom he obtained possession of fifteen of said negroes.

GILBERT C. RUSSELL.

Sworn to in open Court, this 7th June, 1821.

R. C. LANE, *Clerk.*

And now comes here Daniel T. Walden, by Samuel Acre, his proctor, and claims the schr. Constitution, her tackle, apparel, and furniture, and cargo; and for his claim and answer unto the said libel, he saith that the said schooner is his and Maunsel White's own bona fide property; that on or about the — day of June, in the year 1818, the

said schooner sailed from the port of Havana, in the island of Cuba, in the dominions of the King of Spain, bound for the port of Pensacola, in the province of West Florida, then a port belonging to the said King of Spain. This claimant further answering, saith, that while prosecuting the voyage aforesaid, was, after the arrival of the said schooner within the territory and jurisdiction of the King of Spain, (in the Bay of Pensacola,) and while at anchor under the guns of the fort the Barrancas, belonging to the King of Spain aforesaid, and within seven miles of Pensacola aforesaid, was forcibly seized and taken by the troops of the United States, between whom and the King of Spain there then was, and still is, peace and amity, and by the commander of said troops sent into the port of Mobile, within the territory and jurisdictional limits of the United States. And this claimant further answering, saith, the said negroes found on board of said schooner, were by her brought from the said island of Cuba, in the dominions of the King of Spain aforesaid, consigned to Henry Mitchelet and John Innerarity, of Pensacola, subjects of the King of Spain aforesaid, and with intent to land the same in Pensacola aforesaid, and not within any port or place of the United States, or of the Territories thereof. And this claimant further saith, the cargo of the aforesaid schooner is the bona fide property of Colin Mitchell, of Havana, a subject of the King of Spain, and residing in the island of Cuba, and that neither the same nor said vessel is forfeited under any of the laws of the United States. Wherefore, the said Daniel T. Walden doth claim the said schooner, her tackle, apparel, and furniture, as the property of this claimant and Maunsel White heretofore mentioned, and the cargo thereof as the property of Colin Mitchell, of the city of Havana, and subject of the King of Spain aforesaid, and prays that the same may be restored, and that he may have his costs in this matter sustained, and his damages sustained by the seizure and detention of the said schooner so unlawfully made to him, decreed.

SAMUEL ACRE,
Proctor for Claimant.

STATE OF ALABAMA, }
County of Mobile. }

Personally appeared before me, Edward Hall, a Justice of the Peace in and for the County of Mobile, Daniel T. Walden, and made oath that the facts set forth in the foregoing declaration, are just and true.

D. T. WALDEN.

Sworn to and subscribed before me, this 12th day of January, 1822.
EDWARD HALL, *J. P.*

Filed 12th of January, 1822.

R. C. LANE, *Clerk.*

Know all men by these presents, that we, Daniel T. Walden and Philip M. Closkey, are held and firmly bound unto the United States of America, in the sum of one hundred and fifty dollars, to be paid to the said United States of America, for the payment of which, well and truly to be made, we bind ourselves, and each of us, and each of our heirs, executors, and administrators, firmly, by these presents. Sealed with our seals, and dated this eighteenth day of January, in the year of our Lord one thousand eight hundred and twenty-two. The condition of the above obligation is such, that, whereas the above bounden Daniel T. Walden this day prayed for, and obtained, an appeal to the Supreme Court of the United States, from a Decree of the District Court of the United States, for the Alabama District, condemning the schooner Constitution and cargo, claimed by the said Daniel T. Walden and Maunsel White and Colin Mitchell. Now, if the said above bounden Daniel T. Walden and Maunsel White shall sustain their appeal, or, failing therein, shall abide the decision of the said Supreme Court, then this obligation to be void, otherwise to be and remain in full force and virtue.

Given under our hands and seals this — day of January, eighteen hundred and twenty-two.

D. T. WALDEN, [L. s.]
 PHILIP M. CLOSKEY, [L. s.]

Signed and sealed in the presence of
 ROBERT CARR LANE:

THE UNITED STATES OF AMERICA, }
 District of Alabama. }

To November Term, 1824, of the District Court of the United States,
 for said District:

Be it remembered, That, before the Honorable Charles Tait, Judge of the District Court of the United States for the District of Alabama, comes Thomas White, Esquire, Attorney General of the State of Alabama, who, for the said State of Alabama, in this behalf, prosecutes and gives the said Court here to understand and be informed, that heretofore, to wit: on the 9th day of June, in the year of our Lord one thousand eight hundred and eighteen, upon waters navigable from the sea by vessels of ten or more tons burthen, one George M. Brooke, Esquire, Colonel of the Fourth Regiment of United States Infantry, of the Army of the United States, seized, as forfeited under the laws of the United States, a certain schooner or vessel called Constitution, of the burthen of — tons, or thereabouts, together with her tackle, apparel and furniture, and goods and effects found on board the said schooner, to wit: 100 boxes of brown Havana sugar, and 75 bags of coffee, and also, at the same time, were seized on board said schooner Constitution, eighty-four negroes, or persons of colour: which said schooner, the goods and effects found on board, as well as the said eighty-four negroes, or persons of colour, he, the said Brooke,

brought within the Southern District of the State of Alabama, to be subject to such regulations, not contravening any of the provisions of the several acts of the Congress of the United States, for the prohibition of the Slave Trade, which the Legislature of the then Alabama Territory had then already made or might make thereafter, for the disposing of the said eighty-four negroes, or persons of colour. For this, that, after the tenth day of May, in the year eighteen hundred, the said vessel or schooner called Constitution heretofore, to wit: between the first and tenth days of June, in the year one thousand eight hundred and eighteen, the said schooner or vessel called the Constitution, being a vessel of the United States, or owned by a citizen or citizens of the United States, to the Attorney General of the said District unknown as yet, was employed and used in carrying on trade, traffic, or business, contrary to the true intent and meaning of the act of the Congress of the United States, passed on the tenth day of May, eighteen hundred, entitled, "An Act, in addition to an Act, entitled, 'an Act to prohibit the carrying on of the Slave Trade to any foreign place or country,'" to wit: was between the first and tenth days of June, in the year one thousand eight hundred and eighteen, aforesaid, employed and made use of, in the transportation of slaves from one foreign place or country, to another, to wit: was employed or made use of, in the transportation of eighty-four negroes, or persons of colour, from the foreign place or country of Havana, in the Island of Cuba, to the foreign place or country of Pensacola, in the Province of West Florida, in violation of the several acts of the Congress of the U. States, in such cases made and provided, and particularly in violation and contravention of the first section of the act of the Congress of the United States, passed on the tenth day of May, eighteen hundred, entitled "An Act to prohibit the carrying on the Slave Trade, from the United States to any foreign place or country," whereby, and by force of the fourth and fifth sections of the act of the Congress of the United States, passed on the twentieth day of April, eighteen hundred and eighteen, prohibiting of the Slave Trade, the said schooner or vessel, called Constitution, together with her tackle, apparel, and furniture, and the goods and effects, and also the said eighty-four negroes, or persons of colour, found on board the said schooner Constitution, at the period of her seizure, at the time and place aforesaid, became and were forfeited by the said importer or importers, and all persons claiming under him or them, and otherwise interested therein, are hereby and in pursuance of the act of the Legislature of the State of Alabama, passed on the first day of January, one thousand eight hundred and twenty-three, entitled, "An Act to carry into effect the laws of the United States prohibiting of the Slave Trade," the said eighty-four negroes, or persons of colour, in manner and by reason of the premises aforesaid, became to, and were vested in, the State of Alabama, pursuant to the form, force, and effect, of the several acts of the Congress of the United States, in such cases made and provided: the sections of the said acts, in this count particularly mentioned, and the act of the Legislature of the State of Alabama, particularly mentioned, passed

on the day and year aforesaid, in aid of, and to carry into effect the aforesaid acts of the Congress of the United States, prohibiting the Slave Trade. And also for this, that after the twentieth day of April, eighteen hundred and eighteen, that is to say, between the first and ninth days of June, eighteen hundred and eighteen aforesaid, a citizen of the United States, or citizens thereof, or other person or persons resident within the jurisdiction of the United States, to the said Attorney General as yet unknown, did take on board, receive and transport, from a foreign place, kingdom, or country, to wit: from Havana, in the Island of Cuba, to another foreign place, to wit: to Pensacola, in the Province of West Florida, divers negroes, or persons of color, to wit: eighty-four negroes, or persons of color, not being inhabitants, nor held to service or labor by the laws of either of the States or Territories of the United States, a certain American schooner or vessel, to wit: the schooner called Constitution, for the purpose of holding, selling, or otherwise disposing of the said eighty-four negroes, or persons of color, as slaves, or for the purpose of holding to service or labor, which said eighty-four negroes, or persons of colour, taken on board, received and transported in the said American schooner or vessel, called Constitution, from Havana aforesaid, a foreign kingdom, place, or country aforesaid, to Pensacola aforesaid, another foreign place, kingdom, or country, were not inhabitants of, nor held to labour by the laws of any State or Territory of the United States aforesaid, and were taken on board, received and transported, on the said American schooner called Constitution, in manner and form aforesaid, for the purpose of being held, sold, or otherwise disposed of as slaves, or for the purpose of their being held to service or labor, in direct violation of the several laws of the United States, in such cases made and provided, and particularly in violation of the fourth and fifth sections of the act of the Congress of the United States, passed on the twentieth day of April, one thousand eight hundred and eighteen, which said negroes, or persons of color, have since been brought into the Port of Mobile, in the Southern District of the State of Alabama, whereby, and by force of the fourth and fifth sections of the act of the Congress of the United States, passed on the twentieth day of April, eighteen hundred and eighteen, prohibiting of the Slave Trade, and in pursuance of the act of the Legislature of the State of Alabama, passed January the first, one thousand eight hundred and twenty-three, entitled "An Act to carry into effect the laws of the United States prohibiting of the Slave Trade," the said eighty-four slaves, or persons of color, became subject to, and were vested in, the State of Alabama.

And also, for this, that one captain James Still, a citizen of the United States, after the twentieth day of April, one thousand eight hundred and eighteen aforesaid, did bring within the jurisdiction of the United States, to wit: at Mobile, in the Southern District of the State of Alabama, aforesaid, a certain American vessel or schooner, called Constitution, under color of certain subjects of the King of Spain, to wit: one David Nagle and one Antonio de Frias, with intent to hold as slaves, or for the purpose of their being held to service or labor, certain negroes or

persons of color, to wit: eighty-four negroes or persons of color, not being inhabitants of, nor held to service by the laws of either of the States or Territories of the United States, from a foreign kingdom, place, or country, to wit: from Havana, in the kingdom of Spain, to another foreign country, to wit: to Pensacola, in the province of West Florida, in the Kingdom of Spain, which said eighty-four negroes, or persons of color, had been a short time previously to their being brought within the District of Alabama, aforesaid, to wit: between the first day of April, 1818, and the first day of June, in the said year 1818, been purchased by the said James Still, or other citizen or citizens from David Nagle and Antonia de Frios, subjects of the King of Spain, who had transported them at or about the same period, from the coast of Africa, in the Spanish ship or vessel called the Valadora, in violation and contravention of the several acts of the Congress of the United States, passed for the prohibition of the slave trade, and particularly in violation of the sixth section of the act of the Congress of the United States, 20th day of April, one thousand eight hundred and eighteen, whereby, and by force of the act of the twentieth of April, one thousand eight hundred and eighteen, the said negroes were forfeited by the importer or importers, and all and every person claiming under him or them, or otherwise interested therein, and thereby, and in pursuance of the act of the Legislature of the State of Alabama, passed January the first, one thousand eight hundred and twenty-three, entitled "An act to carry into effect the laws of the United States, prohibiting the slave trade," the said eighty-four negroes or persons, became, and were vested in the State of Alabama.

And also, for this, that a citizen or citizens of the United States, after the twentieth day of April, in the year one thousand eight hundred and eighteen, to wit: between the first and tenth days of June, in the year one thousand eight hundred and eighteen, did, for himself, themselves, or some other person or persons, either as master, factor, or owner, build, equip, fit, and prepare, a certain vessel or schooner, called Constitution, in the port of New Orleans, in the State of Louisiana, within the jurisdiction of the United States, and did cause the said schooner Constitution, to sail from the said port of New Orleans, for a foreign kingdom, place, or country, to wit: for the foreign place or port of Havana, in the Island of Cuba, for the purpose of procuring negroes, mulattoes, or persons of color, to be transported from the said port of Havana, in the Kingdom of Spain, to the said port of New Orleans, within the jurisdiction of the United States, for the purpose of there being held, sold, or otherwise disposed of as slaves, to be held to labor or service. And the said Thomas White, Attorney General, gives the Court to understand, that the said slaves are now within the jurisdiction of this Court, in the Southern District of Alabama; whereby, and by force of the second section of the act of the Congress of the United States, for the prohibition of the slave trade, passed the twentieth day of April, one thousand eight hundred and eighteen, and also the fifth section of the act of the Congress of the United States, passed on the twentieth of April, eighteen hundred and eighteen, all

the claim and title which the importer, importers, and all and every person or persons, claiming under them, and all persons interested therein, to the said eighty-four negroes, or persons of color, became, and were forfeited, and by virtue of the act of the Legislature of the State of Alabama, passed January the first, eighteen hundred and twenty-three, entitled "An act to carry into effect the laws of the United States, prohibiting the slave trade," the said eighty-four negroes, or persons of color, were vested in, and subject to, the State of Alabama, wherefore, in consideration of the premises, the said Attorney General, who prosecutes, as aforesaid, prays monition to all concerned, agreeably to law, and that the said eighty-four slaves be seized, in pursuance of law and the rules of this Court, and that the said slaves may be and remain subject to further proceedings thereupon, to be had in pursuance of the several acts of Congress, and the act of the Legislature of Alabama, all of which has been particularly referred to in this libel.

THOMAS WHITE,

Attorney General of the State of Alabama.

CHAMBERS, May 10, 1824.

The foregoing writing of eight pages has been read and considered; a writ of seizure is not proper or necessary, inasmuch as the negroes are now in the possession of the Court, by virtue of the proper writ, and have been for several years. As to the rest, the Court is open at all times to hear and decide on the complaint of any party.

C. TAIT,

Judge of the Southern District of Alabama.

Filed 14th May, 1824.

R. C. LANE, *Clerk.*

UNITED STATES OF AMERICA, }
Southern District of Alabama. }

Whereas a libel has this day been filed in the District Court of the United States for the Southern District of Alabama, by Thomas White, Esq. Attorney General of the State of Alabama, in behalf of the said State, stating, alleging, and propounding, that between the first and 10th days of June, 1818, eighty-four African negroes were imported into the said State, then Territory of Alabama, on board a certain American vessel called the Constitution, contrary to the laws of the United States, prohibiting the slave trade, whereby, and by force of the said laws, and in pursuance of the act of the Legislature of the State of Alabama, the said eighty-four negroes or persons of color became subject to, and vested in, the said State of Alabama, and praying

that the said negroes be delivered up to the State of Alabama: This is, therefore, to cite and admonish all persons, whomsoever, having, or pretending to have, any right, title, interest, or claim, in or to the said eighty-four negroes or persons of color, to be and appear before the Honorable the Judge of the Court aforesaid, at the place of holding Court at Mobile, on the fourth Monday after the fourth Monday of October next, and when sitting as a Court of Admiralty, to shew cause, if any they have or can, why the said eighty four slaves or persons of color should not be delivered to the said State of Alabama, as prayed for.

Attest:

ROBERT CARR LANE,

Clerk Southern District of Alabama.

Received, May, 1824, and served on David Rust, Esq. on the 29th May, 1824.

F. W. ARMSTRONG, M. A. D.

And the said Thomas White, Attorney General as aforesaid, gives the Court here further to understand and be informed, that on or about the 10th day of May, 1818, the captain of an American schooner called the Constitution, owned by American citizens or persons residing in the United States, to wit: — by — and having an American Register, the said captain being also a citizen of the United States, or person residing within the same, did receive on board the schooner Constitution, at the port of Havana, a foreign port in the Island of Cuba, under the dominion of the King of Spain, eighty-four African negroes, (not being inhabitants of the United States, nor held to service by the laws thereof, nor by the laws of any State or Territory thereof,) but on the contrary, lately, before that time, to wit: about the first of April, in the year aforesaid, imported from the Coast of Africa, by Don Antonio de Frias, in his schooner called the Valadora, and before the 10th day of May, 1818, sold by said Antonio de Frias and by Don David Nagle to a certain James Still, an American citizen, residing in Louisiana, or to him and other American citizens or persons residing in the United States, who purchased the said eighty-four African negroes from the said Antonio de Frias and David Nagle, and put them on board the said schooner Constitution, and that they were then received on board by the said captain, for the purpose of transporting from the said foreign port of Havana, to the port of Pensacola, in West Florida, also a foreign port under the dominion of the King of Spain; and for the purpose, also, of the said eighty-four African negroes being sold as slaves, held to service as such by the said James Still, or by him and his associates; that the said schooner Constitution, on the said 10th day of May, 1818, sailed from the said port of Havana, to the said port of Pensacola, with the said African negroes on board, and on her arrival there on the — day of June, 1818, was seized and taken possession of in the harbor of Pensacola, together with her tackle and apparel, by Colonel George M. Brooke, of the United States' Army, for a violation of the laws of the United States for the suppression of the slave trade, the said eighty-

four African negroes being on board at the time of said seizure; and the said schooner *Constitution*, with her cargo, &c. and with the said eighty-four negroes, was sent by the captor to the port of Mobile for adjudication, and was libelled, and the vessel and cargo have been condemned in this Honorable Court, and the sentence of condemnation affirmed in the Supreme Court of the United States; that the said eighty-four African negroes were claimed in this Honorable Court, in the names of said Don Antonio de Frias and Don David Nagle, and their libel dismissed, and the said eighty-four negroes adjudged to be subject to the laws of Alabama, which sentence has been reversed by the Supreme Court of the United States, and judgment of restitution given instead thereof, which judgment of restitution is not yet executed, and the said negroes remain in the jurisdiction of this Honorable Court. This libel was filed, and all subsequent proceedings had, in the names of said Antonio de Frias and David Nagle, by collusion and fraud, between them and the said James Still and his associates, for the purpose of evading the laws of the United States for the suppression of the slave trade, when Don Frias and Nagle had no interest whatever in the said negroes, having previously sold them, as herein before stated, and being subjects of the King of Spain, lent their names to the said Still and others, in order that their claim might be urged under the names of neutral Spaniards, for the benefit of the real American owners; that, by the 4th section of the act of Congress of 20th May, 1818, entitled "An act in addition to an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, eighteen hundred and eight, and to repeal certain parts of the same," the said schooner *Constitution*, for receiving on board and transporting the said African negroes from Havana to Pensacola, as herein charged, became forfeited to the United States; and, by the 5th section of the said act of Congress, the title of the said James Still and all others concerned as owners of the said eighty-four African negroes, became cancelled and forever extinguished; and the said negroes became subject to such laws of the Territory of Alabama, as were in force at the time of their importation into Mobile, or should be passed thereafter, by the constituted authority of Alabama.

That, by the laws then existing and since passed upon that subject, viz. by an act of the Territory of Mississippi, passed 8th December, 1815, entitled an act concerning slaves brought into the Territory contrary to the laws of the United States in force in Alabama, and by virtue of an act of the General Assembly of the State of Alabama, entitled an act to carry into effect the laws of the United States prohibiting the slave trade, passed 1st January, 1823, the title to said African negroes became vested in the State of Alabama, wherefore, the said Attorney General, on behalf of the said State, prays that the said eighty-four African negroes may be decreed to be delivered to the authority of the said State, according to the provisions of the act last aforesaid.

THOMAS WHITE,
Attorney General.

*District Court of the United States for the Southern District of Alabama,
held at Mobile, at November Term, 1824.*

Thomas White, Attorney General of the State of Alabama, on behalf of said State for answer to the said libel for restitution of eighty-four African negroes taken on board the schooner Constitution, filed in this honorable Court, in the names of Antonio De Frias and David Nagle, says, and gives the Court here to understand and be informed, that it is not true, as it is alleged in said libel, that the said De Frias and Nagle are the bona fide owners of the 84 African slaves, but, on the contrary, since the importation of them from Africa, by said Antonio de Frias, in the Valadora, and the sale of part of them to said Nagle, and before they were put on board the Constitution at Havana, on the 10th May, 1818, they had been sold by said De Frias and Nagle to a certain James. Still, a citizen of the United States, residing in Louisiana, or to him other citizens of the United States, or persons residing within the jurisdiction thereof, and shipped in the names of De Frias and Nagle, on board the schooner Constitution, to Pensacola, for the benefit of the person or persons to whom they had been sold, then as above stated: that they were so shipped by American citizens, or persons residing within the jurisdiction of the United States, in the names of Spaniards, for the purpose of evading the laws of the United States, and holding them to slavery in contravention thereof; that, by the 4th section of the act of Congress of the 20th May, 1818, entitled an act in addition to an act, entitled an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, 1808, and to repeal parts of the same; and, by the 5th section of the same act, the title of the owners of said negroes became cancelled and extinguished, and the same became subject to be disposed of according to the laws in force in the State of Alabama at the time of their importation into Mobile, and such as should be subsequently passed on that subject; and that, by an act of the Legislature of Mississippi Territory, passed on the 8th December, 1815, entitled an act concerning slaves brought into this Territory contrary to the laws of the United States then and yet in force in Alabama, and by virtue of an act of the Legislature of the State of Alabama, passed the first January, 1823, entitled an act to carry into effect the laws of the United States prohibiting the slave trade, the title to the said negroes became vested in the said State of Alabama. All which the said Attorney General is ready to verify, wherefore he prays that the said libel for restitution may be dismissed, and the said negroes decreed to be delivered to the proper authority of the said State of Alabama, to be disposed of according to the laws aforesaid.

THOMAS WHITE,
Attorney General.

Interrogations on behalf of the libellant in the case of the State of Alabama against eighty-four African negroes, imported in the American schooner Constitution.

1st. Do you know any thing of the shipment of eighty-four African negroes at Havana, in the early part of June, 1818, on board the American ship or schooner called Constitution, for the purpose of being carried to Pensacola, and if so, in whose name they were so shipped?

2d. Were they not shipped in the names of Don Antonio De Frias and David Nagle? and how many in the name of each?

3d. Had they not, shortly before their shipment on board the Constitution aforesaid, been imported in ship Valadora, from the coast of Africa, by the said Antonio De Frias, or for his benefit?

4th. Had they, or had they not, been sold by the said Antonio De Frias and David Nagle to Captain James Still, or to him and others before they were so shipped on board the Constitution?

5th. Was not the said James Still a citizen of the United States? and if any other persons were concerned with him in the purchase, who were they? and were they not citizens or residents within the United States?

6th. Was or was not the said Antonio De Frias absent from Havana at the time of said shipment? and did not his brother, Don Nicholas De Frias, transact the business relative to said shipment as his agent? and did he not, as such, sell to said Still, or to him and others, citizens of, or residents within the United States, that portion of the said negroes which belonged to his brother Don Antonio before they were so shipped for Pensacola? and did not Don David Nagle so sell the portion that belonged to him?

7th. Were not said negroes taken immediately from the barracon of said Antonio De Frias, and put on board the Constitution?

8th. Had said negroes been employed in labor of any kind? had they not, on the contrary, been kept in the barracon aforesaid as a place of confinement, and as mere objects of traffick, from the time of their importation in the Valadora, to the time of their shipment on board the Constitution?

9th. Did the said Don Antonio and David intend to employ said negroes, on their arrival in Florida, in planting or other labor?

10th. Had they any land there to cultivate suitable for the employment of so large a force?

11th. Did they employ any person to oversee and take charge of them as laborers, or provide tools and provisions suitable for a planting or other establishment?

12th. Have you ever had any conversation with either Don Antonio De Frias or Don David Nagle, or heard them, or either of them, say any thing in relation to the ownership of the said eighty-four African negroes since the time of their seizure by Colonel Brooke, in the Bay of Pensacola? and if so, relate it.

13th. Have you or have you not heard one of them, or both of them say, that they had no interest in the said negroes, and that their

names were used in the shipment, and as claimants in the District Court of the United States for the District of Alabama, for the accommodation of the Americans to whom they had sold the negroes previous to their shipment at Havana?

15th. Has either of them been at the expense of employing counsel, or in any manner taken upon themselves the expense or trouble of prosecuting the claims filed in their names for the restitution of said negroes? On the contrary, has not the whole business been managed by and at the expense of the American claimants?

16th. Should restitution of said negroes be obtained, will they, in the event, belong to said Antonio De Frias and David Nagle, or to the American claimants?

17th. Did not said James Still carry a large amount of produce from the port of New Orleans, and sell it at Havana, in the spring of 1818, shortly before the shipment of said negroes in the Constitution?

18th. Did he sell for cash or for merchandise? and did he ship any return cargo from Havana except said negroes?

19th. Was he not greatly distressed? and did he not evidently manifest deep solicitation and mortification at the fact of said negroes being seized by Colonel Brooke on their arrival at Pensacola?

20. Was he not at Havana at the time of said shipment, and for some time previous, was he not in negotiation of some kind, with Nicholas de Frias, and David Nagle, while there, and had he any other business to transact with them, except the purchase of said negroes?

21. Did he not leave Havana, about the time of said shipment, and return to his residence in Louisiana, by way of Pensacola, and did he, in any matter, carry with him the avails of his outward cargo, or give any other excuse for not doing so, except the investment of them, in the purchase of the negroes above mentioned?

22. Did Don Antonio de Frias, and Don David Nagle, intend to work the said negroes in Florida, jointly, and take a pro rata division of the proceeds, or did they intend to work them separately, and why was not some explanation of their views given to Mitchelet, the consignee at Pensacola?

23. Would not the labor of said negroes been more profitable in the Island of Cuba, than in Florida?

24. Were said negroes fit for any employment, except cultivating the soil?

25. Do you know of any instance, in West Florida, of so many hands being worked on one place?

26. Was it not the intention of all concerned in said shipment, that the said 84 Africans should be held to service as slaves, and was it not the intention of the American owners to introduce said slaves secretly from Florida, into the United States, and was not said intention known to the Spanish sellers, at the time of the sale and shipment?

27. Have you heard any of the parties express their views in relation to said shipment, if so, state them.

28. Was not negro labor worth a great deal more in Alabama and Louisiana, in June, 1818, than it was in West Florida, and what was it worth per annum, in each place, and what the price of negroes?

The State of Alabama, by Libel,

vs.

Eighty-four African negroes, heretofore alleged to have been imported in the schooner Constitution, into the State aforesaid, contrary to the provisions of the act of Congress, prohibiting the Slave trade.

In the above case, Curtis Lewis maketh oath, that John Brandt, of New Orleans, sometime since, in substance, informed this affiant, that one James Still, a citizen of the State of Louisiana, and one other person, owned the negroes imported in the Constitution, and heretofore libelled in the United States General Court, for the Alabama Territory, and heretofore condemned upon said libel, in the United States District Court, held at Mobile, for the District of Alabama, and that money was sent by the said with James Still, and another person, and with said money said negroes were purchased; and that after the purchase of the said Africans, at Havana, as this affiant understood, the right to said eighty-four African negroes was vested in fact, in the said Still, and the other person for whose use and benefit they were purchased.

This affiant was further informed by the said Brandt, that the real claimants and owners of the said negroes, at the time of the importation or until the forfeiture attached, were the said James Still and another, who was, as this affiant was informed by the said Brandt and others, were at the time of the purchase of the said negroes, at Havana, at time of importing them into the State of Alabama aforesaid, American citizens, and resident in the United States, which information above stated, this affiant believes was and is substantially correct. This deponent further states, that he filed a libel in the District Court of the United States at Mobile, for the District of Alabama, as he believes, in 1820, as captor and informer against the aforesaid eighty-four negroes, vessel, tackle, and apparel; that this affiant engaged as his council to prosecute said libel, Izrael Pickens, Esq. that at the time the libel was heard and determined, upon which the condemnation was had in the District Court, and in which Col. Brook claimed, as this affiant is advised, to be captor and informer; the libel this affiant procured to be filed was not heard or determined, and as far as this affiant knows, is yet undetermined and pending in said Court.

This affiant, at the term when the libel and proceedings upon which the condemnation was had, took place, insisted by John Gayle, Esq. his attorney, to have the libel which this affiant procured to be filed, heard and determined, and permit all to go to the Supreme Court together, but the District Attorney expressed an opinion to the Court, that it could not be done, or would occasion confusion, or something to that effect, and then and there opposed bringing on the libel this

affiant had procured to be filed in said Court. That affiant cannot certainly state that Brandt stated to this affiant that De Frias and Nagle were the particular merchants who purchased said negroes at Havana for Still and another, but this affiant knows said Brandt informed him in substance (as this affiant understood him,) that the said negroes were purchased at Havana, by a Spanish merchant or merchants for said Still and another, and with their money; that this affiant knows that American citizens could not themselves trade in Havana, that they put their money or property into the hands of Spanish agents to trade for them, and this affiant further believes that the way that Still and others managed the matter in purchasing said negroes. This affiant further states that from the communication made by Brandt to this affiant, he believes the said Brandt is in possession of the facts, that accompanied the purchase, ownership, and importation of said negroes; that the said Brandt, as this deponent believes and has recently understood, yet resides in New Orleans.

The State of Alabama, Mobile County, ss.

Personally appeared before me, **B. B. Breedin** a Justice of the Peace in and for Mobile County, **Curtis Lewis**, who made solemn oath that the facts and circumstances contained in the foregoing writing are just and true, to the best of his knowledge and belief.

CURTIS LEWIS.

Sworn and subscribed before me the 27th day of November, **A. D. 1824.**
BER. BRENT BREEDIN.

State of Alabama, }
vs. }
84 negroes by libel, &c. }

In opposing the motion of the District Attorney to dismiss the libel of the State of Alabama, against the eighty-four negroes mentioned in said libel, the State, by her Proctor, offered the within and foregoing affidavit, as affording reasons why the said libel should not be dismissed; whereupon, the Court ordered this affidavit to be filed as a part of the proceedings of the State in this behalf, this 26th of November, 1824.

I. AUSTIN, Clerk.

Filed, November 27, 1824.

J. AUSTIN, Clerk.

District Court of the United States, Southern District of Alabama.

The President of the United States, to the Marshal of said District, greeting :

You are hereby commanded to deliver over to **Daniel Treadwell Walden**, the Attorney of **Colin Mitchell**, the executor and heir of **David Nagle**, and Attorney of **Antonio de Frias**, who were the claim-

ants of the negroes found on board the schooner *Constitution*, and to which said claimants the said negroes have been decreed to be restored. But, as other negroes were brought in the schooners *Merino* and *Louisa* have been condemned as forfeited, and, as the proceedings in reference to the negroes on board the aforesaid three vessels, which took place in the former Territorial Court of the Alabama Territory, furnishes no data to this Court by which it could designate which of the negroes were on board the respective vessels; and, whereas there were eighty-four negroes on board the *Constitution*, nineteen on board the *Merino*, and six on board the *Eliza*; and, whereas, by death or otherwise, there remains but sixty-nine negroes, it is ordered by the Court, that the names of the sixty nine be put in a box, and that the claimants aforesaid draw fifty-four names, and that the fifty-four negroes, so named and drawn, be delivered as aforesaid, and that that one of sixty-nine, named as aforesaid, now in the possession of Thomas Shields, be taken as one by the claimants.

Herein fail not, and have you this writ at the next term of this Court, to be holden on the third Monday after the fourth Monday in March next, with the names so drawn and delivered thereon.

Witness the Honorable Charles Tait, Judge of the Court aforesaid, this 10th day of January, in the year of our Lord one thousand eight hundred and twenty-five, and of the Independence of the United States of America the forty-ninth year.

Issued, 10th January, 1825.

JEREMIAH AUSTIN,
Clerk Southern Dist. Alabama.

The following named negroes were drawn by the claimants herein named, and delivered by me in obedience to this order.

1 Pompey	28 George
2 Finney	29 Sook
3 Sally	30 Punch
4 Goffer	31 Charles
5 Big John	32 Amoy
6 Little Charles	33 Tenou
7 Cato	34 Peter
8 Old Jim	35 Cudgo
9 Jack	36 Big Jack
10 Donger	37 Grinder
11 Darner	38 Sangola
12 Big Dick	39 Thenno
13 Ned	40 Luck
14 Sam, alias Pedler	41 Sissa
15 Billy	42 Tom
16 May	43 Soncha
17 Frank	44 Bone

18 Big Jim	45 Henry
19 Ben	46 Bob
20 Jim	47 Bennet
21 Little John	48 Black Tom
22 Quick	49 William
23 Bonaur	50 Frank
24 Emanuel	51 Duno
25 Jim	52 Day
26 Lousba	53 Baker.
27 Congo	

F. W. ARMSTRONG M. A. D.

Executed on the 4th day of December, 1824.

F. W. ARMSTRONG, M. A. D.

ALABAMA,
Territory of the United States. }

General Court, Special Term of said Court to be holden the 4th Monday of July, 1818.

Before you, the Honorable Judge of the General Court, in and for the said Territory, comes the United States of America for the said Territory, and give the Court here to understand, and be informed, that on the twenty-first day of June, in the year of our Lord one thousand eight hundred and eighteen, the American vessel called the *Louisa*, having an American register of the burthen of 30 and $\frac{4}{5}$ tons, or thereabouts, owned in the whole by an American citizen, viz: by Samuel Paxton, of the City of New Orleans, and State of Louisiana, merchant, having on board six negroes; having some short time previously taken on board the said negroes at Havana, in the island of Cuba, being a foreign port in the possession of the King of Spain, with intent to land the same in the United States, and to hold the same as slaves to service; was found seized, and taken possession of, by Isaac McKeever, Esq. commander of the U. States ketch, or vessel, called the *Surprise*, on the high seas, and having on board also, a valuable cargo, consisting of ten pipes of tafia, thirty cases of sugar, thirty-three dozen pots of sweetmeats, twenty-five boxes of small herrings, twenty-six baskets of porter, six bundles of dry goods, six bundles of tobacco, six boxes of gin, two quarter casks of wine, two dozen ditto sweetmeats, three boxes of wine, four boxes of vermicelli, six barrels of olives, four boxes, contents not known, four barrels of white wine, two bags of coffee, seven barrels of sugar, one demijohn of anniseed, one barrel of tamarinds, one barrel of cassave, one bale of dry goods, two boxes of sugar, one ditto of coffee, ship stores, and

other articles. And that the said vessel, called the *Louisa*, together with her cargo and the negroes on board, have been brought by the said Isaac McKeever, commander, into the port of Mobile, in the district of Mobile, and within the jurisdiction of this Court, for a violation of an act of Congress, entitled an act to prohibit the introduction of slaves into any part or place within the jurisdiction of the United States, from and after the first day of January, one thousand eight hundred and eight, particularly for a violation of the seventh section of said act. The United States, by their attorney, further show to the judges of this honorable Court, that on or about the tenth day of June, in the year of our Lord one thousand eight hundred and eighteen, divers citizens of the United States took and received on board the American vessel called the *Louisa*, owned in whole by an American citizen, viz : By Samuel Paxton, and transported from the Island of Cuba, a foreign place in the possession of the King of Spain, six negroes, not being inhabitants, nor held to service by the laws of either of the States or Territories of the United States, for the purpose of their being held to service. And that the said vessel called the *Merino*, together with a valuable cargo, and the said negroes, were, on or about the twenty-first day of June, in the year 1818, found, seized, and taken possession of on the high seas, by Isaac McKeever, Esq. commander of the U. States ketch or vessel, called the *Surprise*, and that the said vessel called the *Louisa*, together with her cargo and the said negroes, have been, by the said Isaac McKeever, commander, &c. brought into the port of Mobile, in the District of Mobile, and within the jurisdiction of this Court, for a violation of the laws of the United States, particularly for a violation of the fourth section of an act to prohibit the introduction of slaves into any part or place within the jurisdiction of the United States, from and after the first day of January, one thousand eight hundred and eight, and to repeal certain parts of the same. The said United States, by their said attorney, further give the judges of this honorable Court to understand, and be informed, that on or about the 20th April, 1818, certain citizens of the United States, fitted, equipped, and prepared to sail, the American vessel called the *Louisa*, having an American register from the port of New Orleans, within the jurisdiction of the United States, for the purpose of procuring negroes from the island of Cuba, a foreign place in the possession of the King of Spain, to be transported to the port of New Orleans, in the State of Louisiana, within the jurisdiction of the United States, and that the said vessel called the *Louisa*, together with her cargo, and six negroes taken on board said vessel at the Island of Cuba aforesaid, were, on the 21st day of June, in the year 1818, found, seized, and taken possession of, on the high seas, by Isaac McKeever, Esq. commander of the United States' ketch or vessel, called the *Surprise*, in pursuance of instructions from the proper officers of the United States ; and that the said Isaac McKeever, commander, &c. hath brought the said vessel *Louisa*, together with her cargo and the said six negroes, into the port of Mobile, in the District of Mobile, and within the jurisdiction of this Court, for a

violation of an act of Congress, entitled, an act in addition to an act, to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the 1st of January, 1808, and to repeal certain parts of the same: wherefore, the said United States pray, that a citation may issue, and that the said vessel Louisa, together with her tackle, apparel, and furniture, and also her cargo, may be declared by a decree of this Court, to be forfeited to the said United States, and may be condemned to be sold, and the proceeds of such sale distributed according to law. And the said United States further pray, that the said six negroes, may, in virtue of the act of Congress, in such case made and provided, and of the act of the said Territorial Legislature, passed in pursuance of the act of Congress, in such cases, be declared by a decree of this Court to be forfeited, and may be condemned to be sold, and the proceeds of sale distributed according to law.

WM. CRAWFORD,

Attorney of the U. S. for the District of Mobile.

SCHOONER LOUISA.

JOHN ELLIOTT,

For the Captors.

Filed 25th June, 1818.

F. H. GAINES,

D. C. General Court.

The Alabama Territory of the United States General Court, of said Territory.

The President of the United States, to the Marshal of said Territory, greeting: You are hereby commanded to seize, and into your possession take, the American schooner called the Louisa, now riding at anchor at the Port of Mobile, together with the tackle, apparel, and furniture, of said vessel; likewise, the cargo on board of said vessel, consisting of the following goods, wares, and merchandisc, viz: ten pipes of taffia, thirty cases of sugar, thirty-three dozen pots of sweetmeats, twenty-five boxes of small herrings, twenty-six baskets of porter, six bundles of dry goods, six bundles of tobacco, six boxes of gin, two quarter casks of wine, two dozen of sweetmeats do., three boxes of wine, four boxes of vermicelli, six boxes of olives, four boxes (contents not known,) four barrels of white wine, two bags of coffee, seven barrels of sugar, one demijohn of anniseed, one barrel of tamarinds, one barrel of cassava, one bale of dry goods, two boxes of sugar, one of coffee ditto, and, likewise, six negroes, which were found on board of said vessel; which said vessel, called Louisa, her tackle, apparel, and furniture, and cargo, as well as the said six negroes, have been libelled before the General Court of the Alabama Territory,

for a violation of the laws of the United States; and you are hereby authorized, empowered, and strictly enjoined, to cite and admonish all persons having or pretending any right, title, interest, or claim, in or to the said vessel, called the Louisa, her tackle, apparel, and furniture, and cargo, and slaves, before enumerated, personally to be and appear before the General Court of the Alabama Territory, at special term of said court, to be holden at Fort Stoddert, in the county of Baldwin, in said Territory, on the morning of the fourth Monday of July next, to shew cause to the said court, when in session, if any they have or can, why the said vessel called Louisa, her tackle, apparel, and furniture, and cargo, above enumerated, and the said six negroes, should not be condemned, as forfeited to the said United States, and whatsoever you shall do in the premises, you shall duly certify, under your hand and seal, to our said court when in session.

Witness, the Hon. HARRY TOULMIN,

Senior Judge of our said Court the 25th day of June, in the year of our Lord one thousand eight hundred and eighteen, and of the Sovereignty and Independence of the United States of America the forty-second year.

Issued 25th June, 1818.

Attest, F. H. GAINES,
D. C. General Ct.

Received June 29, 1818,

J. P. KENNEDY.

Received the 27th June. Executed the 29th June, 1818, on the within enclosed memorandum of goods.

J. P. KENNEDY, D. M.

Of the term of July, in the year of our Lord one thousand eight hundred and eighteen.

To the Hon. the Judge of the Alabama Territory, in Admiralty sitting.

The libel of Joseph Noriago and Francis Bonales, all and each of them subjects of the King of Spain, residing in the town of Pensacola, in the province of West Florida, a part of the dominions of the King of Spain, most respectfully alleges, propounds, and states, that your libellants, on or about the 12th of June, 1818, did ship in and on board a certain American schooner called the Louisa, six negroes, to wit: the said Joseph Noriago, two negro slaves, and the said Francis Bonales, four negro slaves, the true, lawful, and bona fide property of your libellants, to be transported in and on board the said schooner Louisa, to Pensacola, in the province of West Florida, from the port of Havana, in the Island of Cuba, a part of the dominions of the King of Spain, their sovereign, where the said schooner then was, and

both of which places of shipment and delivery were then and now are provinces, colonies, or dependencies of the kingdom of Spain aforesaid; that the schooner did proceed on her said voyage with the said negroes on board, with the intention to land and deliver the same at Pensacola aforesaid, to your libellants, according to the undertaking and agreement of the master of said schooner; that upon the arrival of the said schooner at the port of Pensacola aforesaid, the same was occupied by the military forces of the United States, by virtue of certain articles of capitulation with the authorities and forces of the King of Spain; that the said schooner with the said six negroes on board, were then and there, in the harbour of Pensacola, illegally and forcibly seized, taken by the force and power of the officers and guns of the United States' ketch, Surprise, lieutenant Isaac McKeever commander, and sent into the port of Mobile, in the Alabama Territory, in the United States, where the said vessel and said negroes now are in the custody of the marshal of this court, and proceedings instituted against them, in this honorable court, for condemnation, all which your libellants expressly allege is contrary to the laws of nations and of the United States.

Wherefore, they pray that admiralty process may issue against the said six negroes, that the usual monition may issue, and that they may be restored to them with costs.

D. RUST, *Proctor*.

Let admiralty process issue. 10th July, 1818.

HARRY TOULMIN, *J. M. T.*
H. Y. WEBB, *J. A. T.*

Issued 29th August, 1818.

F. H. GAINES, *D. C. C. M.*

Alabama Territory of the United States' General Court.

The President of the United States to the Marshal of the said Territory, greeting:

Whereas, six African negroes, found on board the American schr. called the Louisa, have been libelled in the said Court for a violation of the laws of the United States, and have been seized, and by you taken into possession, as liable to condemnation; and whereas Joseph Noriogo and Francis Bonales, subjects of the King of Spain, residing in the town of Pensacola, in the province of West Florida, a part of the dominions of the King of Spain, have claimed the aforesaid six African negroes as being their true, lawful, and bona fide property, and praying that the same may be restored. You are, therefore, commanded and strictly enjoined to cite and admonish all persons having or pretending to have any interest in the condemnation of the aforesaid six African negroes, to be and appear before the Hon. General

Court of the Alabama Territory, to be holden in the town of St. Stephen's on the first Monday in January next, to show cause, to the said Court, when in session, if any they have or can, why the aforesaid six African negroes should not be restored to the said Joseph Noriago and Francis Bonal; and, whatsoever you shall do in the premises, you shall duly certify, under your hand and seal, to our said Court, when in session.

Witness, the Hon. Harry Toulmin, Esq. Senior Judge of our said Court, the first Monday in July, in the year of our Lord one thousand eight hundred and eighteen, and of the sovereignty and independence of the United States of America the forty-third year.

Issued 29th August, 1818.

Attest,

F. H. GAINES, *D. C. Gen. Ct.*

Advertised.

J. HANES, *Marshal.*

The United States, vs. The Schooner Louisa, and cargo.	}	In the General Court of the Alabama Territory, in admiralty sitting.
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Unto the said Court comes Augustine Valerde, Francis Bonal, and Pedro Rivero, by their attorney, David Rust, and claims the said cargo mentioned in the said libel of the United States in this behalf filed, as their own lawful property, and denying all and singular the allegations in the said libel of the said United States contained; they aver that the said cargo is not forfeited to the United States for any such cause as is in the said libel alleged; and prays that the same may be restored to them with costs, &c. &c.

D. RUST.

And now comes here, Samuel Paxton, by William H. Robertson, as his agent, by Samuel Acre, his proctor, and claims the Schooner Louisa, her tackle, apparel, and furniture, and cargo, and, for his claim and answer unto the said libel, he saith, that the said schooner, according to the best of his knowledge and belief, are the bona fide property of this claimant; that, on or about the 10th day of June, in the year 1818, the said schooner sailed from the port of Havana, in the Island of Cuba, in the dominion of the King of Spain, bound for the port of Pensacola, in the province of West Florida, then a port belonging to the King of Spain. This claimant further answering, saith, that, while prosecuting the voyage aforesaid, and after the arrival of the said schooner in the Bay of Pensacola, within the territorial jurisdiction of the King of Spain, and while at anchor under the guns of Fort Barancas, belonging to the King of Spain aforesaid, and within the harbor of Pensacola aforesaid, was forcibly seized and taken possession of by the navy of the United States, between whom and the King of Spain then there was, and still is, peace and amity, and, by

the commander of the gun vessel ketch Surprise, sent into the port of Mobile, within the territories and jurisdictional limits of the United States; and this claimant further answering, saith, that the negroes found on board of said schooner were brought by her from the said port of Havana, in the Island of Cuba, in the dominion of the King of Spain aforesaid, and were taken on board as passengers, the property of Spanish subjects, residing in Pensacola, and with intent to land them in Pensacola aforesaid, and not within any port or place of the United States, or of the territories thereof; and that the said schooner and cargo are not forfeited under any of the laws of the United States. Wherefore, the said Samuel Paxton doth claim the said schooner, her apparel, tackle, and furniture, and cargo, as his bona fide property, and prays that the same may be restored, and that he may have his costs in this matter, most unrighteously retained, and his damages, occasioned by the seizure and detention of the said schooner, so unlawfully made, to him decreed.

SAMUEL ACRE,

Proctor for claimant.

Sworn to and subscribed in open Court, this 14th January, 1822.

WM. H. ROBERTSON.

R. C. LANE, Clerk.

Filed 14th January, 1822.

R. C. LANE, Clerk.

Alabama Territory of the U. States, Mobile County.

Personally appeared before me, Alvan Robeshow, Chief Justice of the Orphans' Court, Isaac M'Keever, Lieutenant commanding the United States' ketch Surprise, and upon oath, and saith, that, on the 21st June, 1818, he captured, off the harbor of Pensacola, the American schooner Louisa, whereof Pedro Rivero is master, bound to the port of New Orleans, from the Havana, in the Island of Cuba, laden with sugar, coffee, &c. and having on board six negro slaves, which said vessel he has brought into the port of Mobile for condemnation, for a violation of the acts of Congress of the United States relating to the slave trade.

I. M'KEEVER.

Sworn and subscribed to this 25th June, 1818, before me.

ALVAN ROBESHOW, C. J. O. C. C. M.

In the above action a warrant was issued, and return was made on the said warrant, and deposited in my office, and Joseph P. Kennedy entered into my office and took and carried away the said warrant, without my knowledge or consent, and that he, the said Joseph P. Kennedy, has not returned the said warrant, although requested so to do. Pedro Rivero, being brought into Court on the 26th day of June, 1818, by the Deputy Marshal, and he being asked by me if he was the Captain of the Schr. Louisa? answered and says, yes.—Question by

the Court. Were you captured on the 21st day of June, 1818, off the mouth of the harbor of Pensacola, by Isaac M'Keever, commanding the United States' ketch? He answers and says, yes.—Question by the Court. Of what did your cargo consist? He answers and says, sugar, coffee, taffia, &c. and six negroes. The slaves were, as the prisoner states, put on board by Francisco Bonal.

On examination of the prisoner, and he confessing the facts as charged, it is the opinion of the Court that he be admitted to bail in the sum of ten thousand dollars, with two good securities in the sum of two thousand five hundred dollars each, that he will appear at the next General Court, to be holden at St. Stephen's, or that he be committed to jail on failing to procure the security above stated.

ALVAN ROBESHOW, *C. J. O. C. C. M.*

I certify the foregoing to be a true copy of my said office.

ALVAN ROBESHOW, *C. J. O. C. C. M.*

No. 39—Permanent.

In pursuance of an act of the Congress of the United States of America, entitled an act concerning the registering and recording of ships or vessels, Samuel Paxton, of the city of New Orleans, merchant, having taken or subscribed the oaths required by the said act, and having sworn that he is the true and only owner of the ship or vessel called the Louisa, of New Orleans, whereof Pedro Rivers is at present master; and, as a citizen of the United States, as he hath sworn, and that the said ship or vessel was, on the 20th day of December, 1803, the property of John Soiste, a bona fide inhabitant of Louisiana on the 30th April, 1803. or date of the cession of Louisiana, as it also appears from a certificate of registering No. 60, issued at this office the 29th December, 1817, now surrendered, the property being changed. And said certificate of permanent registry having certified that the said ship or vessel has one deck and two masts, and that her length is forty-eight feet six inches, her breadth fourteen feet, her depth five feet two inches, and that she measures 31 $\frac{1}{2}$ tons, that she is a schooner, has no gallery, and no figure head. And the said Samuel Paxton, having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said schooner has been duly registered at the port of New Orleans. Given under my hand and seal, at the port of New Orleans, the first day of May, 1818.

JOSEPH NOURSE,
BEV. CHEW, *Collector.*

The above is a copy of the register of the schooner Louisa, seized by Isaac M'Keever, Esq. a Lieutenant in the Navy of the United States, and libelled in the Alabama General Court, sitting in admiralty, by William Crawford, District Attorney of the United States for the Alabama Territory, and which said schooner has been claimed in the

Court aforesaid by Samuel Paxton, and it is agreed that the above copy shall be admitted in proof in the said case aforesaid. on the trial of the libel aforesaid, and in reference to the cargo and negroes on board the said schooner, the same as if the said register was produced in Court.

Mobile, 10th August, 1818.

D. RUST, for claimant.

[TRANSLATION.]

Manifest of the cargo of the American Schooner Louisa, Captain Pedro Rivero.—10 pipes of taffia; 30 cases of sugar; 35 dozen pots of sweetmeats: 25 boxes of small herrings; 26 baskets of porter; 6 bundles of dry goods; 6 bundles of tobacco; 6 boxes of gin; 2 quarter casks of wine: 2 dozen ditto sweetmeats; 3 boxes of wine: 4 boxes of vermicelli; 6 barrels of olives; 4 boxes, contents unknown; 4 barrels of white wine: 2 bags of coffee, 7 barrels of sugar, 1 demijohn of aniseed; 1 barrel of tamarinds; a barrel of cassave; 1 bale of dry goods; 2 boxes of sugar: 1 box of coffee.

Valuation of Schooner Louisa and cargo, appraised by Christopher S. Stewart, D. Duval, and Henry D. Merritt:

Schr. Louisa, including her tackle and apparel, valued at six hundred dollars.	-	-	-	-	\$600 00
13,916 lbs. Havana brown sugar, at 7 cents	-	-	-	-	974 12
884 white coffee, 18 cts.	-	-	-	-	159 12
238 tallow, 7 cts.	-	-	-	-	16 66
772 gallons taffia, 50 cts.	-	-	-	-	386 00
347 do. rum do. 50 cts.	-	-	-	-	173 50
63 do. Colminar wine, 80 cts.	-	-	-	-	50 40
108 do. Claret, \$30 each, 2 casks	-	-	-	-	60 00
20 hampers ale, \$1 50,	-	-	-	-	30 00
1 box Claret	-	-	-	-	4 00
4 boxes vermicelli, 266 lbs. 6 cts.	-	-	-	-	15 96
5 bales Spanish tobacco, 341 lbs. 14 cts.	-	-	-	-	47 74
24 tubs fish, damaged, 1 50,	-	-	-	-	36 00
30 boxes sweetmeats, 11 cts.	-	-	-	-	330 00
2 cases platillas, containing 25 pieces each, is 50 pieces, at \$ 5 50,	-	-	-	-	275 00.
2 bales checks, containing 96 pieces, at \$3	-	-	-	-	288 00
2 do blue gurrahs. containing 100 pieces, \$2½	-	-	-	-	250 00
1 trunk, containing remnants dry goods	-	-	-	-	25 00
Exclusive of schooner,	-	-	-	-	<u>\$3,121 50</u>

The above valued exclusive of duties.—Mobile, July 31, 1818.

CHRIST. S. STEWART.
DANIEL DUVAL,
H. D. MERRITT.

COLLECTOR'S OFFICE,

Port of Mobile, Aug. 25, 1818.

I certify that the tonnage duty on the Schooner Louisa, P. Rivero master, from Havana, and the duties on the merchandise imported in said schooner, which said schooner and merchandise were seized and libelled in the General Court of the Alabama Territory, have been duly paid, or secured to be paid, according to law.

Given under my hand, at the Custom House, Mobile, the date above written.

ADDIN LEWIS, *Collector.*

Filed 11th September, 1818.

F. H. GAINES, *D. C. Clk.**Alabama Territory of the United States—General Court.*

The President of the United States to the Marshal of the said Territory, greeting:

Whereas, at July term, 1818, of said Court, sitting in admiralty, it was ordered that the schooner Merino and cargo, the schooner Louisa and cargo, and the schooner Constitution and cargo, be delivered to the claimants of the same, on bond being entered into in the approved value thereof, with Sam. H. Garrow, Lewis Judson, D. Files, J. W. Simonton, John Whitehead, and Jotham S. Patton, or any four of them, D. Files being one, as securities, conditioned to have the property forthcoming, to abide the judgment of the Court; and whereas an appraisement on oath of the valuation of the schooner Louisa and cargo, has been filed in this Court, and bond in double the amount thereof has been entered into, and filed with David Files, J. W. Simonton, S. H. Garrow, and J. S. Patton, as securities, conditioned as aforesaid: now, therefore, you are hereby enjoined and strictly commanded to deliver the aforesaid schooner, called the Louisa, her tackle, apparel, and furniture, unto Samuel Patton, who has claimed the same; and that you deliver unto Augustus Valverd, Francis Bonales, Pedro Rivero, and Penaloue, the cargo of the aforesaid schooner Louisa, consisting, as appears from the appraisement, of

13,916 lbs. Havana brown sugar,
 884 lbs. white coffee,
 238 lbs. tallow
 772 gallons taffia
 347 do. rum
 63 do. Colminar wine
 108 do. claret, two casks
 20 hampers ale
 1 box claret
 4 do. vermicelli, 266 pounds

5 bales Spanish tobacco, 341 pounds
 24 tubs fish, damaged
 30 boxes sweet meats
 2 cases platillas, containing 25 pieces each, is 50 pieces
 2 bales checks, containing 96 pieces
 2 bales blue gurrahs, containing 100 pieces
 1 trunk containing remnant dry goods

Which said vessel called the *Louisa*, her tackle, apparel, and furniture, with the cargo aforesaid, you have seized and taken into your possession, by virtue of our writ, for a violation of the laws of the United States, as by their libel we are given to understand; and whatsoever you shall do in the premises, you shall duly certify under your hands and seal to the honorable the Judges of our said Court, at the Court to be holden in and for said Territory, in the town of St. Stephens, on the first Monday of January next.

Witness the honorable Harry Toulmin, Esq. Senior Judge of our said Court, the first Monday in July, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States of America the forty-third.

Issued 11th of September, 1818.

F. H. GAINES,
D. C. Gen. Court.

Delivered, as will appear by the receipt enclosed.

J. P. KENNEDY, *D. M.*

Received, Mobile, August the 19th, 1818, in store, from Joseph P. Kennedy, Esq. Deputy Marshal,

52 boxes brown sugar
 7 barrels do.
 10 pipes taffia
 21 casks fish
 2 casks wine
 6 kegs olives
 1 barrel of beef
 1 seroon tallow
 31 boxes sweet-meats
 1 keg anniseed
 4 boxes vermicelli
 1 trunk dry goods, (broken open)
 12 pieces checks, put up as platillas
 5 seroons tobacco
 1 basket hair powder
 1 do. Canary seed
 85 pieces of check, loose
 55 do. blue gurrahs, loose
 2 boxes platillas
 4 quarter casks Malaga wine
 1 bale blue gurrahs
 1 box wine

1 barrel Casada bread, (half out)
 21 hampers porter, (part empty)
 8 bags coffee

The above goods subject to nineteen dollars per month storage.

T. M'CUSKER & CO.
 J. PURSE.

Cuenta de venta gastos y liquido producto de 120 barrels de harina que por la Goleta Louisa, procedente de la Nueva Orleans mí consignó Dr. Pedro Acosta á Saber.

A. D. SEBASTIAN ESPINOSA Y DON JUAN.

120 barrs. de harina, á 16 ps. - - - - \$1920 00

Gastos.

Dros. Rs.	-	-	-	-	-	\$506 04
Comision al 5 po.	-	-	-	-	-	96 00
						602 04

\$1,317 04

Havana, 10 de Junio, 1818.

FRANCISCO VIDAL.

Cuenta de desembolsas de la Goleta Americana nombrada Louisa, su Capitanía Don Pedro Acosta, que procedente de la Nueva Orleans, entró en este puerto á mí consignacion, á Saber.

Por pazodo al interprete	-	-	-	-	-	\$ 4 00
tonelage farola y Capitanía del puerto	-	-	-	-	-	30 00
registro	-	-	-	-	-	34 00
entregado de orden del Capn. á Don Aug. Morales	-	-	-	-	-	5 4
entregados id. id. á D. Sebastian Espinosa	-	-	-	-	-	300 00
para del moro	-	-	-	-	-	1 00
						1 00

Pesos \$374 04

Havana, 10 de Junio, 1818.

FRANCISCO VIDAL.

DEBE.

La Goleta Louisa, su Capitania P. Acosta se. Con. Francisco Vidal.

HABER.

56

1818. Junio 10.	Por emporte de los desem- bolsas hechos por mi se- gun el por menor - - - \$574 04 Saldo á su favor le entregó el Capitania - - - - 934 00	1818. Junio 10.	Por liquido producto de 120 barrels harina, segun la cuenta venta - - - - \$1,317 04
	<u>\$1,317 04</u>		<u>\$1,317 04</u>

S. Y. Havana, de 10 Junio, 1818.

FRANCISCO VIDAL.

[Doc. No. 121.]

Return of the Cargo of the Schooner Louisa, a prize to the United States' vessel Surprise, unladen under my inspection, and delivered to the Deputy Marshal, as by an order of seizure directed to him, this 30th day of June, 1818.

Boxes of Sweetmeats.	20 gall. casks of Malaga Wine.	Bags of Coffee.	Boxes of Sugar.	Hampers of Ale.	Cases of Linen Platillas.	Half barrels Herrings, or Fish.	Trunks Dry Goods.	Boxes Claret.	Boxes of Vermicelli.	Demijohns of Anniseed.	Cases of Gin.	Bales of Linen Checks.	Bales of Blue Gurrabs.	Barrels of Cassava.	Baskets of White Powder.	Bags of Anniseed.	Bags of Canary seed.	Bundles of Tobacco.	REMARKS.
30 boxes +R No. 2, 9, 30, 27, 25, 26, 16, 20, 29, 4, 3, 23, 21, 14, 11, 10, 13, 17, 15, 22, 21, 19, 5, 8, 23, 7, 18, 12—one, No. not known.	4 + F. B.	7 P. M.	12	20	2 △ H 9 & H 6	24	1 Broken, & inventory taken.	1 + 4 C. G.	4 No. 85, 91, 8, and 86. + F. B.	1	3 + F. B.	2 + 5 & 6 AN	2 + 3 & 4 AN	1	1	1	1	5	1 keg or bbl. of Tamarinds in the manifest, not yet found.
30	4	7	12	20	2	24	1	1	4	1	3	2	2	1	1	1	1	5	Delivered to the Deputy Marshal, J. P. Kennedy, and put in store the 30th June, 1818.

Articles left on board:

- 18 boxes Sugar,
 - 1 bale of Tallow,
 - 20½ bbls. of Herrings, or Fish,
 - 7 bbls. of Sugar,
 - 3 pipes Rum,
 - 7 do Taffia,
 - 2 casks Claret,
 - 6 kegs Olives—one of the kegs may be the Tamarinds.
 - 1 small hamper of Coffee.
- } Marks not known.

CURTIS LEWIS, Inspector.

Se presentará en la Administración General, antes de formar la escritura, para tomar la filiación.

SOR. DON JOSE LEAL.

Muy Señor mió : sírvase vmd. formar escritura á favor de Pedro Acosta, quatro negros que le he vendido del Armazon, que ha conducido de la Costa de Africa, la Goleta Española nombrada la suficiente, su maestre D. Eudaldo Fiol, en el precio de quatro cientos pesos cada uno, con la calidad de bozal, alma en boca, huesos en costal, á uso de feria, sin asegurar de tachas ni enfermedades, mal de Corazon, gota Coral, de S. Lazaro, ni otra cualquiera que pueda padecer la humana naturaleza; porque todas corren por cuenta del comprador y tambien la escritura. Nuestro Sr. guarde á vmd. muchos años.

Habana, y Julio 9 de 1818.

B. L. M. de Vmd. S. S. S.

FRANCISCO DE LA TORRE.

Son 1600 ps.

SELLO TERCERO.

Dos Reales Años de 1818 y 1819.

Don José Sedano, Intendente de Provincia, Administrador General de Rentas Reales del Puerto de la Habana en la Isla de Cuba por S. M.

Certifico que con interv'on y conocimiento de la Administrador General de Rentas Reales dé mi cargo ha dado permiso para embarcar en la Goleta Americana Merino, su Capitan Cross, con destino á la Mobila, las partidas siguientes :

1.—Don Colon Mitchell, registro en dos de Junio del corriente quince caxas asucar blanco, con doscientas veinte y cinco ars. : diez caxas asucar quabrado con ciento y cinquenta a. Diez y ocho bocoyes Moscabado con quinientas quarenta ars. Quarenta y tres bocoyes de miel que embarca de cuenta riesco y consignacion de William Robertson y entero sus dros.

Y para que comite firma la presente Habana, dos de Junio de mil ochocientos diez y ocho.

JOSE SEDANO.

SELLO TERCERO.

Dos Reales Años de 1818 y 1819.

Don José Sedano, Intendente de Provincia, Administrador General de Rentas Reales del puerto de la Habana en la Isla de Cuba por S. M.

Certifico que con intere'on y conocimiento de la Administrador General de Reales Rentas de mi cargo se ha dado despacho para embarcar en la Goleta Americana, nombrada Luisa, su Capitan Pedro Pichero, para Nueva Orleans:

- 1.—A. 1 a 2 : D. Miguel Terrer y Creagh, registro en ocho de Junio del corriente año. dos cajas de platillas que conta. cada una veinte y cinco pras.
 3 y 4 : Dos fardos de guineas azules que conta. cinquenta pras. cada uno.
 5 y 6 : Dos fardos que cotrid. cuarenta y cuatro pras. de listado cada uno, y doze. pras. de listados de algu., que son seis pras. cada fardo que embarcar de qu. de quien corresponde y entero sus derechos.
- 2.—D. Francisco Bona, registro en id. : diez pipas agte. caña, treinta cajas asucar quebdo. veinte y cinco id. de Sardina, con cinquenta millar, cuatro cajas de fideos, seis barriles de azeytunas, un garrafon agte. anisado, media pipa vino tinto, cuatro barriles de vino seco, diez sacos de café, siete barriles asucar, que con la mea. del margen embarca de quien de D. Francisco para entregar á dicho Sr. y entero sus dros. - §
- 3.—B. 1 a 23 : D. José J. Cenlino, registro en id. : veinte y ocho canastos con una doza. de botellas cada uno y una marqueta de seboló que embarca por gr. de D. Francisco Barrios o á su poder y pavo - §
- Y para que conste firmo la presente.

HABANA, diez de Junio, de mil ochocientos y diez y ocho.

JOSE SEDANO.

Alabama Territory, of the United States—General Court.

The President of the United States to Messrs. Gray and John Murdock, Esquires, greeting :

Know ye, that we, reposing especial trust and confidence in your fidelity and prudent circumspection, do hereby authorize and empower you, that at such time and place as you may appoint, you carefully and diligently [examine] such persons, they being first cautioned and sworn, or affirmed, to tell the whole truth, as you may call before you for that purpose ; and such examinations and depositions by you taken, you are to send sealed up under your seals, to the honorable the Judges of the General Court of the said Territory, at the Court to be holden in the town of St. Stephen's, on the first Monday of January next, together with this writ.

Witness the Honorable Harry Toulmin, Esq. senior Judge of said Court, the first Monday of July, in the year of our Lord one thou-

said eight hundred and eighteen, and the forty-third of the sovereignty and independence of the United States of America.

Issued 30th of July, 1818.

Attest—F. H. GAINES,
D. C. Gen. Court.

Interrogatories to be administered to witness in behalf of the claimants and libelled, in the following cases, to wit: Alabama General Court of Admiralty.

The United States vs. Schr. Merino and cargo.	The United States vs. Schr. Louisa and cargo.	The United States vs. Schr. Constitution and cargo.
Henry Michelet, Diego Crespo, Francis Barrias, Ignatius Balderas, vs. Nineteen negroes.	Joseph Noriago, Francis Bonales, vs. Six negroes.	David Nagle, Antonio De Frias, vs. Eighty-two negroes.

INTERROGATORIES.

1st. Do you, David Nagle, Antonio De Frias, Diego Crespo, Francis Bonales, Ignatius Balderas, Joseph Noriago, Francis Barrias, and Henry Michelet, know the parties in the above suit named, or any of them?

2d. Where do they generally reside? are they, or are they not, subjects of his Catholic Majesty the King of Spain, or persons residing within his dominions?

3d. Have you, or have you not, any knowledge of the said David Nagle having shipped, some time in the month of June, 1818, at the port of Havana, fifteen negroes on board the Constitution, to be transported to the port of Pensacola? were the said negroes the property of David Nagle, and bona fide?

4th. Have you any knowledge of the said Antonio De Frias having shipped on board the said schooner Constitution sixty-nine negroes at Havana aforesaid, about the time aforesaid, to be delivered at Pensacola aforesaid? and were they the real and bona fide property of the said Frias?

5th. Have you any knowledge of the said Francis Bonales, and the said Joseph Noriago, or some person or persons, for them having shipped on board the American schooner Louisa, some time in the said month of June, at the port of Havana aforesaid, the said Francis Bonales four negroes, and the said Joseph Noriago two negroes? and were they the real and bona fide property of the said Bonales and Noriago?

6th. Have you any knowledge of the said Henry Michelet, the said Diego Crespo, Francis Barrias, and Ignatius Balderas, or

some person or persons, for them, having, some time in the said month of June, at Havana aforesaid, shipped on board the American schooner Merino nineteen negroes; that is to say, Diego Crespo twelve negroes, the said Henry Mitchelet four negroes, the said Francis Barrias one negro, and the said Ignatius Balderas two negroes, to be transported and delivered at the port of Pensacola? and were the said negroes severally the property of the persons above named?

7th. Were the negroes mentioned in the foregoing several interrogatories, purchased by the several persons therein set forth as owners, in Havana, to your knowledge, or by some person for them, and in pursuance of their orders and instructions? and were they so shipped to be delivered to them or their order at Pensacola?

8th. Have you any knowledge of the voyage upon which the above mentioned schooners Constitution, Louisa, and Merino, sailed from the port of Havana? Was it not understood between the masters or persons having charge of said vessels, and the said owners and shippers of said negroes on board of them respectively, that they should call or touch at the port of Pensacola aforesaid, and land and deliver the said negroes to the said owners or their order? and was there not an agreement to that effect?

9th. Whether at the time that the shipment of negroes took place, a preference was not given to shipping under the American flag to Spanish, in consequence of the great danger apprehended of capture by the insurgent privateers.

10th. Whether at the time the said schooners, aforesaid, sailed from the port of Havana, it was known, or at least publicly known, that the American Congress had passed an act, entitled "An act in addition to an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, one thousand eight hundred and eight, and to repeal certain parts of the same," passed the 20th day of April, 1818; or whether, at the time the said schooners aforesaid, sailed from the port of Havana, it was known, or at least publicly so, that the United States troops, under the command of General Jackson, were in possession of the town of Pensacola.

11th. Do you, or do you not, know any thing in reference to the cargoes shipped on board either of the said schooners Merino, Louisa, and Constitution, at the port of Havana, at the time aforesaid, to wit: during the month of June last, and to whom did they belong, and in what proportions, and for what ports were they shipped, and by whom were they shipped?

12th. Do you or do you not know any thing in reference to the schooners aforesaid, the negroes on board, and their respective cargoes, that will be for the benefit either of the United States, the captors, claimants, or libellants, aforesaid? and if so declare it.

Filed 30th July, 1818.

F. H. GAINES, D. Clerk.

Alabama, Territory of the United States.

I, Francis H. Gaines, Deputy Clerk of the said Territory, do certify that the foregoing pages numbered 1, 2, 3, 4, 5, 6, contain a true copy of interrogatories now on file in the Clerk's office of said Court.

In testimony whereof I have hereunto set my hand and affixed my private seal, (having no seal of office,) at St. Stephen's, on the 30th day of July, in the year of our Lord, one thousand eight hundred and eighteen, and the 43d of the sovereignty and Independence of the United States of America.

F. H. GAINES, *D. C. Gen. Court.*

Depositions of witnesses produced, sworn, and examined, on the annexed interrogatories, on the thirteenth day of October, in the year of our Lord, one thousand eight hundred and eighteen, by virtue of a commission issued out of the General Court of the Alabama Territory, to us directed, for the examination of witness in a certain cause, the pending and at issue between the United States, plaintiffs, and schooner Constitution, and those claiming her cargo and African slaves on board, defendants, on the part of the defendants, as follows, to wit:

Don Francisco Alvarez, of the city of Havana, despatch clerk in the house of Don Antonio de Frias, he, the said Frias, being in Europe, and his brother and Attorney Don Nicholas in the interior, being produced, sworn, and examined, on behalf of the defendants, on the title of these depositions named, doth depose and declare as follows.

1st. To the first interrogatory he saith that he knows Don David Nagle, and Don Antonio de Frias, having lived as a clerk in the house of the latter for upwards of eight years, but is not acquainted with the other parties named in this interrogatory.

2d. To the second interrogatory he saith Don David Nagle, and Don Antonio de Frias, are resident merchants in this city and subjects of H. C. M.

3d. To the third interrogatory he saith that David Nagle, or some person for him, did ship a number of African negroes on board the American schooner Constitution bound to Pensacola, (and a part thereof, twelve in number, were purchased at the Barricon of Don Antonio de Frias, No. 13; and he remembers to have seen a clerk of said Nagle or Mr. Mitchele, in the office of the Secretary of this Government, obtaining a passport for said negroes, but as to the number he knows not.

4th. To this interrogatory he saith to his knowledge there were shipped on board the American schooner Constitution, by the house of Don Antonio de Frias, in June last, sixty nine African negroes, for account, as he understood as expressed in the letter and passport hereunto annexed, and marked A, and B, which negroes were actually imported by the said Antonio de Frias, from the coast of Africa, in his schooner called the Valadora, and re-shipped from the Barracon of said Frias, No. 13, he the said deponent having obtained the passport for the re-shipment of said negroes from the Captain General for account of the said Frias.

5th. To the fifth interrogatory, he saith that he has no knowledge of the shipment mentioned in this interrogatory.

6th. To the sixth interrogatory, he saith that he has no knowledge of the shipment mentioned in this interrogatory.

7th. To this interrogatory, he saith, that 12 of the negroes mentioned in the passport obtained from the Captain General in the name of David Nagle, hereto annexed, marked C, were purchased from Barracon, No. 13, of Dn. Antonio de Frias, and shipped on board said schooner Constitution, with sixty-nine shipped from said Barracon, on board said schooner Constitution, by said Frias, as expressed in his letter hereto annexed, marked A.

8th. To the eighth interrogatory, he saith, that insurgent privateers were almost constantly off this port, Matanzas, and Mariel. The preference was not only given to American vessels for the transportation of African negroes from hence, but that no person would risk a negro on board a Spanish, for any place, except a vessel of war.

9th. To this interrogatory, he saith, that the captain of the Constitution received the before mentioned sixty-nine African negroes, as well as the others shipped on board the said vessel, on the express condition, as he understood, that he would land them in Pensacola, at which port he was to touch, on his voyage to New Orleans.

10th. To the tenth interrogatory, he saith, that he never heard of the act of Congress of the 20th April, 1818, but that he had understood for some years past, that neither Africans, nor any other slaves could be introduced into the United States, or into the Territories thereof, under any circumstances : and it was not until the 26th day of June last, past, some days after the departure of the schooner Constitution, that information was received here by the arrival of the schooner Washington, a flag of truce, having troops on board from Pensacola, of the capture and occupation of Pensacola, by the troops under the command of General Jackson.

11th. To this interrogatory, he saith, that he has no other knowledge of the negroes mentioned in this interrogatory, than already stated.

12th. To the twelfth interrogatory, he saith, that he knows no other matter or thing respecting the African negroes mentioned in the preceding interrogatories, which could be useful to the claimant, defendants, or to the United States.

Havana, 13th October, 1818.

FRAN. ALVAREZ.

VINCENT GRAY,

JOHN MURDOCK.

Don. Domingo Rodriguez, of the city of Havana, Clerk, aged twenty-four years, being produced, sworn, and examined, in behalf of the defendants, on the title of those depositions named, doth depose and declare, as follows, viz :

1st. To the first interrogatory, he saith, that he knows David Nagle, Antonio de Frias, Deigo Crespo, and Ignacio Balderas, but is not acquainted with the other parties named in this interrogatory.

2d. To the second interrogatory, he saith, that David Nagle, Antonio de Frias, and Ignacio Balderas, reside in this city, and that he understood that Deigo Crespo resides in Pensacola, and that they are all subjects of his Catholic Majesty.

3d. To the third interrogatory, he saith, that he has no knowledge of the shipment mentioned in this interrogatory.

4th. To this interrogatory, he saith, that he has no knowledge of the shipment mentioned in this interrogatory, further than by report, that the said Frias had, about that time, shipped a parcel of negroes for one of the Floridas.

5th. To the fifth interrogatory, he saith, that he has no knowledge of the shipment mentioned in this interrogatory.

6th. To the sixth interrogatory, he saith, that he has knowledge of the purchase and shipment of fourteen negroes, by Deigo Crespo, and Ignacio Balderas, on board the Merino, bound to Pensacola; that is to say, twelve by Deigo Crespo, and two by Balderas, and that he understood from Deigo Crespo, that he was about to purchase four or five negroes more for his friend in Pensacola, and ship the same on board the vessel Merino.

7th. To the seventh interrogatory, he saith, that he has no knowledge of the negroes mentioned in the several foregoing interrogatories, than stated in the preceding answers.

8th. To the eighth interrogatory, he saith, that he understood that the Merino was to enter into the port of Pensacola, and there land the negroes shipped on board at this port; but as to the other two schooners mentioned in this interrogatory, he has no knowledge of their destination.

9th. To the ninth interrogatory he says, that, as insurgent privateers were numerous in these seas, the preference was given to American vessels for the transportation of every species of property, as nothing was considered safe on board of Spanish vessels.

10th. To the tenth interrogatory he saith that he never heard of the act of Congress mentioned in this interrogatory; and it was not until after the arrival of the schooner Washington flag of truce, who arrived here late in June, that information was received of the capture and occupation of Pensacola, by the troops under the command of General Jackson.

11th. To this interrogatory he saith, that he has no other knowledge of the shipment mentioned in this interrogatory, than already stated.

12th. To the twelfth interrogatory he saith, that he has no other knowledge of matter or thing respecting the African negroes, mentioned in the preceding interrogatories, which could be useful to the claimants, defendants, or to the United States.

DOMINIGUE RODRIQUE.

VINCENT GRAY,

JOHN MURDOCK.

Havana, 13th October, 1818.

Don Jose Antonio Vidal Pasqual, of the city of Havana, merchant, being produced, sworn, and examined in behalf of the defendants, on the title of these depositions named, doth depose and declare as follows, viz :

1. To the first interrogatory he saith that he knows all the parties named in this interrogatory, except Henry Mitchelet and Ignacio Balderas.

2. To the second interrogatory he saith that David Nagle and Antonio de Frios are merchants of this city, and the others mentioned in this interrogatory, known to him in Pensacola, and subjects of his Catholic Majesty.

3. To this interrogatory he saith that he has no knowledge of the shipment mentioned in this interrogatory.

4. To this interrogatory he saith that he has no knowledge of the shipment mentioned in this interrogatory.

5. To the fifth interrogatory he saith that he purchased for Joseph Noriago, of Pensacola, from the Barracons, and shipped them on board of the schooner Louisa, under the care of Francis Bonales, some time in June last, for Pensacola, and understood that there were other negroes shipped on board the same vessel for Pensacola, but to whom they belonged he knoweth not.

6. To the sixth interrogatory he saith that he has no knowledge of the shipment on board the Merino, mentioned in this interrogatory.

7. To the seventh interrogatory he saith that he purchased two negroes, mentioned by him, from Cuasta Manganna & Brothers, and shipped them on account of Joseph Noriago, of Pensacola.

8. To the eighth interrogatory he saith that he has no knowledge of the voyages of the Constitution or Merino, but that had the Louisa not been bound to Pensacola, he should not have shipped the negroes which the Captain thereof undertook to deliver in Pensacola.

9. To the ninth interrogatory he saith that, at the time the aforementioned negroes were shipped, it was not safe to ship any property on board of Spanish vessels on account of the many insurgent privateers in those seas, consequently the preference was given to American vessels.

10. To the tenth interrogatory he saith that he has no knowledge of the act of Congress mentioned in this interrogatory, but has understood for some years past, that no negro slave could be introduced within the United States under any circumstances; and it was not known to him until after the departure of the Louisa, that the troops under General Jackson had taken and actually occupied Pensacola.

11. To the eleventh interrogatory he saith that he knows nothing more respecting the negro cargoes of the vessels mentioned in this interrogatory, than already stated.

12. To the twelfth interrogatory he saith that he knows nothing more respecting the cargoes of the aforementioned vessels, which can be useful to the defendants, claimants, or to the United States.

JOSE ANT. VIDAL PASQUAL.

VINCENT GRAY,
JOHN MURDOCK.

Havana, 15th October, 1818.

A.

HABANA, 15 de Junio de 1818.

Señor DON HENRIQUE MICHELET :

Muy Señor mio y amigo: He tomado la libertad de embarcar abordo de la Goleta *Constitucion*, su Capitan Don Henrique Peckham á la consignacion de V. sesenta y nueve negros bosales, y asi mismo he sacado el pasaporte del Excelentísimo Señor Capitan General como propiedad suya á fin de facilitar la entrada en esa.

Tengo hecha peticion á este Señor Intendente General para el paño de tierra que V. me tiene indicado sobre el *Escambia*, y concedido que me sea no tendra dificultad en concurrir con las miras de V. (con algunas modificaciones,) pero trataré extensamente sobre este asunto en otra carta seperada, limitandome en esta á suplicarle el pronto desembarco de los Esclavos, y sus amistosas atenciones á su descanso, alojamiento en parage sano, vigilancia de su salud y alimento que deve indispensablemente consistir en la mayor parte de arroz.

Me prometo este gusto mas ampliamente por otra ocasion que deve salir en breve, y me repito como siempre su afectisimo amigo y servidor.

Por mi hermano D. Antonio,

NICOLAS DE FRIAS.

B.

HABANA, 13 de Junio de 1818.

Concedo licencia á D. Antonio Frias de este comercio pa. que del cargamento de negros bosales con que entró vicitamente en este puerto procedente de la Costa de Africa. la Goleta Española Voladora, pueda hacer á Panzacola la remesa de sesenta y nueve de ellos al cargo de M. Pachen para entragarlos á su dueño M. Enrique Michalett vecino de aquella plaza. segn. lo ha representado en memorial de este mes acreditando lo necesario en el asunto.

CIEN FUEGOS.

C.

Don José Cien Fuegos Jovellanos Caso y Ramirez, Caballero Gran-Cruz de la real militar orden de S. Hermenegildo, condecorado con las del ejército Asturiano y tercero de operaciones, Consejero en el Supremo de la guerra, Teniente General de los reales ejércitos, Gobernador de la plaza de la Habana, Capitan General de la Isla de Cuba y de las dos Floridas. Presidente de la real Audiencia que reside en la propia Isla, Juez de Alzadas del tribunal del real Consulado

de ella. y Presidente de la Junta Económica y de Gobierno del mismo, Subdelegado de la Superintendencia General de Correos, Postas y estafetas, y Juez Protector de la real Compañía de la Habana, y de la renta de tabacos, &c. &c. :

Concedo licencia á D. David Nagle, para que remita á Panzacola trece negros bosales de la propiedad de Don Juan Yncrarity, residente en dicha plaza.

HABANA, 12 de Junio de 1818.

[SEAL.]

CIEN FUEGOS.
JUAN ANT. LOPEZ.

ALABAMA TERRITORY, }
Mobile County. }

Personally appeared before me, John King, jun. one of the Justices of the Peace for the said County, John W. Simonton, who, being duly affirmed, doth affirm and say, that the enclosed commission was delivered to him by Messrs. Vincent Gray and John Murdock of the Havana; that it has always been in his possession since he received it; that it has not been altered in any manner whatever; that he is about departing the Territory of Alabama for some time, and for the security of himself, as well as the parties interested in the said commission, has this day deposited it with Joel T. Willis, Esq. Clerk of the Superior Court of this County.

J. W. SIMONTON.

Subscribed and affirmed to this 20th day of April, 1819.

JOHN KING, jun. J. P.

ALABAMA DISTRICT. }
Court of the U. S. Mobile, } ss.

John W. Simonton, being sworn, deposeth and saith, that the commission marked No. 1, and on which commission is endorsed an affidavit of this deponent, sworn to before John King, jun. Justice of the Peace, is the identical commission delivered him by Vincent Gray and John Murdoch, of Havana, and that it has not been broken or examined to the best of this deponent's belief and knowledge.

J. W. SIMONTON.

Sworn and subscribed to, before me, this 13th February, 1821.

ROBERT CARR LANE.

Clerk Alabama District.

Alabama Territory, of the United States.

The President of the United States to the Marshal of said Territory, greeting:

Whereas, at a General Court, holden for said Territory, at the town of St. Stephen's, on the 1st Monday of July, 1818, it was ordered that the vessel Merino and cargo, the schooner Louisa and cargo, and Constitution and cargo, should be delivered to the claimants of the same, on their entering into bond in the appraised value thereof, with Samuel H. Garrow, Lewis Judson, John W. Simonton, David Files, and Jotham S. Patten, or any four of them; David Files being one, as securities for the forth-coming of the vessels and cargoes aforesaid, to abide the order and decree of said Court: And whereas an appraisal on oath, of the value of the schooner Constitution and cargo, has been filed, and bond in double the amount thereof conditioned as aforesaid, has been entered into and filed in the Clerk's office of said court, with David Files, Jotham S. Patten, J. W. Simonton, and S. H. Garrow, as securities. You are therefore required and strictly enjoined, that you deliver the said vessel Constitution, her tackle, apparel, and furniture, unto Daniel T. Walden, who has claimed the same, and that you deliver unto David Nagle the cargo on board of said vessel, consisting of 100 boxes of brown Havana sugar weighing nett 42 156lbs. and 75 bags of coffee, weighing 11,766lbs. which said vessel called Constitution, and cargo, by our writ you have seized, and into your possession taken, for a violation of the laws of the United States, as by their libel we are given to understand. And whatsoever you shall do in the premises, you shall duly certify to our judges of said court, at the court to be holden at the town of St. Stephen's, on the first Monday of January next.

Witness the H n. Harry Toulmin, Esq. Senior Judge of said Court, this first Monday of July, 1818, and forty-third of American Independence.

Issued the 30th July, 1818.

Attest.

F. H. GAINES, *D. C. Gen. Ct.*

Received the 8th of August, 1818.

J. P. KENNEDY, *D. M.*

Alabama Territory, of the United States, Mobile County.

Personally appeared before me, Alvan Robeshow, Chief Justice of the Orphans' Court in and for the County of Mobile, A. L. Sands, Lieutenant of the United States Corps of Artillery, and upon oath saith, that, on or about the 24th of June, 1818, the schooner Constitution, whereof is Master Henry Peckham, and whereof is Supercargo Daniel T. Walden, as appears from the papers of said vessel, was captured by Col. George M. Brooke and the garrison of Fort St. Carlos de Barancas, in Pensacola Bay, bound from the Havana, in the Island of Cuba to New Orleans, laden with 100 boxes of sugar and 67 bags of coffee, and having on board 83 negroes, slaves, which

said schooner, he, the aforesaid A. L. Sands, has brought into the port of Mobile for adjudication, for the violation of the Acts of Congress of the United States, relating to the slave trade.

A. L. SANDS.

Sworn and subscribed to this 29th day of June, 1818, before me,

ALVAN ROBESHOW.

C. J. O. C. in and for C. M.

I certify the foregoing to be a true copy from the records of my office, dated July 4th, 1818.

ALVAN ROBESHOW.

C. J. O. C. in and for C. M.

MOBILE COUNTY.

Be it remembered, that, on the second day of July, in the year of our Lord one thousand eight hundred and eighteen, A. L. Sands in said County, and Joseph P. Kennedy, and Lewis Judson, also of said County, did come before me, Alvan Robeshow, Chief Justice of the Orphans' Court in and for said County, and did acknowledge themselves to owe to the Governor of said Territory; that is to say, A. L. Sands the sum of two thousand dollars; Joseph P. Kennedy and Lewis Judson, the sum of one thousand dollars each; Condition, That the said A. L. Sands shall appear personally at the next General Court, to be holden at the town of St. Stephen's, on the first Monday of July, instant, then and there to give evidence in behalf of the United States of America, against Henry Peckham and George M. Brooke, on a charge for having violated the Acts of the Congress of the United States relating to the slave trade, and leaving Court without permission: then this recognizance to be void, otherwise to remain in force.

Taken and acknowledged before me, this 2d day of July, 1818.

ALVAN ROBESHOW.

C. J. O. C. in and for C. M.

A. L. SANDS.

J. P. KENNEDY,

L. JUDSON.

Alabama Territory, of the United States, General Court, July term, 1818.

United States, vs. vessel Merino and cargo, schooner Louisa and cargo, and the Constitution and cargo.

Ordered, that the vessels and cargoes in these cases, be delivered to the claimants on bond and security, to be approved by the Court, being entered into in the appraised value thereof, conditioned to have the property forthcoming to abide the order and decree of the Court.

Ordered, that Samuel H. Garrow, Lewis Judson, David Files, John W. Simonton, and Jotham S. Patten, or any four of them, David

Files being one, be accepted as securities to the bond to be given under this order, and that Henry D. Marritt, Christopher Strong Stewart, and David Duval, be appointed appraisers of the vessels and cargoes abovesaid.

A Copy,

Attest,

F. H. GAINES, *D. C. Gen. Court.*

Alabama Territory, of the United States, General Court of said Territory.

The President of the United States, to the Marshal of said Territory, greeting:

You are hereby authorized and required to deliver to James Caller, David Files, and Benjamin L. Smoot, one hundred and seven African negroes, found on board the schooners Merino, Louisa, and Constitution, now riding at anchor in the port of Mobile, which said negroes you have seized and taken into your possession by our order for a violation of the laws of the United States, particularly an act, entitled an act in addition to an act to prohibit the introduction of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight, and to repeal certain parts of the same; and whatsoever you shall know in the premises, you shall certify to our said Court to be holden in the Town of St. Stephens, on the first Monday of January next.

Witness the Hon. Harry Toulmin, Senior Judge of said Court, the first Monday of July, A. D. 1818, and of the sovereignty and independence of the United States of America, the 4th year.

Issued 13th July, 1818.

Attest,

F. H. GAINES, *D. C. Gen. Court.*

Received of J. P. Kennedy, D. Marshal, one hundred and two negro slaves, agreeable to the within order of General Court, 17th July, 1818, for James Caller, B. S. Smoot, and myself.

DAVID FILES.

Statement of the number and condition of African negroes, now in my possession, belonging to the schooners, Louisa, Merino, and Constitution, viz:

Louisa, 2 present in good health,	- - -	No. 2
Merino, present in good health,	- - -	14
Runaway.	- - -	1
		-15
Constitution, present in good health,	- - -	48
Ditto in bad health,	- - -	2
Runaway.	- - -	2
		-52

These and three others now in possession, that I cannot as yet discover to what vessel they belong.

- Also the ten ran off by Caller, making in the whole, now alive, as is believed, 85.

The above report made in obedience to an order of the District Court, at the February Term, 1822.

J. LIVINGSTON, *M. J. D.*

Filed. March 6, 1822.

R. C. LANE, *Clerk.*

Alabama Territory, of the United States' General Court, July Term, 1818.

United States vs. Pedro Rivero.	}	The Grand Jury find a true bill.
United States vs. Samuel Paxton.		
United States vs. Henry Peckham & Daniel C. Walden.	}	The Grand Jury find a true bill.
United States vs. Wm. H. Robertson & Asahel Gross.		
	}	Indictment for violating the acts of Congress relative to the slave trade. Wm. H. Robinson comes into Court and acknowledges himself to be the person named in the bill of indictment, and pleads to the jurisdiction of the Court.

July, Thursday 9th, 1818.

United States vs. Wm. H. Robertson & Asahel Gross.	}	On motion of the defendant's attorney, the indictment is ordered to be quashed.
United States vs. Schr. Merino and cargo.		
United States vs. Schooners Merino, Louisa, Constitution, and cargoes.	}	Ordered, that commissions do issue to take depositions in the Havana, to be directed to Messrs. Gray and John Murdock, and in Pensacola, to be directed to Gen. Gaines, Colonel King, and Capt. Call, or either of them, and that the said depositions be taken as evidence as well in the cases of the United States, against the said vessels and cargoes, as in the several libels for restitutions for the negroes on board the said vessels, and that the vessels and cargoes, in those cases, be delivered to the claim-

ants on board, and security, to be approved by the Court, being entered into, the approved value thereof, conditioned to have the property forthcoming, to abide the judgment of the Court.

Ordered, on the agreement of parties, that the one hundred and seven negroes found on board the vessels *Merino*, *Louisa*, and *Constitution*, and libelled in this Court, be placed in the possession of James Caller, Benjamin L. Smoot, and David Files, on their entering into bond in such amount, and with such security, as may be approved and agreed upon by the parties, conditioned that they have the said negroes forthcoming, to abide the order and decree of the Court.

Whereas, one hundred and seven African negroes have been brought within the jurisdiction, and placed in the custody of this Court, as being liable to forfeiture under the laws of the United States, and whereas certain persons have claimed the said negroes, and deny their liability to forfeiture as aforesaid, and whereas the said causes in reference to the liability of the said negroes to forfeiture, could not be decided at the July term, 1818, of the General Court sitting in admiralty, it was agreed by and with the advice and consent of the said Court, and of the persons interested either in the seizure of said negroes aforesaid, and of those claiming restitution of the same, that the said negroes be delivered to some responsible persons, to be admitted by the said Court aforesaid, for safe keeping, until the Court aforesaid, or their officers, shall demand the same, when the said negroes are to be returned into the custody of the Court aforesaid, to abide their decision in the premises: all casualties in reference to said negroes, to be excepted from the liability of the said responsible persons: Whereupon, James Caller, Benjamin L. Smoot, and David Files, came into Court, being the persons agreed upon by the parties interested aforesaid, by consent of the Court aforesaid, and stipulated, as well to all the parties interested, as to the Court aforesaid, to take possession of the negroes aforesaid, to keep them well, and to return them into this Court when demanded by the said Court, free from all expense to any party concerned, under the penalty of one hundred thousand dollars, to be levied of the goods and chattels, lands and tenements, if they should make default on the stipulation herein mentioned.

*District Court of the United States, for the Alabama District, Mobile,
February Term, 1821.*

United States, vs. Schooner <i>Constitution</i> , cargo, and slaves,	}	In this case Israel Pickens, Esq. filed the petition, or supplemental libel of Curtis Lewis, as captor and informer.
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Ordered by the Court, on motion of S. Acre, that a *dedimus pro-
testatem* be issued to John Murdock, and Vincent Gray, of the City
of Havana, and Island of Cuba, to take the deposition of Francisco

Alvarez, and of Antonio de Frias, to be read in evidence, in the case of the United States vs. the schooner Merino, and the same against the schooner Constitution and cargo.

United States, vs. Schooners Merino, Louisa, Constitution, cargoes and slaves.	}	These cases are continued by consent of the captors and claimants, and agree that the slaves in the cases of the Merino and Louisa, be delivered to John Quinn, he giving bond for the forthcoming and safe-keeping of said negroes, for their good treatment and care of their health, in the sum of twelve thousand dollars, for the slaves imported in the Merino, and four thousand dollars, in the case of the Louisa; and the Court accept as security, in both the above cases, Robertson & Barnewall, F. W. & J. Armstrong, and Henry V. Chamberlain: And in the case of the Constitution and slaves, bonds to the amount of fifty thousand dollars are to be given, and the Court accept of the following persons as the security of George M. Brooke, the person to whom the negroes are to be bonded: John F. Everitt, Captain A. L. Sands, Lieutenant Spencer, Richard B. Owen, George W. Owen, E. Montgomery, A. Hollinger, Benjamin L. Smoot, Webster & Griswold, Gilbert C. Russell, and Turner Stark. And it is ordered by the Court, that the Marshal of this District immediately take the above negroes into possession, until the bonds are regularly given.
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JUNE TERM, 1821.

United States, vs. Merino, cargo and vessel.	}	Continued by consent, until January Term, 1822,
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United States, vs. Louisa, cargo, and slave	}	The same as above.
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United States, vs. Constitution, cargo, and slaves.	}	The same as above.
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JANUARY TERM, 1822.

The United States, vs. The Schooners Merino, Louisa, Constitution, cargoes, and slaves.	}	Antonio de Frias, David Nagle,	} vs. 84 African Negroes.
Joseph Noriago, Francis Bonales,	}	vs. 6 African Negroes.	

Francis Barrias,
 Ignatius Balderos,
 Diago Crespo,
 Henry Mitchelet, } vs. 13 Negroes.

It is admitted by Attorneys for the claimants as well as the captors, that the schooners *Louisa* and *Constitution* cleared out from New Orleans, and the *Merino* from Mobile, all for the port of Havana: that they were American schooners, with American registers: that the *Louisa* and *Constitution* cleared out from the latter port for New Orleans, and the *Merino* for Mobile, at the different periods mentioned in the commission sent to Havana, viz. the *Merino* on the 2d June, 1818: the *Constitution* on or about the 18th June, 1818; the *Louisa* on the 10th day of June, 1818; and were captured at the different periods mentioned in the libels; that the different vessels had on board the number of slaves mentioned in the libels at the time of capture. The *Merino* was captured within a mile and a half of the Barrancas, inside of the bar, in the harbor of Pensacola, by the United States ketch *Surprise*, Captain M'Keever. The *Louisa* was captured outside of the bar at Pensacola, was standing in, but hove to. The *Constitution* was captured under the guns of Fort Barrancas, within the bar, by Colonel George M. Brooke, of the United States army. That Pensacola was at the time in the possession of the American troops, under the command of General Jackson, and that the American flag was flying at the time: that the *Constitution* was boarded off Mobile Point, on her way to Mobile, by Curtis Lewis, Commander of the United States Revenue Boat: that at the time he boarded her Captain Sands was on board as agent of the captors: that he (C. Lewis) remained on board until she arrived in port, and reported her to the Collector of the port, as having been captured by him: that he reported the same to the District Attorney, but not until Colonel Brooke reported her as captured by him: that Mr. Walden entered the cargo at the Custom House, and was supercargo of the *Constitution*: that the libellants for restitution, and claimants, offered as evidence, the returns of the Commissioners sent to Havana, which was admitted, subject to the exception of its being issued and signed by a deputy clerk, in all the cases, as well the vessels and cargoes, as the slaves and libels for restitution.

The commission was opened in open Court.

Mr. Vincent Gray is a merchant in the Havana; that he was a commercial agent, and the person intended for the commission to issue to; that the cargo of the *Merino* was on board; and that the register of the vessel was in the name of William H. Robertson and Asahel Gross, and that William H. Robertson entered the cargo at the custom-house, and bonded the same; that the register of the *Louisa* was in the name of Samuel Paxton.

United States. } S. Acre. Esq. moved to dismiss the libel
 vs. } against these two vessels and cargoes;
 Schooners *Merino* and } first, because the libel concludes "contra-
Louisa and cargoes. } ry to the form of the statute;" second, be-
 cause no admiralty process has issued.

The motion is not sustained.

<p>The United States vs. The Constitution and cargo. Frias and Nagle vs. 84 African slaves.</p>	}	<p>It is ordered and decreed, that the schooner Constitution, her tackle, apparel, furniture, and cargo, found on board at the time of seizure, be decreed to be forfeited to the United States, and that the distribution thereof be reserved for the further order of this Court.</p>
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It is further ordered by this Court, that the said eighty-four African negroes be and remain subject to the laws of the State of Alabama, and that the distribution of said slaves be reserved for the further order of this Court.

<p>United States vs. Schr. Louisa & cargo. Joseph Noriago, Francis Bonales, vs. Six African Slaves.</p>	}	<p>The same decree as the preceding.</p>
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<p>United States vs. Schr. Merino & cargo. Francis Barrias, Ignatius Balderas, Diego Crespo, Henry Mitchelet, vs. 19 African slaves.</p>	}	<p>The same decree as in the case of the Constitution.</p>
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On motion, it is ordered that the order made at the February term of this Court, permitting the claimant to bond the Africans in this case, be rescinded.

It is ordered by the Court that the Marshal deliver to the Clerk of this Court one of the Africans in his possession, he bonding for the same, and the Court accept of Joshua Armstrong as security for the forthcoming of the said African whenever the Court shall require the same.

It is further ordered that the Marshal file with the Clerk of this Court, a descriptive list of the Africans in his possession, on or before the 5th day of February next.

<p>United States vs. The slaves imported in the three schrs. Con- stitution, Louisa, and Merino.</p>	}	<p>The motion to bond the African slaves in these three cases, to the captors, is overruled by the Court, and it is ordered by the Court that the present Marshal collect all the Africans, and return a descriptive list of the same to the Clerk's Office: and it is further ordered, that the Marshal for his compensation for the expenses of victualling and clothing of the said African slaves, be permitted to work them moderately.</p>
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*District Court of the United States for the Southern District of
Alabama.*

November Term, 1824.

On motion it is ordered. That the District Attorney have leave to amend the libels in the cases of the United States *versus* the schooners Merino and Louisa.

United States, <i>vs.</i> Schrs. Merino & Louisa and cargoes.	}	These causes coming on to be heard on the amended libels. It is ordered, adjudged and decreed, that the said schooners Louisa and Merino, and cargoes, be condemned as forfeited to the United States, and that the said claimant pay the costs.
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On motion, it is ordered that the African slaves imported into the United States in the schooners Louisa and Merino and condemned by this Court, be sold by the Marshal at public sale, to the highest bidder, for ready money, on the 2d day of the term of the Circuit Court, to be holden in the city of Mobile in April next: and that the said sale be made in the city of Mobile, in front of the Mobile Hotel, and that the Marshal bring into this Court, at its next term, the proceeds of said sale, to be disposed of according to the further order of this Court: and that the Marshal advertise the same in the papers of Mobile and Cahawba sixty days.

April Term, 1825.

United States, <i>vs.</i> Schr. Merino & cargo.	}	This cause having been remanded from the Supreme Court with order to proceed thereon, On motion, it was ordered, that the libel in the said be amended, and the same being amended, the cause coming on to be heard on the libel, answer, and exhibits, it was ordered, adjudged, and decreed, that the said schooner, her tackle, apparel, and furniture, and also the cargo on board of the said schooner, at the time of her seizure, be condemned as forfeited to the said United States.—This day came the United States of America by their Attorney, and showed to the Court a bond or stipulation, signed by William H. Robertson and S. H. Garrow, for the sum of five thousand one hundred and nine dollars and seventy-five cents, being the appraised value of the schooner or vessel called the Merino, her tackle, apparel, and furniture, and her cargo; conditioned to pay into this Court the aforesaid sum of money, whenever the vessel, tackle, apparel, and furniture, and cargo, should be condemned; the same having been libelled in the Court, and it appearing that the same having been finally condemned by a decree of this Court: it is therefore considered by the Court, that the said United States do recover of the said William H. Robertson and Samuel H. Garrow, the sum of five thousand one hundred and nine dollars and seventy-five
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cents, their debt aforesaid: also, their costs by them in this behalf expended, and that the execution thereof be stayed for twenty days.

On motion, it is ordered, that the Marshal pay into the Clerk's Office, the entire amount of the sales of the slaves heretofore ordered to be sold, and which were imported on board of the schooners Merino and Louisa; and that the account of the Marshal for keeping said slaves be disallowed.

<p>United States, vs. Wm. H. Robertson, and S. H. Garrow.</p>	}	<p>On the motion made by William H. Robertson and Samuel H. Garrow, for an appeal from the judgment of this Court, rendered against them as securities in the bond given by the said claimants, and the appeal was refused by the Court.</p>
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On motion, it was ordered by the Court, that the amount of the accounts allowed by the Court and hereinafter specified, be deducted from the amount of the sale of the slaves imported on board the schooners Merino and Louisa; and that one half of the residue of the money arising from the said sale, be paid over to Thomas Shields, who appears to be the authorized agent of Lieutenant Isaac M'Keever, the informer; and that the other half be paid over to Jeremiah Austill, the agent of the State of Alabama.

United States, *versus* the African slaves, heretofore illegally imported into the Mississippi Territory, in the schooners Louisa and Merino. In these causes, as far as relates to the proceedings against said African slaves, it is ordered by the Court, that one half of the costs of said proceedings against said negroes, which have been allowed to the Clerk and Marshal, be paid out of the nett proceeds of the sales of the said negroes, and the other half of said costs be allowed against the claimants of said negroes.

I, Jeremiah Austill, Clerk of the United States for the Southern District of Alabama, do hereby certify, that the foregoing eighty-six pages and upwards, contains a true transcript of the record and proceedings had in the cases of the schooners Constitution, Louisa, and Merino, and their cargoes, and slaves, imported into the United States.

Given under my hand, and the seal of the Court, this 28th day of January, in the year of our Lord one thousand eight hundred and twenty-six, and of the Independence of the United States of America the fiftieth year.

J. AUSTILL,

Clerk Southern District of Alabama:

UNITED STATES OF AMERICA,

To Jeremiah Austill, Clerk of the United States District Court for
the Southern District of Alabama, DR.

United States, vs. The schooners Constitution Louisa, and Merino, their Cargoes, and the Slaves found on board the same.	}	For a full and complete transcript of all the papers, orders, and de- crees lately had in these cases, late- ly decided in the U. S. District Co. rt for the Southern District of Ala- bama, 42,452 words, at $33\frac{1}{2}$ cents per 100 words, is \$141 54 Certificate and seal, 1 33$\frac{1}{2}$
		\$142 87$\frac{1}{2}$

Received the above in full, of Hon. Henry Clay, Secretary of
State of the United States, this — day of — 1826.

J. AUSTILL, *Clerk.*